

**HOUSE OF REPRESENTATIVES**

*Friday, November 15, 2024*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**CONDOLENCES**

**(NiLEUNG HYPOLITE)**

**Madam Speaker:** Hon. Members, as you are aware, former Member of Parliament, Mr. NiLeung Hypolite, passed away on Saturday, October 19<sup>th</sup> 2014. Mr. Hypolite served as the Member of Parliament for Laventille West during the Ninth Republican Parliament from November 2007 to May 2010, and the Tenth Republican Parliament from May 2010 to June 2015.

I now invite hon. Members to pay their respective tributes to Mr. Hypolite. Member for Arima.

**The Minister of Planning and Development (Hon. Penelope Beckles):**

Thank you very much. NiLeung Hypolite was born on January 26<sup>th</sup>, 1970 and passed on October 19<sup>th</sup>, 2024. NiLeung Hypolite served during the Eighth Republican Parliament as a Government temporary Senator during the period October 2002 and 2007 and served as a Member of Parliament for the constituency of Laventille West starting November 2007 to 2010. He also served in the Tenth Republican Parliament as an Opposition Member of Parliament for the Laventille West constituency for the period May 2010 to June 2015 and as a Parliamentary Secretary in the Ministry of Works and Transport from November 2007 to 2010.

NiLeung Hypolite's education was at the Insurance Institute of America. He also attended Belmont Boys' Intermediate Secondary during the period 1981

to 1986. We were aware that he had the Acute Adult T-cell leukemia/lymphoma which is a rare cancer. During the period that NiLeung Hypolite served as a Member of Parliament for the constituency of Laventille West, he was known to be an extremely dedicated and committed Member of Parliament who served his constituency very well. For those of us who knew NiLeung, knew that you could find him almost every day of the week in almost every corner of his constituency representing every constituent of every walk of life.

NiLeung Hypolite served on several parliamentary committees: the Finance Committee of the House of Representatives; the Public Accounts Committee; the SSC, Trinidad and Tobago Football Federation (Inc'n) Bill, 2010. He also served on the Special Select Committee of the House of Representatives Association of Real Estate Agents, Standing Finance Committee, House Committee, as well as the Committee on Foreign Affairs. NiLeung Hypolite participated in several debates in the Parliament, and he was married to Lisa Roberston and had one daughter.

I had the great fortune of serving in the House of Representatives with NiLeung Hypolite, and I can say that he was an extremely dedicated person. Whenever you asked NiLeung to participate in a debate you could be certain that he would do research, and even if you found yourself in a situation where you may not have been prepared to debate, you could be absolutely certain that NiLeung would come with documents and assist you in your preparation. One of the most fascinating things for me is that no matter what day of the week or no matter what time that you saw him, he was always perfectly and elegantly dressed.

For all of us in the People's National Movement, he will be missed because of his love for the party, his loyalty for the party, his loyalty for his constituency and the way in which he took his work extremely seriously. NiLeung had the benefit of participating in a Youth Development and Exchange Lions Club of Trinidad and Tobago both in Suriname and Guyana. He was the advisor to the Sea Lots Front Leos Club. He also served as the public relations officer for the Laventille West constituency 2026/2007. He also served as the education officer, and he also served as an insurance professional and a general insurance underwriter.

I take this opportunity on behalf of all my colleagues to say to his wife, his family, to the constituents of Laventille West and to those of the People's National Movement, may he rest in peace. Thank you very much, Madam Speaker.

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

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

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you very much, Madam Speaker. There are times in this honourable House when the less nature of the universe meets the limited nature of humanity, and when we as Members of Parliament are reminded of our human nature and our own limitation. Today is such a time, as this honourable House not only mourns the late NiLeung Hypolite, but also reflects on his memory. His journey in this House began on the 5<sup>th</sup> of November, 2007 when he was elected as a Member of Parliament for Laventille West in the Ninth Republican Parliament, and then re-elected in 2010 for the same constituency on May 24<sup>th</sup>, 2010 as a Member of Parliament again. In this House, he was preceded

by his time spent in the other House, the Upper House, in which he served as a temporary Senator in the Eighth Republican Parliament, and I have had the privilege of serving with him during his parliamentary career.

We have taken note of his involvement in ministerial committees, parliamentary committees and debates on Bills and Motions. His experience in both Houses of Parliament perhaps earn him the confidence of the then Prime Minister, the late Patrick Manning, who appointed him as a Parliamentary Secretary in the Ministry of Works and Transport.

In reading of Mr. Hypolite's passing, I took note of the tribute paid to him by one of my colleagues on this side of the House, who remembered him as a strong yet mild mannered gentleman who argue with passion. I also took note of the tribute paid to him by Members opposite who described him as a chief usher and for whom they were grateful to have worked with. As I reflect on this idea of a chief usher, I think of someone who serves quietly, who guides quietly and who stands guard at the entrance. One may argue that MP Hypolite in his own way served quietly, guided others in his party and constituency, and stood guard in favour of his political interest and conviction. Even as he served quietly, it was a whisper in the wind that MP Hypolite weathered his own storms quietly. These storms were with him in life and unfortunately with him in death. Apart from the challenges he faced with his health, he unfortunately faced challenges as he became, as one political commentator put it, a political pariah.

As I extend my condolences and those of the Opposition Leader and my colleagues on the Opposition Bench to the Hypolite family, friends and former constituents, I also extend the hope that the quiet service, guidance

Condolences (Nileung Hypolite)  
Mr. Indarsingh (cont'd)

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and steadfast guardedness shown to us by this chief usher, it would inspire our approach to service whether it is service to our family, our respective parties, our constituents and our country. May Mr. Hypolite always be remembered, not just for the length, but also the depth and the conviction of his contribution in life and may his soul now rest in eternal peace, and may we pray for the well-being of his family members. I thank you.

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

**Madam Speaker:** Hon. Members, I to wish to pay tribute to the late Mr. NiLeung Hypolite. During the Ninth and Tenth Republican Parliaments, Mr. Hypolite served on the following committees: the Finance Committee of the House of Representatives; the Public Accounts Committee; the Special Select Committee on the Trinidad and Tobago Football Federation (Inc'n) Bill, 2009; the House Committee; the Special Select Committee of the House of Representatives on the Association of Real Estate Agents (Inc'n) Bill, 2011 and Joint Select Committee on Foreign Affairs.

He was a very active and knowledgeable Member who not only made valuable contributions to the work of those committees, but also to the work of the House as he participated in the debates on many important Bills such as, the Assisted Secondary School Teachers Pensions (Amdt.) Bill, 2008, the Emergency Ambulance Services and Emergency Medical Personnel Bill, 2009 and the Motor Vehicles and Roads Traffic (Miscellaneous Provisions) Bill, 2010 to name a few.

He played a pivotal role in advancing the work of the Special Select Committee on the House on the Association of Real Estate Agents (Inc'n) Bill, 2011 given his expertise as an insurance professional. His passion for

youth development was well-known as he served as a member of the cadet force at the rank of major. In this role, he was instrumental in imparting discipline, leadership, teamwork and civic dedication, and as we all know participating in the cadet force grants young people the opportunity to gain valuable life skills that can benefit them both in their personal life and professional pursuits. We will forever be grateful for his commitment, dedication, and contributions in this House.

Mr. NiLeung Hypolite will not only be remembered as a politician, but as a husband, father, colleague, friend and mentor, who shall be missed by all of those who worked with him. I take this opportunity to express my sincere condolences to the family of Mr. NiLeung Hypolite, and I pray that the almighty grants them the comfort and strength needed in this time of bereavement. I now ask that we stand and observe a minute of silence as a mark of respect.

*The House of Representatives stood.*

**Madam Speaker:** Hon. Members, I have directed the Clerk of the House to convey our condolences in writing to the family of the late Mr. NiLeung Hypolite.

### **PAPERS LAID**

1. One Hundred and Thirteenth Report of the Salaries Review Commission of the Republic of Trinidad and Tobago on the General Review of Salaries and other Terms and Conditions of Service of Offices within the purview of the Salaries Review Commission. [*The Minister of Finance (Hon. Colm Imbert)*]

2. One Hundred and Twentieth Report of the Salaries Review Commission of the Republic of Trinidad and Tobago on the Review of the 117<sup>th</sup> Report with respect to the Review of Salaries and other Terms and Conditions of Service of Offices within the purview of the Salaries Review Commission. [*Hon. C. Imbert*]
3. One Hundred and Nineteenth Report of the Salaries Review Commission of the Republic of Trinidad and Tobago on the Determination of Salary and other terms and conditions of service for the Office of Deputy Director General - Enforcement, Enforcement Division, Trinidad and Tobago Revenue Authority, Ministry of Finance. [*Hon. C. Imbert*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 2020. [*Hon. C. Imbert*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Accreditation Council of Trinidad and Tobago for the year ended September 30, 2016. [*Hon. C. Imbert*]
6. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Lotteries Control Board for the year ended September 30, 2013. [*Hon. C. Imbert*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Point Fortin Civic Centre for the year ended September 30, 2022. [*Hon. C. Imbert*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Criminal Injuries Compensation Board for the year ended September 30, 2011. [*Hon. C. Imbert*]

9. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Recovery of Expenses of the Ministry of Energy and Energy Industries for the year ended December 31, 2023. [*Hon. C. Imbert*]  
*Papers 4 to 9 to be referred to the Public Accounts Committee.*
10. Audited Financial Statements of the National Maintenance Training and Securities Company Limited (MTS) for the financial year ended December 31, 2023. [*Hon. C. Imbert*]  
*To be referred to the Public Accounts [Enterprises] Committee.*
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sport and Culture Fund for the year ended December 31, 2012. [*Hon. C. Imbert*]
12. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2020. [*Hon. C. Imbert*]  
*Papers 11 to 12 to be referred to the Public Accounts Committee.*
13. Administrative Report of the National Institute of Higher Education, (Research, Science and Technology) for the fiscal year 2019. [*The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly)*]
14. Administrative Report of the National Energy Skills Centre for the fiscal year 2018-2019. [*Hon. Dr. Gadsby-Dolly*]
15. Annual Report of the Teaching Service Commission for the year 2023. [*Hon. Dr. Gadsby-Dolly*]
16. Annual Report of the Police Service Commission for the year 2023. [*The Minister of National Security (Hon. Fitzgerald Hinds)*]



17. Defence (Pensions, Terminal and Other Grants) (Amendment) Regulations, 2024. [*Hon. F. Hinds*]
18. Annual Administrative Report of the Ministry of Social Development and Family Services for the fiscal year 2022. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
19. Annual Administrative Report of ExporTT Limited for the year ended September 30, 2019. [*Hon. T. Deyalsingh*]
20. Administrative Report of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2022. [*Hon. T. Deyalsingh*]
21. Trinidad and Tobago Housing Development Corporation (Vesting) (Amendment to the First Schedule) Order, 2024. [*Hon. T. Deyalsingh*]
22. Ministerial Response of the Office of the Prime Minister, Gender and Child Affairs, on the Seventh Report of the Joint Select Committee on Social Services and Public Administration, Fourth Session (2023/2024) Twelfth Parliament on an Examination of the State of the Regulation and Administration of Public and Private Early Childhood Institutions in Trinidad and Tobago. [*Hon. T. Deyalsingh*]
23. Motor Vehicles and Road Traffic (Amendment to the Ninth Schedule) (No.2) Order, 2024. [*Hon. T. Deyalsingh*]
24. Delegation Report on the Official Visit of a Parliamentary Delegation to the National Assembly of the People's Power of Cuba from September 01 to 07, 2024. [*The Member for Couva South (Mr. Rudranath Indarsingh)*]

25. Notification of Her Excellency, the President in respect of the nomination of Dr. Wendell C. Wallace, for appointment as a Member of the Police Service Commission. [*The Deputy Speaker (Mr. Esmond Forde)*]
26. Notification of Her Excellency, the President in respect of the nomination of Ms. Annika Fritz-Browne, for appointment as a Member of the Police Service Commission. [*Mr. E. Forde*]
27. Notification of Her Excellency, the President in respect of the nomination of Ms. Ethel Hector-Berkeley, for appointment as a Member of the Police Service Commission. [*Mr. E. Forde*]
28. Notification of Her Excellency, the President in respect of the nomination of Mr. Roger Babooram, for appointment as a Member of the Police Service Commission. [*Mr. E. Forde*]
29. Notification of Her Excellency, the President in respect of the nomination of Mr. Ian Kevin Ramdhanie, for appointment as a Member of the Police Service Commission. [*Mr. E. Forde*]

## **PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORT**

### **(Presentation)**

#### **Urban Development Corporation of Trinidad and Tobago**

#### **(UDeCOTT)**

**Mr. Rushton Paray** (*Mayaro*): Madam Speaker, thank you very much. I have the honour to present: Nineteenth Report of the Public Accounts (Enterprises) Committee on the examination of the Audited Accounts, Balance Sheet and other Financial Statements of the Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT) for the financial years 2016 to 2018, and follow-up on the implementation of the

recommendations contained in the Committee's First Report, Twelfth Parliament.

## **PUBLIC ACCOUNTS COMMITTEES**

### **(Presentation)**

#### **National Agricultural Marketing and Development Corporation**

#### **(NAMDEVCO)**

**Mr. Davendranath Tancoo** (*Oropouche West*): Madam Speaker, thank you very much. I have the honour to present the following reports:

Eighteenth Report of the Public Accounts Committee on an examination of the Reports of the Auditor General on the Financial Statements of the National Agricultural Marketing and Development Corporation (NAMDEVCO) for the financial years 2014 to 2021 and follow-up on the implementation of the recommendations contained in the Twenty-Third Report of the Public Accounts Committee, Eleventh Parliament.

#### **Agricultural Development Bank (ADB)**

Nineteenth Report of the Public Accounts Committee on an examination of the Reports of the Auditor General on the Financial Statements of the Agricultural Development Bank (ADB) for the financial years 2014 to 2018, Twelfth Parliament.

## **JOINT SELECT COMMITTEE REPORT**

### **(Presentation)**

#### **Finance and Legal Affairs**

#### **(Equal Opportunity Commission)**

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Madam Speaker, I beg to present the following report:

Tenth Report of the Joint Select Committee on Finance and Legal Affairs on an inquiry into the efficiency and effectiveness of the Equal Opportunity Commission (EOC), Third Session (2022/2023), Twelfth Parliament.

### **URGENT QUESTIONS**

#### **Port of Spain and Scarborough Ports**

#### **(Status of Current Industrial Impasse)**

**Mr. Rudranath Indarsingh (Couva South):** To the Minister of Works and Transport: Given the importance of having well-functioning ports at Port of Spain and Scarborough and the call by the various Chambers for an immediate resolution to the current industrial impasse, will the Minister advise as to the immediate measures being taken to address this issue?

**Madam Speaker:** Works and Transport.

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

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

Madam Speaker, it is important to note what is the current impasse on the Port of Authority of Trinidad and Tobago and what it pertains to, specifically, non-acceptance by one of the recognized unions and its membership in respect of the approved wage offer submitted by PATT.

In 2015, an MOA was signed by the then Board of the Port Authority of Trinidad and Tobago which identified a 12 per cent wage increase without following the acceptable practice. This practice in respect of state entities is that the submission would be put forward and guidelines would be provided

for the perimeters within each negotiation that should be held. At this time there is a committee called the Human Resource Advisory Committee. In 2015 it was a similar interministerial committee that was chaired by Minister Howai.

Based on the legal advice from two senior counsels, the Port Authority of Trinidad and Tobago and the SWWTU were advised that the MOA is not enforceable. The SWWTU was provided with an offer for the periods 2014—2017 and 2017—2020. The SWWTU has refused the submitted offer. The PATT has been actively engaging the union to bring about a settlement on this matter without success. Given the impact of the current impasse, PATT has signalled its desire to continue negotiation in good faith, but it is challenged with the long-term inflationary economic impact—

**Madam Speaker:** Minister your time is now spent. Member for Couva South.

**Mr. Indarsingh:** Minister could you inform this House or are you willing to make public the two legal opinions that you referred to that—

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

**Mr. Indarsingh:**—in terms of the legal advice that was given to the Port Authority of Trinidad and Tobago in relation to the negotiation that was settled in 2015.

**Madam Speaker:** Minister of Works and Transport.

**Sen. The Hon. R. Sinanan:** Madam Speaker, I did indicate and I just want to go back to that, based on the advice from two senior councils the port and the SWWTU were advised. Madam Speaker, based on the discussion and the stage of these negotiations it would be improper for me to make those

available based on impending court action that may come out of this decision. Thank you.

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

**Mr. Indarsingh:** Minister, given that the recognized majority union certificate that exists between the Seamen and Waterfront Workers Trade Union and the Port Authority of Trinidad and Tobago, facilitated negotiations between both parties under the Industrial Relation Act. Are you now saying to this House and to the union and court workers that the Government has altered the recognized majority union certificate and referred all matters of the port to the Chief Personal Officer?

**Madam Speaker:** Minister.

**2.00 p.m.**

**Sen. The Hon. R. Sinanan:** Thank you, Madam Speaker. I did indicate that under the previous Government, there was a committee headed by Minister Larry Howai. I do not know if that was altered then. However, what we can say is that they do guidelines from the committee on negotiations. And again, I just want to reiterate there are three bargaining units at the port and the issue is with one of the bargaining units. Thank you.

### **Power Outages over the Last 24 Hours**

#### **(Reasons for)**

**Mr. Barry Padarath** (*Princes Town*): Thank you, Madam Speaker. To the hon. Minister of Public Utilities: In light of reports that several communities across the country experienced power outages over the last twenty-four hours, will the Minister indicate what were the reason/s for the outages?

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you,

Madam Speaker. Between 6.55 a.m. and 7.05 a.m. this morning, Trinidad Generation Unlimited, TGU, experienced trips on two of its gas turbines resulting in a loss of generation of approximately 214 megawatts of power. During the same period, Contour Global Trinity Power experienced a trip on one of its 75-megawatt gas turbines.

These generator trips resulted in the initiation of an under-frequency load-shedding event whereby approximately 100,000 customers across Trinidad lost supply for 35 minutes on average. At 7.45 a.m., Madam Speaker, all customers were back on supply and at 10.00 a.m., T&TEC issued the appropriate press release explaining the circumstances of the event.

**Madam Speaker:** Member for Princes Town.

**Mr. Padarath:** Thank you, Madam. To the hon. Minister, seeing that T&TEC has requested a report from the independent power producers, could the Minister indicate whether T&TEC has given the IPPs a deadline for the report seeing that it has now been over one year since their report into the TSTT cyberattack has been outstanding?

**Madam Speaker:** Member, could you just concisely ask what the question is?

**Mr. Padarath:** Yes, whether he has given the IPPs a deadline to report to T&TEC.

**Madam Speaker:** Minister.

**Hon. M. Gonzales:** Thank you very much, Madam Speaker. Yes, I confirm that T&TEC did ask the IPPs to submit the appropriate report and that we expect to have that report within the shortest time possible.

**Severe Flooding in South Trinidad****(Steps Taken)**

**Mr. Ravi Ratiram** (*Couva North*): Thank you most kindly, Madam Speaker. To the Minister of Rural Development and Local Government: With regard to the hundreds of residents in south Trinidad who are still awaiting assistance after severe flooding, with many reporting substantial financial losses, will the hon. Minister state what steps are being taken to expedite aid to affected families?

**The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi SC)**: Thank you, Madam Speaker and I thank the hon. Member and I note in particular that the hon. Member is correctly referring to hundreds of residents whereas the Chairman of the Corporation has said 10,000 people being under water. I say that in the context of answering this question to say that exaggeration helps no one.

In dealing with the plight of those citizens affected, Madam Speaker, I can say that since the met office yellow level warning issued on the 12<sup>th</sup> of November, all agencies have been in active operation. This included the staging at head office of equipment, preparation for distribution of relief items in support of municipalities because then contemplation was more than just the PDRC, presentation and distribution of additional sandbags, et cetera. We have engaged in clean-up and sanitation exercises, both during and now at present, post the flooding events in coordination with the Ministry of National Security, the Trinidad and Tobago Police Service, the Defence Force, the Fire Services, the Ministry of Social Development and Family Services, the Ministry of Public Utilities and the Ministry of Education.



We have in fact engaged in field assessment of persons affected in the areas as is normal after flood waters subside, and the on-going distribution of items involves cleaning supplies in hampers, food hampers, drinking water, mattresses, blankets, et cetera. We have mobilized 600 CEPEP workers every day who are engaged on the field, approximately 7,200 man hours have been deployed already which will continue in operation.

The management of flooding issues is something that concerns us almost on an on-going basis. It involves also ensuring that regulatory compliance with the laws, the municipal corporation laws and planning laws, are in effect and that is surveillance is ongoing. I thank the hon. Member for the question.

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

**Mr. Ratiram:** Thank you most kindly, Madam Speaker, and as I correct the record, instead of hundreds, it is tens of thousands-plus, that is ongoing.

**Madam Speaker:** Member, this is not an opportunity for statements. Could you ask a question, please?

**Mr. Ratiram:** Thank you most kindly, Madam Speaker. As I make reference to the swift response by the Member for Siparia and her team from the Penal/Debe Regional Corporation to visit families affected and to provide temporary relief of meals and drinking water, can the hon. Minister advise when portable water provisions and financial grants disbursement will be made available to the affected families and the PDRC to assist in the recovery operations?

**Madam Speaker:** Minister.

**Hon. F. Al-Rawi SC:** Thank you, Madam Speaker. I must of course reject the attempt to avoid the written question. The written question says: "With

regard to the hundreds of residents” so one cannot stand now and say 10,000. It is just wrong, inaccurate and foolish, respectfully.

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

**Hon. F. Al-Rawi SC:** With respect to the swift action of the Member for Siparia, like all Members in the Government and the PDRC, that is what we are there to do. For the Member for Siparia to get on to a truck and assist people is commendable, but it is the role of an MP to do those things. Our teams at the Ministry of Local Government, the Disaster Management Unit, the TTDF, the Trinidad and Tobago Municipal Police, the Fire Services, et cetera, hundreds of CEPEP workers have been deployed under the Ministry of Rural Development and Local Government.

**Ms. Ameen:** [*Interruption*]

**Hon. F. Al-Rawi SC:** Can the cackling coming from St Augustine just cease?

**Madam Speaker:** Okay. Member for St Augustine, you have been making a lot of noise, please control your volume. Minister.

**Hon. F. Al-Rawi SC:** Thank you, Madam Speaker. With respect to the resources deployed by this Ministry, which is the frontline Ministry, all resources have emanated by way of coordination in the usual course. The nation is well accustomed in the event of severe disaster that if anticipated or in effect, that the Ministry of Rural Development and Local Government takes primary role and responsibility. We have deployed assets from other corporations and the CEPEP entity which falls under our command.

The question as to the potable water, I ask the hon. Member to note the public information that WASA has already reported the restart of the water treatment plants. There is water turbidity during these events which

causes the plants to shut down because of the screening because we cannot distribute unsafe water. That has already restarted and WASA has put public notice, and lastly, the grants are a feature that will follow in usual course.

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

**Mr. Ratiram:** Thank you most kindly, Madam Speaker. And it is unfortunate that the hon. Member for San Fernando West—

**Madam Speaker:** Member for Couva North, this is not a time for statements, please ask the question. You have 15 seconds to do it.

**Mr. Ratiram:** Thank you most kindly, Madam Speaker. Based on the request from the PDRC to the Ministry of Rural Development and Local Government for the supply of an excavator to assist with the cleaning of water courses, can the Minister advise when will this piece of equipment be made available to the PDRC?

**Madam Speaker:** I rule that out of order in light of the question asked and the answers given thus far. Member for Barataria/San Juan.

**Sewer Problems at St. George's College, Barataria  
(Reopening of School)**

**Mr. Saddam Hosein** (*Barataria/San Juan*): Thank you very much, Madam Speaker. To the Minister of Education: In light of yesterday's closure of the St. George's College, Barataria, due to sewer problems, will the Minister state when will the school be reopened?

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. St George's College was one of an estimated six schools which experienced sewer difficulties in the past week. In the case of St George's College, damage that occurred was a severe choke on November

13<sup>th</sup> and the school was closed early to safeguard the health and safety of staff and students. The works have been scoped and approved. A contractor should be awarded on Monday, 18<sup>th</sup> November and the work is estimated to take approximately two to three days to complete.

**Madam Speaker:** Member for Barataria/San Juan.

**Mr. Hosein:** Thank you very much, Madam Speaker. Minister, having regard to the school being closed since Wednesday due to other issues, is it not in light of the students and teachers that a contractor be awarded over the weekend because these are emergency works in order for the school to be reopened at its quickest possible time?

**Madam Speaker:** Hon. Members, the time for Urgent Questions is now spent.

### ANSWERS TO QUESTIONS

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. There are 15 questions for oral answer. The Government will be answering 12 of the 15. We ask for a deferral for Question Nos. 18, 19 and 20 inclusive for two weeks. There are three questions for written replies. We will be laying answers for Question Nos. 12 and 16 and again ask for a deferral of two weeks for Question No. 9. Thank you.

### WRITTEN ANSWERS TO QUESTIONS

#### Fire Stations in Trinidad and Tobago (Details of)

12. **Mr. Rodney Charles** (*Naparima*) asked the Minister of National Security:

Will the hon. Minister provide the following as it relates to fire stations in Trinidad and Tobago:

- a) the list of basic firefighting equipment necessary for each fire station to function effectively;
- b) a list of the fire stations that have the requisite basic equipment;
- c) a list of the fire stations that do not possess these basic equipment; and
- d) the time frame when all fire stations will be adequately equipped to function effectively?

### **School Repairs (Details of)**

**16. Mrs. Anita Haynes-Alleyne** (*Tabaquite*) asked the hon. Minister of Education:

With regard to school repairs conducted during the period July to August 2024, will the Minister provide the following:

- a) The sum allocated;
- b) The sum spent; and
- c) The list of schools repaired with the monies referred to at b)?

*Awaiting submission of written answers.*

### **ORAL ANSWERS TO QUESTIONS**

#### **Remuneration Package for WASA's CEO (Details of)**

**1. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Public Utilities:

What is the remuneration package offered to Mr. Keithroy Halliday, the Chief Executive Officer designate of the Water and Sewerage Authority (WASA)?

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Madam Speaker. The Chief Executive Officer designate of the Water and Sewerage Authority, Mr. Keithroy Halliday would be required inter alia to lead the transformation of the authority which is a significant undertaking. To attract and retain a high calibre and highly competent incumbent in the hyper-competitive job market for such a task, a competitive salary and benefit package including performance-based incentives are crucial.

In this regard, Madam Speaker, the Authority, the remuneration package reflects market competitiveness and includes performance-based incentives as follows:

- Salary at the rate of \$100,000 per month.
- Housing allowance of \$8,000 per month.
- Transport facility to maintain company motor vehicle not exceeding \$400,000 exclusive of VAT for business and personal use for the duration of the contract.
- A reimbursement of reasonable entertainment expenses incurred in the conduct of business-related activities on behalf of the Authority to a maximum of \$2,300 per month.
- A telephone allowance is provided to the tune of \$1,000 per month.

The eligibility to register for membership in the Authority's medical insurance plan.

- A gratuity of 20 per cent of gross salary earned over the period of employment payable on satisfactory completion of the term of engagement. Such payment to be subjected to deductions for tax

purposes.

- Performance incentive bonus. An annual bonus payable on the attainment of 100 per cent of the performance targets. The bonus to be paid should be limited to the six months' salary for the first year of the contract period. The bonus to be paid should be limited to four months' salary for the second and third years of the contract period.

The performance incentive targets, Madam Speaker, are as follows:

- Water coverage across all districts.
- Improvement in water coverage to unserved and underserved communities.
- Operational cost coverage.
- Compliance with Cabinet directive for the management restructuring.
- Organizational process, reengineering.
- Implementation of new performance management system
- Reduction in unsafe conditions.
- Increase in customer satisfaction rating.
- And reduction in non-revenue water.

Madam Speaker, the compensation package offered to Mr. Halliday was informed by a job evaluation exercise conducted by an external specialist human resources firm commissioned by the Board of Commissioners and approved by the Human Resources Subcommittee of Cabinet and the Board of Commissioners of the Water and Sewerage Authority.

**Madam Speaker:** Member for Princes Town.

**Mr. Padarath:** Thank you, Madam. Hon. Minister, can you confirm whether or not the CEO of WASA is being paid in a foreign currency and if so, what foreign currency?

**Madam Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Madam Speaker, the CEO designate of the Authority will be compensated in TT currency.

**Hon. Members:** [*Interruption*]

**Madam Speaker:** Member for Princes Town.

**Mr. Padarath:** Madam Speaker, could the hon. Minister confirm that that payment in TT dollars is as a result of Government's poor management of the forex situation in Trinidad and Tobago?

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

**Madam Speaker:** Question is out of order. Do you have another question?  
Member for Princes Town.

### **State's debt to Trinidad and Tobago Electricity Commission**

#### **(Details of)**

**2. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Public Utilities:

With regard to the State's debt to Trinidad and Tobago Electricity Commission (T&TEC), will the Minister advise to the following:

- a) the total sum owed; and
- b) the immediate steps that are being taken to recover this debt?

**Madam Speaker:** Minister of Public Utilities.

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Madam Speaker. The Trinidad and Tobago Electricity



Commission has advised that the light and power arrears owed to the Commission by state agencies as of September 30, 2024, is \$1,932,407,304.18. The Commission has advised further that the debt collection policy is as follows: The ultimate goal is to decrease the volume and the amount of receivables and increase the rate of collection. The policy provides for aggressive follow up on all accounts in arrears and establishes a clearly defined process for collecting past due accounts, beginning when an account first becomes delinquent and continuing until the debt is collected.

Specifically, with respect to the public sector, the following are the key measures undertaken to reduce the debt owed: Every public sector agency owing in excess of \$1 million dollars is written to and advised of the amount owed on their light and power accounts, providing details of the ageing of the debt by account number. Meetings are arranged with the General Manager, the Chief Operating Officer or the commercial manager at T&TEC, and the very large public debtors to secure payments or arrive at payment plans. There is collaboration between the PS in the Ministry of Finance and the Ministry of Public Utilities to ensure that adequate budgetary arrangements are made for treating such expenditures, and monthly calls are made to Ministries and government agencies requesting payments for electricity charges owed to T&TEC.

It should also be noted, Madam Speaker, that T&TEC is indebted to the NGC in the sum of \$6.1 billion for the supply of natural gas because it does not have sufficient income to pay for natural gas used by power producers to generate electricity. The Ministry of Finance, Madam Speaker, is also required to make substantial annual payments for a previous liability

for natural gas supplied by the NGC to T&TEC are not paid so far. Thank you very much, Madam Speaker.

**Madam Speaker:** Member for Princes Town.

**Mr. Padarath:** Thank you, Madam Speaker. To the hon. Minister: Has the Government taken a policy that the State will pay its debt to T&TEC before accepting any new rates to impose on citizens by the RIC?

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

**Madam Speaker:** Minister.

**Hon. M. Gonzales:** Madam Speaker, as I have said, the policy by T&TEC and the Ministry of Public Utilities is to continue to engage with all debtors and all of its customers who owe the state agency. That is a continuing action on the part of T&TEC. And the Ministry of Public Utilities has absolutely no relation whatsoever with the work of the RIC to determine appropriate rates for T&TEC.

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

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

### **Regulated Industries Commission's Recommendations**

#### **(Cabinet's Decision to Accept)**

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

Will the Minister indicate whether Cabinet has accepted the recommendations of the Regulated Industries Commission (RIC) to increase electricity rates to industrial and residential customers?

**Madam Speaker:** Minister of Public Utilities.

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Madam Speaker. The recommendations of the Regulated Industries Commission, the RIC, to increase electricity rates to industrial and residential customers are still under review by Cabinet.

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

**Mr. Indarsingh:** Madam Speaker, taking into consideration that the Prime Minister informed this House on the 26<sup>th</sup> of January, 2024, that this matter was before the Finance and General Purposes Committee of Cabinet based on the complexities, as the Prime Minister used that term, could the Minister advise this House when those complexities will be resolved, and when a recommendation will be given to the citizens of Trinidad and Tobago?

**Madam Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Thank you very much, Madam Speaker. The matter is still being reviewed by the Finance and General Purposes Committee of the Cabinet, and at the appropriate time, the public will be advised of the recommendation being made to the Cabinet. It is only, and it will only be a recommendation to the Cabinet and therefore, the Minister of Public Utilities cannot, at this time, pre-empt the decision of the Cabinet on these matters.

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

**Mr. Indarsingh:** Madam Speaker, could the Minister inform this House whether one of the complexities is that the Cabinet has taken a decision that they will withhold that decision until the general election is called?

**Madam Speaker:** Minister of Public Utilities.

**Hon. M. Gonzales:** Thank you very much, Madam Speaker. This is the People's National Movement. We offer—

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

**Hon. M. Gonzales:** Every day is an opportunity for us to offer good governance to the people of Trinidad and Tobago.

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

**Hon. M. Gonzales:** Madam Speaker, in everything that they do, all they consider is elections, and elections, and elections. But whilst they continue to do so, Madam Speaker, we will continue to offer good, stable governance to the people of Trinidad and Tobago.

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

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

### **Shutting Down of Stork Technical Services' Operations**

#### **(Details of Notification)**

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

Given that Stork Technical Services Trinidad and Tobago Limited has taken a decision to shut down its operations, which will result in the loss of employment to 389 persons by December 2024, will the Minister inform the House whether the Ministry has been officially notified of its decision, in keeping with the Retrenchment and Severance Benefits Act?

**Madam Speaker:** Minister of Labour.

**The Minister of Labour (Hon. Stephen Mc Clashie):** Madam Speaker, according to the Retrenchment and Severance Benefits Act, Chapter 88:13, RSBA, “retrenchment” refers to:

“...the termination of employment of a worker at the initiative of an employer for the reason of redundancy;”

—where:

“‘redundancy’ means the existence of surplus labour in an undertaking for whatever cause;”

In common terms, retrenchment can apply to jobs lost as a result of cost-cutting measures and can occur due to economic downturns or for cost-saving purposes. Retrenchment is at the discretion of the employer, and it is management’s prerogative to exercise such measures for the operational viability of the company.

However, pursuant to section 4(2) of the RSBA, where an employer contemplates the retrenchment of five or more workers for reason of redundancy, that employer is required to give formal notice in writing to each affected worker to the recognized majority union and to the Minister of Labour.

In the case of Stork Technical Services Trinidad and Tobago Limited, the company is shutting down its operations as opposed to undertaking a retrenchment exercise. Therefore, this is not expressly governed by the Retrenchment Severance and Benefits Act, and presently, there are no legislative procedures in the RSBA or any other labour legislation that requires the intervention of the Minister of Labour in relation to the closure of businesses.

Further, it should be noted that, to date, the Ministry of Labour is not in receipt of any notice of retrenchment from Stork Services Trinidad and Tobago Limited as required under the RSBA. However, I am happy to report that Stork Technical Services Trinidad and Tobago Limited, as a responsible employer, has indicated to its employees that it will be providing an ex gratia payment in line with the RSBA, although there is no legal obligation on the part of the company to so do.

Madam Speaker, the Ministry of Labour remains committed to promoting good industrial relations practice and maintaining industrial peace, and will continue to do all in its power to effectively achieve this mandate. Thank you.

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

**Mr. Indarsingh:** Thank you very much, Madam Speaker. Minister, based on the position which has been adopted by your Ministry, and taking into consideration that the workers of Stork Services Trinidad and Tobago Limited achieved recognized majority union status through the collective bargaining process in 2017, can you give an undertaking that your Ministry will monitor this ongoing situation to ensure that the 389 workers at Stork Services Trinidad and Tobago Limited are duly compensated in conformity with the existing collective agreement?

**Madam Speaker:** Minister of Labour.

**Hon. S. Mc Clashie:** Yes, Madam Speaker, the Ministry of Labour will continue to monitor this situation, and where necessary, if we have to intervene, we shall do so.

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

### **Excessive Heat Experienced in Classrooms**

#### **(Discussions to Mitigate)**

5. **Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Education:

Will the Minister indicate whether there have been discussions between the Ministry and the Trinidad and Tobago Unified Teachers Association (TTUTA) to assess the impact and address the concerns

of teachers and students about the excessive heat being experienced in classrooms?

**Madam Speaker:** Ministry of Education.

**The Ministry of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. The Minister of Education has reissued the relevant circular memorandum to schools to remind the administration and teachers of measures which can be employed to mitigate against excessive heat. The issue has not been raised with the Ministry of Education by TTUTA and therefore, no discussions with TTUTA of this nature have been convened in the recent past.

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

**Mr. Indarsingh:** Madam Speaker, taking into consideration the ongoing issue of climate change and increase in temperatures, and the fact that 2023, last year, was designated to be the hottest year, could the Minister indicate if her Ministry is prepared to engage in a comprehensive review of existing infrastructure within all schools in Trinidad and Tobago to address the issue, or the issue of exploration of sustainable cooling solutions and the allocation of appropriate resources to address this pressing concern?

**Madam Speaker:** Member, in accordance with the Standing Order, that question is ruled out of order. Member for Pointe-a-Pierre.

### **Purchase of the Pointe-a-Pierre Refinery**

#### **(Details of)**

- 6. Mr. Davendranath Tancoo** (*Oropouche West*) on behalf of Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

As it relates to the purchase of the Pointe-a-Pierre Refinery, will the Minister indicate the following:

- a) the names of the entities that have submitted bids for the purchase of the refinery;
- b) the names of persons who comprise the Evaluation Committee appointed to review the submitted bids; and
- c) whether all of the bidders were granted equal access to the relevant information, site visits and data required to submit competitive bids?

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

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

A. The names of the entities who submitted non-binding offers for the purchase of the refinery are:

1. Columbus Refining Trinidad and Tobago Limited.
2. CRO, Chemie-Tech LLC, DR Commodities Limited, Ocala Services Limited.
3. GN Fenceline Solutions Management Company Limited.
4. IEM Refinery Company Limited.
5. iNca Energy LLC.
6. Integritus Group of Companies Limited.
7. Nautical Partners Limited.
8. Oando Trading DMCC.
9. Patriotic Energies Services Company Limited.
10. SARG Enterprises Limited.



B. The names of the person who compromise the evaluation committee appointed by Cabinet to review the submitted bids are as follows:

1. His Excellency Vishnu Dhanpaul, High Commissioner for the Republic of Trinidad and Tobago to the United Kingdom of Great Britain and Northern Ireland.
2. Ms. Sandra Fraser, Permanent Secretary in the Minister of Energy and Energy Industries.
3. Mr. Dexter Jaggernauth, Acting Permanent Secretary in the Ministry of Finance, or in the alternate, Mr. Jimmy Wong in the Ministry of Finance.
4. Mr. Selwyn Lashley, Strategic Energy Advisor, Minister of Energy and Energy Industries.
5. Mr. Vincent Pereira, former Upstream Chief Executive Officer and Energy Industry Expert.
6. Ms. Melissa Inglefield, attorney-at-law partner at M. Hamel-Smith & Co.

C. Each of the companies who submitted non-binding offers were offered the following:

1. The same access to the virtual data room in which all refinery-related documentation is lodged. Further, any additional documents requested by individual companies were shared to all of the companies, thus ensuring that each company had access to the same data.
2. Management presentations were completed for all companies who submitted an NBO.

3. Tours of the refinery: All companies had at least one tour of the refinery and were offered the opportunity to do follow-up site visits.
4. Follow-up meetings post the May 10, 2024 submission to discussion of the individual commercial models with the TPHL and Scotia Capital (USA) Inc teams.
5. Additional time up to the 31<sup>st</sup> of July, 2024, to update and resubmit NBOs post follow-up meetings in number 4 above were given to all companies.
6. Follow-up correspondence and open lines of communication with Scotia Capital (USA) Inc to provide clarification regarding their project financing.

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

**Debts Owed to Trinidad and Tobago Upstream Downstream  
(Actions Taken to Recover)**

7. **Mr. Davendranath Tancoo** (*Oropouche West*) on behalf of Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

Will the Minister state what action has been taken, as at September 01, 2024, by the Cabinet to ensure that all debts owed to the Trinidad and Tobago Upstream Downstream Energy Operations Company Limited by NiQuan were recovered?

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

**The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young SC):** Thank you very much, Madam Speaker. Based on the legal advice received, Trinidad and

Tobago Upstream Downstream Energy Operations Company Limited did not pursue involvement in the court process involving NiQuan's winding up. This was on the basis that Trinidad and Tobago Upstream Downstream was prepared to consider negotiations in good faith with the receiver/manager appointed. This was considered as the most prudent course and avenue to recover the debt owed by NiQuan, as Trinidad and Tobago Upstream Downstream is an unsecured creditor.

On or around the 24<sup>th</sup> of October, 2024, Trinidad and Tobago Upstream Downstream was informed by an advertisement placed in the daily newspapers that a receiver was appointed for NiQuan and therefore, it is in the process of writing to the receiver to outline its claims.

**2.30 p.m.**

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

**Mr. Tancoo:** Thank you very much, Madam Speaker. Minister, in light of your response, can you state categorically the value of the debt to Trinidad and Tobago Upstream Downstream Energy Operations Company Limited by NiQuan?

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

**Hon. S. Young SC:** Madam Speaker, I cannot give the exact amount and that actually is in dispute, but by calculations it is over, if I remember correctly, about US\$30 million.

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

### **Monetisation of the Dragon Gas Field**

#### **(Shell's Final Investment Decision)**

8. **Mr. Davendranath Tancoo** (*Oropouche West*) on behalf of Mr. David Lee (*Point-a-Pierre*) asked the hon. Minister of Energy and

Energy Industries:

Will the Minister advise whether Shell has made a final investment decision for the monetisation of the Dragon Gas Field?

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

**The Minister of Energy and Energy Industries (Hon. Stuart Young SC):**

Thank you very much, Madam Speaker. Madam Speaker, as is expected in normal course and process, and timing, Shell has not made a final investment decision (FID) for the production of the Dragon Gas Field. This decision does not arise until various studies and reports are completed. These studies and reports are in progress and unscheduled at this time pursuant to the terms of the license granted by the Government of Venezuela. As was recently announced, there are marine survey vessels currently surveying the Dragon Field and the potential seabed pathways for the subsea pipeline from the Dragon Field to the Hibiscus platform. Additionally, engineering works and procurement exercises are ongoing as scheduled and as expected.

**Madam Speaker:** Member for Naparima.

### **Security Support for Haiti**

#### **(Reasons for not Providing Assistance)**

**10. Mr. Rodney Charles** (*Naparima*) asked the Minister of National Security:

Given that Kenya and Jamaica have agreed to send security support to assist fellow CARICOM state Haiti in dealing with gang violence, will the Minister provide the reason/s why Trinidad and Tobago will not be providing similar assistance to Haiti?

**Madam Speaker:** Minister of National Security:

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker. Madam Speaker, the protracted security situation affecting Haiti is a multi-dimensional one, which similarly requires a multi-faceted approach. Haiti has an estimated 200 gangs, 23 of which are believed to be operating in the metropolitan area of Port-au-Prince. The United Nations estimates that gangs now control 80 per cent of Haiti's capital and continue to fight for even more control. Additionally, smuggled firearms and ransom payments to kidnappers have also allowed these gangs to become more financially independent increasing their power while the underfunded and under-resourced police department have been unable to contain them. The situation has rapidly deteriorated following the assassination of the former Prime Minister of that country in July of 2021. And has been further exacerbated by the widespread hunger in Haiti as nearly half of its 11.7 million population are estimated to be facing acute food insecurity.

To this end, the following initiatives have been deployed: At the international level, a multinational security support system led by Kenya, was authorized by the United Nations Security Council in October 2023 to combat armed criminal gangs that dominate the capital. However, it should be noted that the Kenya-led mission which depends on voluntary contributions of personnel equipment, financial and logistical resources by the UN member states, and regional organizations has faced severe challenges including lack of funds. In fact, while the US and Canada have provided the majority of funds so far, the trust fund set up to finance the mission is over \$150 million short of the estimated \$589 million needed for

the first day of operations. In response to the shortfall, the United States and Ecuador circulated a draft resolution in early September requesting the UN to begin planning for a UN peacekeeping operation which will be, of course, funded by the United Nations more directly. As such, this is one conceivable way to secure funding and staffing.

At the regional level, in 2023, the Eminent Persons Group was established to extend the Caribbean community's good offices to the Government of Haiti and the Haitian stakeholders. This group includes former Prime Ministers Dr. Kenny Anthony, Mr. Bruce Golding, and Mr. Perry Christie, all of whom were appointed by the CARICOM heads of government to facilitate dialogue and provide guidance during this period. At the national level, our Minister of Foreign and CARICOM Affairs, who is our lead spokesperson on this issue, went on record recently to indicate that Trinidad and Tobago has offered financial support in the amount of US\$202,000, as well as human resources to CARICOM's good offices and the Eminent Persons Group while supporting other diplomatic offices that laid the foundation for the establishment of the Kenya-led multinational security support system.

In light of the foregoing, the Government and the people of Trinidad and Tobago continue to stand firmly with the people of Haiti during this protracted security crisis and will continue to provide the necessary support to the various international and regional initiatives toward the successful liberation of Haiti from these armed criminal gangs tormenting, terrorizing, and disturbing the peace and good governance in Haiti. Thank you.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Minister, despite those challenges which we agree with you

in terms of the problems facing the international community, Jamaica, Bahamas, Antigua and Bermuda, Barbados, has agreed to provide troops. Is this under consideration, that Trinidad would provide troops to the UN force?

**Hon. F. Hinds:** Like I have just made it pellucid that Trinidad and Tobago has provided human resources for particular purposes and that remains Trinidad and Tobago's position at this time.

**Madam Speaker:** Member for Naparima.

### **Policy of the TTPS**

#### **(Use of Body Cameras by Police Officers on Duty)**

11. **Mr. Rodney Charles** (*Naparima*) asked the Minister of National Security:

Will the Minister advise as to the policy of the Trinidad and Tobago Police Service (TTPS) on the use of the body cameras by police officers while on duty?

**Madam Speaker:** Minister of National Security.

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very warmly yet again, Madam Speaker. According to information provided by the Commissioner of Police, Departmental Order No.167 of 2023, dated Thursday 28<sup>th</sup> December 2023, establishes the guidelines and limitations for the use and management of body-worn camera systems by police officers whilst on duty. Let me quote some elements of this departmental order regarding this matter for you. Insofar as general administration, the cameras shall be issued to the Second Division Officer in charge of the station or section. The cameras shall be securely stored within the station compound or designated office within a specialist section only.

The SDO in charge shall be responsible for maintaining a camera register documenting the issue, return, and recorded media viewing history. Prior to the development of each patrol, the senior officer and/or the briefing officer on duty shall inspect the body-worn camera equipment to ensure the system is sufficiently charged and fully operational. Officers shall not attempt to make repairs to the body-worn camera equipment system.

Malfunctions, damages, loss or theft of body-worn cameras or camera equipment shall be immediately reported to the shift supervisor. The supervisor shall be responsible for forwarding this information within 24 hours of receiving such a report to the IT help desk. Training shall be conducted by the police academy on the use of body-worn cameras at least once per year. Insofar as usage, the body-worn camera equipment shall be operated in accordance with the manufacturers' guidelines and the TTPS guidelines and policy. The body-worn cameras shall be worn by assigned officers whilst on duty in accordance with the guidelines. The body-worn cameras shall be placed in record mode as soon as the officer is dispatched on patrol. Once in record mode, the body-worn cameras shall remain on until the end of the shift.

Monthly statistics on the incidents where body-worn cameras have been used to supplement investigations of alleged police misconduct and other complaints against police officers. The body-worn cameras shall not be used to capture sensitive exposures of body parts; events which occur in police dormitories or dressing rooms, restrooms, or any other place where there should be reasonable expectation of privacy; to record conversations of fellow employees without their knowledge during routine non-law enforcement-related activities and non-work-related personal activity for



personal time.

The body-worn cameras shall be placed in charging mode at the end of each shift whenever charging is required. Data shall only be downloaded to servers established or authorized by the TTPS' IT department. Downloaded data shall be maintained at TTPS for a minimum of one year. Data that has less evidentiary value in criminal cases and/or citizens' complaints against officers shall be retained in accordance with the existing policies and procedures. Requests for copies of any data from the TTPS shall be made to the Commissioner of Police.

Insofar as review of recorded data is concerned, to prevent damage or alteration of the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Commissioner of Police and his or her designate. When reasonably possible, a copy of the original media shall be used for viewing unless authorized by the Commissioner of Police to preserve the original media. And finally, recorded media may be viewed in any of the following situations:

1. For use when preparing reports or statements.
2. To assess the proper functioning of cameras.
3. By TTPS investigators who are participating in an official investigation such as a personal complaint, administrative enquiry, or in criminal investigation.

I thank you, Madam Speaker.

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

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Minister, for the benefit of the public, would you give the assurance that as far as you are aware there is 100 per cent compliance with

the guidelines issued by the Commissioner of Police in regard to the use of body cameras?

**Madam Speaker:** Minister.

**Hon. F. Hinds:** It is reasonably expected, Madam Speaker, given the very succinct and clear terms of the departmental order that I have quoted lavishly from, that these would be followed strictly in the performance of the police functions. I thank you.

**Madam Speaker:** Member for Naparima.

### **State of Readiness of the TTCG**

#### **Increase in Number of Refugee/Migrants**

**13. Mr. Rodney Charles** (*Naparima*) asked the Minister of National Security:

Given the ongoing protest action in Venezuela which may result in an increased number of Venezuelan refugees/migrants arriving in T&T waters, will the Minister advise as to the state of readiness of the Trinidad and Tobago Coast Guard (TTCG) to effect an increase in our border/security patrols?

**Madam Speaker:** Minister of National Security.

**The Minister of National Security (Hon. Fitzgerald Hinds):** Yet again, I thank you profusely, Madam Speaker, for the opportunity to treat with this question. The Government clearly recognizes the need to ensure that the Trinidad and Tobago Coast Guard maintains a presence within its maritime jurisdiction. We have very recently purchased several engines to outfit some of our vessels that can be used for close in-shore patrols and interim outboard-powered boats that serve as interceptors to carry out interdictions further out at sea, particularly along the maritime boundary between

Trinidad and Tobago, and Venezuela. The Trinidad and Tobago Coast Guard continues to actively support other law enforcement operations alongside the Trinidad and Tobago Police Service.

Furthermore, the Trinidad and Tobago Coast Guard maintains close collaboration with the Trinidad and Tobago Police Service to conduct ad-hoc land and beach patrols in coastal areas as deemed by those professionals to be necessary. In these circumstances, the Coastal and Riverine Patrol Unit of the Trinidad and Tobago Police Service is also joined in these efforts as the service of our larger vessels is being conducted as was elucidated upon recently in this House. Therefore, communication is maintained with police stations along our coastlines in crucial areas to assist with the detention of persons who may be able to evade continuous maritime patrols. I thank you, Madam Speaker.

**Madam Speaker:** Member for Tabaquite.

### **School Supplies and Book Grants**

#### **(Number of Application)**

**15. Mrs. Anita Haynes-Alleyne** (*Tabaquite*) asked the Minister of the Education:

With regard to the School Supplies and Book Grant, will the Minister provide the following as at September 16, 2024:

- a) the number of applications received;
- b) the number of applications approved;
- c) the number of grants disbursed; and
- d) the number of grants outstanding?

**Madam Speaker:** Minister of Education.

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you,

Madam Speaker. Madam Speaker, with regard to the school supplies and book grant, the number of applications received in fiscal 2024 was 26,967. The number of applicants qualified and approved with complete and verified documentation in fiscal 2024 was 20,000. The number of grants disbursed in fiscal 2024 was 20,000. Applicants who did not submit in fiscal 2024 all the necessary documentation or the required amendments to their initial submissions, were given the opportunity to provide same and complete their applications. Consequent on the submission of additional documents and information, 3,345 additional applicants for 2024 grants have become eligible. These additional payments will be made in fiscal 2025 as soon as funds are available.

**2.45 p.m.**

*The following questions stood on the Order Paper in the name of Mr. Rushton Paray (Mayaro):*

**Flooding at the HDC Developments**

**(Immediate Measures taken)**

**18.** Will the hon. Minister of Housing and Urban Development indicate what immediate measures are being taken at the HDC Developments in Mora Heights and El Guanapo, Rio Claro, to address the following issues:

- a) flooding; and
- b) the inadequate drainage system?

**Mora Heights, Rio Claro, HDC**

**(Infestation of Bats)**

19. Will the hon. Minister of Housing and Urban Development advise what, if any action is being taken by the HDC to address the infestation of bats at Mora Heights, Rio Claro?

**Mora Heights and El Guanapo Developments**

**(Delivery of Deeds)**

20. With respect to the Mora Heights and El Guanapo Developments in Rio Claro, will the hon. Minister of Housing and Urban Development provide the following:
- a) details of the process, complete with timelines for the delivery of deeds to residents under the “Lease to Own” arrangement;
  - b) a detailed timeline for the application and approval of the necessary regulatory and statutory requirements to facilitate the provision of deeds to residents;
  - c) details of the actions being taken by the HDC to address the boundary demarcation issues being experienced by residents;
  - d) the plans of the HDC to improve its communication and accountability with the residents awaiting deeds and infrastructure maintenance; and
  - e) details of the conflict resolution mechanisms that are being utilised by the HDC to address dispute arising between residents as a consequence of uncertain boundary demarcations?

*Questions, by leave, deferred.*

**MISCELLANEOUS PROVISIONS [PROCEEDS OF CRIME,  
ANTI-TERRORISM, FINANCIAL INTELLIGENCE UNIT OF  
TRINIDAD AND TOBAGO, SECURITIES, INSURANCE, NON-PROFIT**

**ORGANIZATIONS, CIVIL ASSET RECOVERY AND MANAGEMENT  
AND UNEXPLAINED WEALTH AND MISCELLANEOUS  
PROVISIONS (FATF COMPLIANCE)] BILL, 2024**

Bill to amend the Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07, the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01, the Securities Act, Chap. 83:02, the Insurance Act, Chap. 84:01, the Non Profit Organizations Act, No. 7 of 2019, the Civil Asset Recovery and Management and Unexplained Wealth Act, No. 8 of 2019 and the Miscellaneous Provisions (FATF Compliance) Act, No. 25 of 2020 [*The Minister of Finance*]; read the first time. *Motion made*: That the next stage be taken forthwith at a later stage of the proceedings. [*Hon. C. Imbert*]

*Question put and agreed to.*

**FINANCE BILL, 2024**

Bill to amend the Registration of Clubs Act, Chap. 21:01; the National Insurance Act, Chap. 32:01, the Income Tax Act, Chap. 75:01; the Value Added Tax Act, Chap. 75:06; the Stamp Duty Act, Chap. 76:01 and the Property Tax Act, Chap. 76:04 [*The Minister of Finance*]; read the first time.

*Motion made*: That the next stage be taken through all its stages on Monday 18<sup>th</sup> November, 2024. [*Hon. C. Imbert*]

*Question put and agreed to.*

**MISCELLANEOUS PROVISIONS [PROCEEDS OF CRIME,  
ANTI-TERRORISM, FINANCIAL INTELLIGENCE UNIT OF  
TRINIDAD AND TOBAGO, SECURITIES, INSURANCE, NON-PROFIT  
ORGANIZATIONS, CIVIL ASSET RECOVERY AND MANAGEMENT  
AND UNEXPLAINED WEALTH AND MISCELLANEOUS**

**UNREVISED**

**PROVISIONS (FATF COMPLIANCE)] BILL, 2024**

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. I beg to move:

That a Bill to amend the Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07, the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72:01, the Securities Act, Chap. 83:02, the Insurance Act, Chap. 84:01, the Non Profit Organizations Act, No. 7 of 2019, the Civil Asset Recovery and Management and Unexplained Wealth Act, No. 8 of 2019 and the Miscellaneous Provisions (FATF Compliance) Act, No. 25 of 2020, be now read a second time.

Madam Speaker, I wish to underscore from the outset that the primary objective of this Bill is to ensure Trinidad and Tobago's compliance with critical standards established by the European Union, and the Financial Action Task Force. With the passage of this Bill, Trinidad and Tobago aims to achieve, at the very least, a largely compliant rating in FATF Recommendation 35, during its fifth-round mutual evaluation, ultimately, facilitating our removal from the European Commission's list of high risk third-country jurisdictions, identified as having deficiencies in the anti-money laundering and counter-terrorism regimes. These standards are essential for aligning our anti-money laundering counterterrorism financing, and asset recovery frameworks within international best practices.

Now FATF, as we know, serves as the global watchdog for combating money laundering and terrorist financing. This inter-governmental organization establishes international guidelines aimed at preventing illicit activities, and mitigating the harm they inflict on societies worldwide. FATF, mobilizes political commitment to drive necessary reforms in

national laws related to these issues. With 40 members, FATF formulates standards that empower national authorities to effectively target unlawful funds associated with drug trafficking, arms smuggling, cybercrime and other serious offenses. Over 200 countries and jurisdictions, including Trinidad and Tobago, have pledged to adopt the FATF Standards, creating a unified global front against organized crime, corruption, and terrorism.

Madam Speaker, ensuring compliance with FATF Standards is essential for safeguarding a secure, transparent, and well-functioning financial system. This commitment not only bolsters the economy of Trinidad and Tobago, but protects citizens while contributing to global efforts in the fight against financial crime, and terrorism. This Bill is therefore critical, as the proposed amendments to these eight pieces of legislation will help align Trinidad and Tobago with key FATF standards. Notably, these amendments address the important recommendations, including:

- Recommendation eight, on Non-Profit Organizations;
- Recommendation 22, on customer due diligence for designated non-financial businesses, and professionals;
- Recommendation 26, on the regulation and supervision of financial institutions;
- Recommendation 27, on the powers of supervisors; and
- Recommendation 35, on sanctions.

The Bill before us introduces key reforms that will strengthen our ability to detect and penalize financial misconduct with administrative monetary fines, particularly intended to enhance reporting, and compliance



with EU requirements. The proposed amendments cover a range of areas including proceeds of crime, anti-terrorism efforts, the supervisory function of our financial intelligence unit, and strengthening provisions in the securities and insurance legislation. It also includes enhanced oversight for Non-Profit Organizations, civil asset recovery, and addresses provisions related to unexplained wealth.

I will now outline the core elements of the Bill, and explain its importance, particularly as it relates to Trinidad and Tobago's commitment to upholding its obligations under the FATF Standards. These standards, as I have indicated, are recognized globally as the benchmark for preventing, detecting, investigating, and prosecuting financial crimes, specifically money laundering, terrorism financing, and the proliferation of weapons of mass destruction. This is a necessary step, this legislation, to bolster Trinidad and Tobago's reputation as a co-operative jurisdiction in the international financial system.

In the Caribbean Financial Action Task Force (CFATF), because FATF is broken down into regions in the world, so we are members of CFATF. In the Caribbean Financial Action Task Force, 4<sup>th</sup> Round Mutual Evaluation Report, published in 2016, Trinidad and Tobago received the partially compliant rating for Recommendation 35, under FATF standards. This particular recommendation mandates that countries implement criminal, administrative, and civil sanctions, which are effective, dissuasive, and proportionate for any breaches of anti-money laundering and counter-financing of terrorism, or AML CFT laws and regulations.

However, in Trinidad and Tobago's 3<sup>rd</sup> Enhanced Follow-up Report &

Technical Compliance Re-Rating, published in 2019, it was highlighted, that while the criminal penalties in Trinidad and Tobago were considered proportionate and effective, these are the penalties dealing with anti-money laundering, counter financing of terrorism, and so on, the administrative sanctions framework required strengthening.

**2.55 p.m.**

It was found that the supervisory authorities currently lack the power to impose administrative fines on financial institutions and designated businesses for AML/CFT violations. And this is a worldwide trend, where authorities are asking that there be a combination of both criminal sanctions, or penalties and custodial sentences and so on, and an option for administrative fines.

In 2018, furthermore, the European Commission included Trinidad and Tobago on its EU AML list. This was due in part to our partially compliant ratings in FATF Recommendation 25 which pertains to transparency and beneficial ownership of legal arrangements, and Recommendation 35 concerning sanctions.

Representatives from the EU have told us, through the Office of the Attorney General and Ministry of Legal Affairs, that our removal from the EU high-risk list is contingent upon obtaining stronger recommendations for Recommendations 25 and 35. In March of this year, the Global Forum Secretariat conducted a mock assessment to prepare Trinidad and Tobago for its second-round peer review on transparency and exchange of information on request held from October 21<sup>st</sup> to October 25<sup>th</sup>, 2024. So there was a mock assessment in March '24, and then the actual assessment

in October 2024.

During this assessment, the Global Forum's assessment team noted that Trinidad and Tobago would benefit from implementing a robust administrative monetary fine regime to effectively deter breaches of anti-money laundering regulations. They recommended prioritizing the necessary legislation and bringing it to the Global Forum's attention to support the country's overall rating under this standard. It is worth highlighting that the requirements under Recommendation 25 which address transparency and beneficial ownership of legal arrangements, were substantially met by the Miscellaneous Provisions (Global Forum) Act, No. 15 of 2024, which was proclaimed on October 10<sup>th</sup>, 2024.

Our fifth-round mutual evaluation to assess the country's effective implementation of the FATF recommendations, including 25 and 35, is scheduled to commence in the second quarter of 2025. So, using local parlance, we are "taking in front". It will begin with a technical compliance questionnaire, followed by an on-site visit from CFATF assessors in the latter half of March 2026. In this regard, this Bill aims to further strengthen the existing AML/CFT framework, supporting efforts to remove Trinidad and Tobago from the EU AML list, and positioning the country favourably for a positive outcome in the upcoming fifth-round mutual evaluation assessment. The practical benefits of the legislation before the House are significant and include enhancing the power of supervisory authorities to take decisive action for non-compliance with AML/CFT requirements, assisting local banks in maintaining and expanding their correspondent banking relationships by addressing the challenges associated with higher

transaction fees and extended processing times due to enhanced scrutiny by correspondent banks as a result of the country's EU AML listing, we aim to foster a more favorable environment for banks to operate.

Strengthening our regulatory framework and ensuring that banks comply with international standards must facilitate stronger partnerships with global financial institutions. This not only aligns with our global compliance standards, but also supports economic stability and resilience by enabling smoother, more cost-effective banking operations. The Bill will also support and bolster the resilience of our financial sector by attracting more international players, direct foreign investment to the region, counteracting the trend of branch and subsidiary closures by international banks. It will help to restore confidence in our formal financial system, combat the growth of a shadow economy, and provide businesses and individuals with more reliable payment options.

I now will look at the Bill clause by clause. The Bill has 10 clauses. Clause 1 is the usual short title, which I have already outlined in its full form. Clause 2 is commencement. Again, this is quite normal. It provides for commencement of the Bill by proclamation by the President. And this is necessary, as usual, to put the operational requirements in place after passage of the legislation, before proclamation. Clause 3, deals with the Proceeds of Crime Act. As I indicated, we are amending eight pieces of legislation.

Clause 3 proposes several amendments to the Proceeds of Crime Act, Chapter 11:27, aimed at strengthening the regulatory framework against money laundering. Firstly, it grants a Minister to whom responsibility for

finance—who has the responsibility for finance, to establish regulations that set administrative fines for breaches of money laundering regulations, section 56(1). In amending section 52(4) as well, the clause clarifies that disclosures made about suspicions of money laundering, whether to a police officer or the Financial Intelligence Unit, will not be considered a violation of confidentiality or other statutory restrictions. Further, the amendment to Section 55A(3) shortens the reporting period for financial institutions and listed businesses, requiring them to submit a report within five days, instead of 14, from when they first became aware or reasonably suspected that funds involved in a transaction were tied to criminal activity. Additionally, under Section 58E, any ministerial order concerning the allocation of funds from the fund will require a negative resolution of Parliament.

This clause also updates the First Schedule of the Proceeds of Crime Act, by aligning the interpretation of the activity of real estate business with the intention of FATF Recommendation 22, and the corresponding definition provided under the Real Estate Agents Act, No. 12 of 2020. This clause also refines the term “Attorney-at-law, Accountant or Other Independent Legal Professionals” in the First Schedule, to align with the description of the activities intended to be captured by FATF Recommendation 22. Further, this clause removes the “National Lotteries Control Board” and “Non-Profit Organisations” from the First Schedule as a listed business, subject to AML/CFT/CPF supervision by the Financial Intelligence Unit of Trinidad and Tobago, thereby aligning with Recommendation 22 to ensure greater consistency.

Additionally, the activity of gaming and betting control, as defined

under the Gambling, (Gaming and Betting) Control Act, No. 8 of 2021, is added to the activities described in the First Schedule to reflect the current regulatory framework. So we are putting in a much broader definition of gambling.

Clause 4, the Anti-Terrorism Act will be amended by clause 4 and it grants the Minister with responsibility for finance the authority to establish regulations that impose administrative fines for breaches of money laundering regulations.

Clause 5 is an amendment to the Financial Intelligence Unit of Trinidad and Tobago Act. It introduces several amendments to the Financial Intelligence Unit of Trinidad and Tobago Act, Chapter 72:01, aimed at strengthening the FIU's AML/CFT/CPF supervisory capabilities. Clause 5(d) introduces a new section, 18GA, which empowers the FIU to request documents and information from non-regulated financial institutions and listed businesses to assess compliance with AML/CFT/CPF domestic legislation, excluding any information obtained in privileged legal proceedings or settings. This provision allows the FIU to conduct off-site and desk-based reviews of non-regulated financial institutions and listed businesses when circumstances justify such reviews. Additionally, clause 5(c) removes redundant language in Section 18G(2A), clarifying the FIU's authority to retrieve documentation and information during on-site examinations for AML/CFT and CPF compliance.

Apart from its AML/CFT/CPF supervisory functions, clauses 5(a) and, more specifically, 5(e) introduce a new section 18J, designating the FIU as the oversight authority for non-profit organisations. This aligns with the

revised FATF Recommendation 8 and clarifies the FIU's role as the oversight authority for specified non-profit organisations.

Clause 5(b) enhances the FIU's intelligence functions by requiring that any FIU reports related to human trafficking be forwarded to the Ministry of National Security's Counter-Trafficking Unit. We are also looking at an amendment to one of the clauses in the Bill, and that is to deal with the provision of false information to the FIU, and we may propose a simple amendment at the committee stage, but we are still looking at it to see whether we need to do it at this time.

With respect to Clause 6, the Securities Act is amended by Clause 6. It amends sections 14, 51, and 57 of that Act to address unintended changes made by the Miscellaneous Provisions (FATF Compliance) Act 2020. These updates clarify prior amendments, while a new provision under subparagraph (c)(iv), empowers the Trinidad and Tobago Securities and Exchange Commission to issue warnings to registrants who fail to comply with the Securities Act or obligations under laws addressing money laundering, terrorism financing, proliferation financing, or any other law which may be administered by the Securities and Exchange Commission.

Paragraph (d) introduces a new section, 156AA, granting the Securities Commission authority to impose administrative penalties for breaches of anti-money laundering or counter-financing terrorism laws. This will strengthen regulatory enforcement and enhance compliance across financial entities.

Clause 7 amends the Insurance Act. It introduces an exception to the current restriction on disclosing information obtained during the course of

duties related to the business. It allows individuals connected to registrants to provide witness statements to police officers of Superintendent-rank or higher, or to the Police Complaints Authority in the course of criminal investigations or proceedings involving police officers. This disclosure would be permitted when requested in writing by the police with written consent from the Director of Public Prosecutions. The clause also introduces protection for those making disclosures stating it will not be a breach of confidentiality, contract, or law, to provide such statements. It also ensures that no legal action can be brought against individuals or entities who disclose information in good faith under these provisions. This will enhance the ability to support criminal investigations while protecting those acting within the law. These are consistent with amendments previously made to the Financial Institutions Act.

Clause 8 deals with the Non-Profit Organisations Act by introducing the term “Oversight Authority” in line with the FATF functional definition and removing the definition of “Supervisory Authority”. It designates the FIU as the oversight authority for non-profit organisations that have been identified as high-risk based on an AML/CFT/CPF sector or national risk assessment.

Under this clause, the FIU will be responsible for providing oversight and guidance to non-profit organisations regarding anti-money laundering, combating the financing of terrorism and counter-proliferation financing, and will be done using a risk-based approach. Additionally, the Bill corrects an error, a cross reference in section 28, and ensures all mentions of “Supervisory Authority” are replaced with “Oversight Authority”.



Now, in June 2016, the FATF revised Recommendation 8 to clarify that only a subset of non-profit organisations identified by countries, are vulnerable to terrorist financing and should be subjected to Recommendation 8 requirements.

**3.10 p.m.**

The revisions emphasize a risk-based approach, avoiding a one-size-fits-all approach. Now, you will understand that there are so many different non-profit organizations, so I think this is quite a sensible approach, that you would seek to identify which types of NPOs are vulnerable to terrorist financing. However, as time went by—this is in 2016—a 2021 FATF paper highlighted ongoing issues with the proportioned and focused implementation of measures, which were disrupting legitimate non-profit organization activities.

In response, FATF proposed further revisions in June 2023, to provide the necessary clarity and consistency. These amendments stressed the need for targeted risk-based measures to address terrorist financing risks without hindering legitimate non-profit organization activities. Additionally, NPOs should be subject to oversight and monitoring, not supervision, which is typically done with financial institutions. So clauses 5 and 8 of the Bill align with these FATF revisions.

Clause 9 deals with the Civil Asset Recovery and Management and Unexplained Wealth Act. It proposes an amendment to that Act to clarify the application of section 31(2), addressing concerns raised by the Judiciary with respect to ambiguity. The amendment also ensures that cases involving individuals acquitted of an offence, as outlined in section 45(3), or other

situations where the DPP deems it appropriate, can be referred to the relevant agency for further action regarding recoverable property.

Clause 10 deals with the Miscellaneous Provisions (FATF Compliance) Act and introduces several amendments to that Act, Act No. 25 of 2020. The key changes include amendments to the Proceeds of Crime Act. Section 4 is revised to impose stricter penalties for non-compliance with certain provisions, including substantial fines and imprisonment. New subsections introduce administrative fines and detailed procedures for the application, allowing supervisory authorities to issue fines for violations of Financial Obligations Regulations. Again, this is a worldwide trend that these international agencies require a combination of both criminal sanctions and administrative fines. Provisions for appeals and extensions of time to remedy contraventions are also included.

The second key change is amendments to the Anti-Terrorism Act. Section 5 refines penalties and administrative fines, aligning them with similar provisions in the Proceeds of Crime Act. It also sets a seven-year statute of limitations for prosecuting offences and introduces a definition of “relevant date”. The third change is to the Financial Intelligence Unit of Trinidad and Tobago Act. Section 7 removes certain provisions related to the imposition of administrative fines and court orders, opting instead for direct fines by the FIU for violations by non-regulated financial institutions or businesses. The fourth key change is an amendment to the Securities Act. Section 12 corrects a reference in the Securities Act to ensure consistency with the revised structure of the legislation. All of these amendments enhance enforcement measures for financial institutions and businesses in

compliance with FATF requirements.

Now, Madam Speaker, this Bill, which lays the groundwork for the introduction of administrative monetary fines for breaches related to anti-money laundering, combating the financing of terrorism and countering proliferation financing is a significant milestone in reinforcing Trinidad and Tobago's commitment to adopting global financial integrity standards. The measures are targeted at meeting the stringent recommendations set forth by the Financial Action Task Force and the European Union, enhancing the regulatory and supervisory frameworks of the three supervisory authorities in Trinidad and Tobago: The FIU, the Central Bank, and the Securities and Exchange Commission. By empowering these agencies with the authority to impose proportionate and dissuasive monetary penalties, this Bill strengthens Trinidad and Tobago's regulatory environment. It is intended to promote a culture of compliance across both financial and non-financial sectors.

Administrative monetary fines—as I indicated, there is a worldwide trend towards this—provide a robust, flexible tool to penalize non-compliance without the need for lengthy legal proceedings, making enforcement more efficient and cost-effective.

The Bill also directly addresses prior deficiencies highlighted in our CFATF Fourth Round of Mutual Evaluations. The establishment of administrative monetary fines will enhance Trinidad and Tobago's standing as a trustworthy and transparent financial jurisdiction, and will advance our progression towards full compliance with FATF standards and pave a way for removal of the label we currently have, unjustifiably, of a high-risk

jurisdiction. This will foster greater international confidence, facilitate business related to cross-border transactions, and facilitate trade and investment, essential components for our country's resilience and growth.

With strong enforcement mechanisms in place, we also align ourselves with international best practices and improve the capacity of our national agencies to identify and mitigate risks associated with financial crimes. Through the implementation of this Bill, we will join the ranks of compliant jurisdictions and send a clear message that we are committed to protecting the integrity of our financial system and upholding global standards in the fight against terrorist financing, money laundering and proliferation financing. It is essential, as we approach the Fifth Round of Mutual Evaluations process, that Trinidad and Tobago positions itself as a leader in financial transparency and compliance. This Bill is central to that effort.

Now, it is not just a legal obligation. We consider it essential for safeguarding our financial system from misuse and for avoiding severe penalties. A recent example of this is seen in the case of the US Financial Crimes Enforcement Network, which assessed a record US \$1.3 billion penalty against TD Bank for anti-money laundering failures, as reported in September by FinCEN. These penalties underscore the importance of having robust systems in place to prevent financial crimes and protect our economy.

Another significant case is Canada's Financial Transactions and Reports Analysis Centre, FINTRAC, which imposed a CAD \$7.5 million penalty on the Royal Bank of Canada for failing to meet anti-money

laundering obligations, as reported by Reuters in December of last year, 2023. This Bill will not only shield us from similar risks, but reinforce our commitment to international compliance. Madam Speaker, how much more time do I have?

**Madam Speaker:** Your time ends at 3.33.

**Hon. C. Imbert:** Plenty time. Madam Speaker, last week, I travelled to Paris, to the headquarters of the Organisation for Economic Co-operation and Development, the OECD, and at that meeting, I was privileged to sign, on behalf of Trinidad and Tobago, a very, very important Convention, which we were not permitted previously to sign. The OECD was of the view that Trinidad and Tobago had not done the necessary work to sign the Multilateral Convention on Mutual Administrative Assistance in Tax Matters. But because of all of the work we have done over the last year or two, because of all the legislation we have brought to this Parliament, and because of the ongoing peer review by the Global Forum assessment team, we were invited to go to Paris to sign this.

So I signed the Multilateral Convention on Mutual Administrative Assistance in Tax Matters. That immediately made international news, in terms of all of the international magazines and organizations that monitor this kind of thing, so that the ITR, International Tax Review, on November 8<sup>th</sup>, published on its website that Trinidad and Tobago had joined the OECD's global anti-tax-dodging initiative. That was as a result of me signing that convention on behalf of Trinidad and Tobago. On the 7<sup>th</sup> of November, the OECD itself published on its website and sent out an international press release that Trinidad and Tobago had joined the

Multilateral Convention to tackle tax evasion and avoidance.

The reason why I am saying this is that we live in a world where we cannot ignore the fact that these organizations exist. We cannot ignore the fact that the Financial Action Task Force exists, or that the Global Forum, which is an entity within the OECD that looks at tax compliance and tax transparency, we cannot pretend it does not exist. We cannot pretend that the EU Council of ministers that looks at countries around the world and determines whether they are compliant with the sharing of tax information, we cannot pretend that they do not exist.

After I went to Paris, I went to Brussels to the headquarters of the European Union and met with persons responsible for assessing compliance with transparency in the sharing of tax information. That meeting was interesting, where the EU directors made it very, very clear that they require strict compliance to their rules and regulations, and that even though I had signed the Convention the day before in Paris, Trinidad and Tobago is now required to ratify the Convention and to deposit it with the relevant authorities.

Fortunately, with the assistance of Members of this Parliament, earlier in the year one of the pieces of legislation that we passed empowers the Minister of Finance now to simply ratify that convention, that Multilateral Convention on Mutual Administrative Assistance in Tax Matters, by ministerial order, which I intend to do within the next week or so. Also, it allows us—so we can ratify by ministerial order, and also it allows us to deposit the Convention in the appropriate place. So by the end of this year, we will be totally compliant with respect to the ratification of that particular

Convention on tax administration, international cooperation on sharing of tax information.

The point the EU made is that it is all very well for us to pass laws and for me to sign an agreement, but I have to ratify it, in other words, to bring it into effect, to incorporate it into our domestic legal framework. And I say this because we recently had a situation—actually, between yesterday and today. I want to explain something that has occurred between yesterday and today.

Compliance with the international standards that I have spoken about, which are established by the European Union, the Global Forum, the Organisation for Economic Co-operation and Development, and the Financial Action Task Force, there must be strict adherence to the companies registry and the tax laws of each country. Trinidad and Tobago, even though we are a small island state, we have to meet the same stringent standards as developed countries. This imposes a significant compliance burden on our resources and often leads to challenges, including being subjected to various international watch-lists, such as the European Union's list of non-cooperative jurisdictions for tax purposes. As I said, they are very strict. A critical compliance criterion is the updating of company records, and the timely filing of Annual Returns and other company documents with the office of the Registrar General. This is a requirement under the Companies Act, Chap. 81:01.

**3.25 p.m.**

Now, since COVID, there has been a number of amnesties granted by the Office of the Attorney General and Ministry of Legal Affairs, through the

Registrar General's Department for the waiver of penalties against companies for the failure to file annual returns and other company documents within the prescribed period. So, it started in COVID. There was an amnesty because it was recognized during COVID that this was virtually impossible to do and it has continued for other reasons, such as, problems with cybercrime, and cyber-attacks and computerization and so on. So, the last extension expired yesterday, the 14<sup>th</sup> November, 2024. That is the last extension for an amnesty against for the late filing of annual returns by companies and other documents.

Many stakeholders, as is the norm in Trinidad and Tobago, called for this extension to be continued to March 2025 or beyond. We took a good look at it. We assessed the situation very carefully. We looked at the potential impact on extending the deadline for the filing of annual returns of companies and other companies documents beyond the 14<sup>th</sup> November, including our second round peer review under the Exchange of Information on Request framework. And initially, after a lot of discussion, the Government decided to extend the amnesty for the filing of the company returns to 31<sup>st</sup> January.

However, on further examination based on feedback from international agencies—further consultations and review—we have determined that the extension to January, 31<sup>st</sup> 2025, was inappropriate and in fact, it could threaten our rating of being largely compliant with the Global Forum, which we hope to achieve next year in 2025 and thereafter come off all of these international non-compliant grey list, black list whatever you want to call it. So, after further consultations and review and advice from



our experts, it has been determined that a revised deadline of December, 13<sup>th</sup> 2024, is more appropriate. This strikes a balance between fulfilling our international obligations and offering another extended window for citizens to comply with their filing requirements under the Companies Act.

It is very, very important in that we do this, to continue our mission to come off all of these international non-compliant lists. I realize that with the publication of the extended deadline of January 31<sup>st</sup> and now a revised deadline of December, 13<sup>th</sup> this may cause some inconvenience but companies have had months, I dare say years to file their returns and I hope people understand how important it is, how fragile our situation is in terms of our compliance with all of these international agencies and now, we have therefore given an additional month, rather than given an additional two months, I beg to move Madam Speaker.

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

*Question proposed.*

**Madam Speaker:** Member for Barataria/San Juan.

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

**Mr. Saddam Hosein** (*Barataria/San Juan*): Thank you very much, Madam Speaker, for the opportunity to contribute on this omnibus Bill that is amending several pieces of legislation, including amending another omnibus Bill. So, it is like *Inception*, it is, Madam Speaker—if you have seen that movie, it is a dream within a dream. The Minister of Finance would have indicated to us that he took a trip to Europe recently and that he visited Paris to sign the treaty. We were on the blacklist from since 2017, Madam Speaker, and due to the delay, due to the non-action and the negligence and

omission of this Government, we have been placed on that black list since 2017 and we still cannot come off of it.

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

**Mr. S. Hosein:** So, the Minister went to Paris to sign the convention and report to Trinidad and Tobago—I think he made it on a magazine, he said. And then, thereafter, he went to Brussels and they gave him a warning, you cannot just sign the treaty, you have to do the work also because that is what they will do. And I will explain, Madam Speaker, why that is important because technical compliance alone is not enough. But the greater point here, Madam Speaker, is that the Minister could come to Parliament today and boast that he went to Paris and he went to Brussels, but the ordinary citizen in Trinidad and Tobago cannot access forex, Madam Speaker.

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

**Mr. S. Hosein:** This particular Bill encourages global competition, it encourages corresponding banking, Madam Speaker, and today in Trinidad and Tobago somebody might have to buy a plane ticket on installments—

**Hon. Member:** Yeah.

**Mr. S. Hosein:** —because they do not have access to forex. But it seems that is not a problem for the Minister of Finance, Madam Speaker, it is not a problem for him.

Madam Speaker, we are here in this Parliament to ensure that Trinidad and Tobago is respected on the global stage, but through the inaction of this Government, Madam Speaker, we have been embarrassed internationally.

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

**Mr. S. Hosein:** We were placed on a grey list by FATF, then we were placed on a black list by the Global Forum. We managed to pass certain laws, we came out of the FATF grey list, but we are still on the Global Forum black list.

We underwent, Madam Speaker, the fourth round evaluation in FATF in 2016, there is a report that is available online on the FATF website, where you can see where Trinidad and Tobago had deficiencies. What is this FATF? As the Minister rightly said, it is the watchdog. There are 40 recommendations and various outcomes we have to comply with in order to be part of the global community, as showing our commitment towards fighting money laundering, counter-terrorist financing and all of those other very complex issues of moneys, and the way in which moneys are transferred through NPOs, through non-financial organizations and so on.

We pass various laws, Madam Speaker, in this Parliament, and FATF has 40 recommendations, and within those recommendations, we have to do certain things. The Minister also indicated that we are going to undergo fifth round evaluation. So fourth round took place in 2016 and we are now going to do fifth round evaluation, Madam Speaker. Through the FATF website, I found that Trinidad and Tobago will be one of the first jurisdictions to undergo fifth round on-site evaluation, and that will take place in March 2026. We will have to submit the questionnaire by September 2025, Madam Speaker. So, today we are engaging in this debate in this Parliament to ensure that we are compliant for the fifth round evaluation.

Now, when you look at the number of laws we have passed in this Parliament with respect to this issue, Madam Speaker, we did do well when

it comes to the technical ratings. Technical ratings mean we have the laws in place to deal with these issues of money laundering, countering terrorist financing. We have the laws. But what the fifth round evaluation, Madam Speaker, is telling us is that they want to go a little deeper. They want to ensure that the laws that are passed by various jurisdictions are actually working. They must be effective and therefore, what FATF issued on their website on April 2022, was the methodology that they are going to use with respect to the fifth round evaluation, and it says what will change in the next round of evaluation. I want to quote from the document, Madam Speaker. It says that:

The next round of mutual evaluations will place an even greater focus on effectiveness to ensure that countries are implementing and making use of the laws, regulations and policies that are being passed.

When I read this, Madam Speaker, I said that they are looking at our notes in the *Hansard*, because these are the matters that we continuously raised in the Parliament—

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

**Mr. S. Hosein:** —that you cannot pass the law alone, but the law must also work and in order for the law to work, you must have the mechanisms, you must have the infrastructure, you must have the people in place for the laws to work. We have a lot of laws, Madam Speaker, you will see that we have been freezing assets in this country through High Court orders, but the seized fund assets, it has no money in it, it has no assets in it. We are just filing those orders, Madam Speaker, to be compliant, because there are

certain resolutions from United Nations with respect to the Security Council and certain directives that they will give.

Madam Speaker, I believe one of Bin Laden's sons' assets were seized in Trinidad and Tobago, an order was issued for him, but no assets. So, that is what goes towards effectiveness, Madam Speaker. You have the law, but is it working? I will give you some examples, Madam Speaker, of how the laws may not be working. So, we have to be very careful when we go towards the fifth round evaluation, because they like to blame us. When you reach fifth round evaluation, Madam Speaker, we have no part to play in that. That is executive action.

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

**Mr. S. Hosein:** We are playing a part with respective technical compliance because our vote comes in the Parliament, Madam Speaker, with respect to technical compliance.

Madam Speaker, I want to give you an example here. So this is a long sheet outlining all of the jurisdictions in Trinidad and Tobago, and this Bill attempts, Madam Speaker, to address some of the deficiencies that we have faced or outlined by our mutual evaluation. We have been passing laws, we have regular enhanced follow-up meetings and so on. The last one was issued in June 2019, which is the 3<sup>rd</sup> Enhanced Follow-up Report and Technical Compliance Re-rating. So they would look at some of the deficiencies, and they will say, okay, you pass laws with respect to this, let us re-rate you on those recommendations. This is an updated document, Madam Speaker, 7<sup>th</sup> November, 2024. Again, coming out of the FATF website with respect to this matter.

We have been partially compliant when there is Recommendation eight. We have been partially compliant for Recommendation 25; we have been partially compliant for Recommendation 28; we have been partially compliant for Recommendation 35 and we have been partially compliant for Recommendation 38. Let me just outline to the House what those mean. The Recommendation 8 deals with non-profit organizations, which it Bill touches; Recommendation 25 deals with transparency and beneficial ownership of legal arrangements. We did some of that already. Recommendation 28, deals with regulation and supervisions of DNFPBs. We have Recommendation 35 that deals with sanctions. We are dealing with that in this particular Bill. The Minister was right when he outlined that FATF is asking Trinidad and Tobago to implement administrative sanctions or administrative fines, as compared to just only criminal sanctions. Then we have Recommendation 38 that deals with mutual legal assistance, freezing and confiscation, Madam Speaker.

So, it tells us that we are doing well, we are scoring well with technical compliance. As the Opposition, we supported some of that legislation to ensure that we are in a better place, Madam Speaker. We objected to some and that is our duty in this Parliament. At the end of the day, while we live in a global community, we as the Opposition are protectors of our Constitution, and therefore—

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

**Mr. S. Hosein:**—if we raise objection in the public interest it does not mean that we objecting to the legislation, but that is our right here to ensure that the respect is given to our democratic principles outlined that are enshrined

in our 1976 Republican Constitution. But, Madam Speaker, as I said early on, we are good with technical compliance.

Now, let us go towards the rating that we got for effectiveness of the laws. Madam Speaker, there were 11 outcomes and out of the 11 outcomes of all, Madam Speaker, we scored very, very low on those 11 outcomes, Madam Speaker. In fact, we were scoring low level of effectiveness, the immediate outcome is not achieved or achieved to a negligible extent, fundamental improvements needed. So, I will tell you what they are, Madam Speaker. Immediate outcome, seven, eight, nine, 10, 11. The others we were ME, and ME rating is moderate level of effectiveness. So they passed all the laws, but FATF is now telling you that the laws are not working. You cannot fool these people, Madam Speaker. These people are coming to tell you, listen, you have the law, show us the numbers, show us the people, show us the process, show us the infrastructure, show us all of these things, Madam Speaker, because we cannot get away from this.

**3.40 p.m.**

And those that we scored low on, are these:

“IMMEDIATE OUTCOME 7 Money laundering offences and activities are investigated and offenders are prosecuted and subject to effective, proportionate and dissuasive sanctions,”

We failed on that.

“IMMEDIATE OUTCOME 8 Proceeds and instrumentalities of crime are confiscated.”

I think I referred to that earlier on.

“IMMEDIATE OUTCOME 9 Terrorist financing offences and activities are investigated and persons who finance terrorism are prosecuted and subject to effective, proportionate and dissuasive sanctions.

IMMEDIATE OUTCOME 10 Terrorists, terrorist organisations and terrorist financiers are prevented from raising, moving and using funds, and from abusing the NPO Sector”...

That is the Non-Profit Organization sector. And:

“IMMEDIATE OUTCOME 11 Persons and entities involved in the proliferation of weapons of mass destruction...”—I have nothing to do with that—“...are prevented from raising, moving and using funds, consistent with the relevant UNSCRs.”

Madam Speaker. So, in all of those, we have scored extremely low. Money laundering, supervision, arrangements for beneficial ownership, financial intelligence. So we are passing all of these laws, and I will go through some of the laws in particular with respect to the clauses, Madam Speaker, and I will show you, why you cannot just come to the Parliament, say you need the support, but you are not doing the work in order to cause the laws to be effective, Madam Speaker. I will give you an example, let us look at numbers now.

In the year 2023, according to the annual report of the Financial Intelligence Unit, there were 950 STRs or SARs, those are suspicious transaction reports. Of those 950 reports, it amounted to \$6 billion worth of suspicious transactions in Trinidad; \$6 billion. In 2022, 958 reports, \$1.9 billion. In 2021, 1,638 reports, \$3 billion. The 2020 report, Madam



Speaker—and I read back the report last night—1,831 reports amounted to \$27 billion worth of suspicious transaction reports in Trinidad and Tobago. Now that says something.

Now, we have all of these STRs reports by the thousands, amounting to billions of dollars, but, Madam Speaker, are we seeing anyone in jail for these matters? Are we seeing the assets being confiscated? Because we have the laws. Madam Speaker, are the laws really effective? Because, clearly, there is an issue now with respect to prosecution, detection, charge and conviction. Because FATF is telling you that, in their Immediate Outcome, that we are falling short on the prosecution and the sanctioning of offences in relation to money laundering, Madam Speaker.

So, those are some of the introductory remarks I wish to raise with respect to the framework of FATF and our compliance there. Madam Speaker, I want to take you to various clauses now, in particular, in the Bill. And, in the Bill we are trying to amend, eight pieces of legislation. Madam Speaker, I was surprised that this Bill was laid in the form and this fashion. When you read this Bill, there are typographical errors. There are errors with respect to referencing, Madam Speaker. There are grammatical errors in this Bill, Madam Speaker. I am indeed surprised at what I am seeing in this Parliament. I think it was in English. I do not know if they had any other words in French, after the Minister took his visit to Paris.

**Hon. Member:** Brussels.

**Mr. S. Hosein:** But, Madam Speaker, I must say when the Member for San Fernando West brought these Bills, I have never detected these grammatical errors. I must say that.

**Hon. Members:** [*Laughing*]

**Mr. S. Hosein:** I must say that, Madam Speaker. I do not what is happening to our current Attorney General. I think he is accustomed mixing up his papers.

**Hon. Member:** Well, that is not enough.

**Mr. S. Hosein:** Madam Speaker, but I will take it to clause 3, which deals with the amendment to the Proceeds of Crime Act. In this amendment, Madam Speaker, what the Government is trying to do here, are several things, with respect to this amendment. At section 52(4) of the parent act, they want to include after the words “Police Officer”. So, I will give you what the law reads, Madam Speaker, because it is easy to reference. And I must make a comment here, and I raised this in the Standing Finance Committee, the last time the laws of Trinidad and Tobago were consolidated, was in 2016. Madam Speaker, we passed hundreds of pieces of legislation in this Parliament, and it is very, very difficult in order to follow all of these amendments, especially in absence of consolidated laws, Madam Speaker. That is why we have some cross-referencing errors that we have to correct right now, by way of this Bill.

So, the parent law will now read:

“Where a person discloses to a Police Officer—”

And the amendment is now “or to the FIUTT”.

- “(a) his suspicion or belief that another person is engaged in money laundering; or
- (b) any information or other matter on which that suspicion or belief is based, the disclosure shall not be treated as a

breach of any restriction imposed by the statute or otherwise.”

Now, Madam Speaker, while I understand we are not touching the parent Act, what we are doing now is allowing a person to report to the FIU on a transaction with respect to if they have a belief or a suspicion of money laundering. I will tell you the danger in that, Madam Speaker. Because, what is going to happen there now, is that this person may be protected by way of providing this disclosure to the FIU. But it is not a reasonable suspicion that they have you know. It is not a reasonable belief, you know, Madam Speaker, it is just a suspicion, a mere hunch.

So, I feel that this person is engaged in money laundering and you report to the FIU, Madam Speaker. I think that this is an extremely low threshold because the standard is, reasonable suspicion or reasonable belief that an offence of money laundering is or has occurred, Madam Speaker. This is a very low threshold, and I ask the Government to look at it. I know the Minister of Finance indicated that an amendment might come, by way in the committee stage, with respect to this particular clause in the Bill.

Going onto the amendments to the Proceeds of Crime Act, Madam Speaker, is this. Under the Schedule of the FIU Act, it would have the listed entities in which the FIU would provide supervisory authority or oversight over. And what the Bill is attempting to do now, is uniform the definition of real estate transactions and business in accordance to the Real Estate Agents Act that was passed in this Parliament. Madam Speaker, do you know that this Real Estate Agents Act, was passed in this Parliament in May 2020, and it is still awaiting proclamation?

**Hon. Member:** Nah.

**Mr. S. Hosein:**—it is still awaiting proclamation, and today we are importing the definition from an Act that is yet to be proclaimed in this particular law, Madam Speaker. Then we also have the gaming and gambling control Act of 2021, Madam Speaker, that is now being inserted here, in the Schedule. Madam Speaker, do you know that law was passed on the 12<sup>th</sup> of July, 2021, and is still also awaiting proclamation.

So, you are passing the laws, but where is the effectiveness of those laws, Madam Speaker? There is no effectiveness of the laws. So, those are the concerns I wish to outline to the honourable House with respect to the amendments to the Proceeds of Crime Act. Clause 4, which deals with an amendment to the Anti-terrorism Act, including the words “sanctions” and so on. Madam Speaker, those are what the recommendations of FATF had indicated to Trinidad and Tobago, that we need to include “administrative fines” and that has been done here. We have no issues with respect to clause 4 of the Bill in that very limited amendment that is being placed here.

Clause 5. Clause 5, does two things here, Madam Speaker. The first it does is it creates a definition now of oversight authority which will deal with the amendment to the Non-Profit Organisations Act. But then it makes an amendment to section 15 of the parent law. It reads this. It says:

“... Where a report submitted under subsection (1) is in respect of an offence under the Trafficking in Persons Act, the FIUTT shall also transmit a copy of the report to the Counter-Trafficking Unit of the Ministry with responsibility for national security for investigation.”

Madam Speaker, the Trafficking in Persons Act, there is a board, and that Act, Madam Speaker, empowers the Minister of National Security, to come to this Parliament and lay an annual report with respect to the activities of the CTU, telling us about the convictions, about the investigations, and so on. Provides statistics, Madam Speaker.

**3.50 p.m.**

I checked with the Parliament's library, Madam Speaker, do you know that the last report for the Counter Trafficking Unit was laid in this Parliament in 2015?

**Hon. Member:** What?

**Hon. Member:** "Nah."

**Mr. S. Hosein:** Madam Speaker, 2015, you know. That was when the last report was laid. Madam Speaker, the Minister of National Security is in breach of the law under the Trafficking in Persons Act—

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

**Mr. S. Hosein:**—because it is an annual report that has to come to this Parliament, Madam Speaker.

So, Madam Speaker, there are several judgments in this jurisdiction where Ministers who fail to lay a report will be compelled by a court of law to make them lay these reports in the Parliament.

**Dr. Moonilal:** Kareem Marcelle.

**Mr. S. Hosein:** Maybe Kareem Marcelle might do a better job than the current Member for Laventille West, Madam Speaker. Always sleeping at the job. Always sleeping at the job, Madam Speaker.

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

**Mr. S. Hosein:** Always. Always. Then this is where it gets complex, because this piece of legislation, Madam Speaker, is a very technical, complicated piece of law, and the FIU is a supervisory authority for those financial/non-financial organizations, non-profit organizations, Madam Speaker, but a strange amendment is now being placed here, and I will tell you why I find it strange.

They are inserting a provision, Madam Speaker, section 18GA(1), and it reads:

“Notwithstanding section 18G, the FIUTT may require a nonregulated financial institution or listed business for which it is the Supervisory Authority to provide to it such books, records, documents and other information, or copies of books, records, documents or other information, that are relevant to assess compliance with the written laws listed under section 18F.”

So it is making reference to the parent Act. Madam Speaker, when I looked at section 18G, which we are creating an exception under this new section 4 is this, 18G allows the FIU to inspect documents, go into an organization, inspect the premises, Madam Speaker, but they cannot do this without a warrant. They have to go to court and get the warrant to inspect the premises.

You cannot just show up by somebody's door, knock it down and say, “Aye, give meh yuh books”. That is not how it works in Trinidad and Tobago. We have due process. We have to be protected by sections 4 and 5 of the Constitution. It says this, Madam Speaker, in 18G:

“Where a non-regulated financial institution or listed business refuses

to give consent under subsection (1), a police officer above the rank of Sergeant may apply for a warrant to enter the premises referred to in subsection (1)(a) and to-

- (a) seize or take copies of any documents which may be evidence of non-compliance...
- (b) inspect the premises...
- (c) observe the manner in which certain functions are undertaken.”

So the first step is, FIU shows up at the door of the business and says, “I want to inspect your books, I need your consent”. The business says, “No, I am not giving you consent”. Next step, FIU gets a police officer above the rank of sergeant, goes to court and gets a warrant. The court will empower the FIU, together with the police officer, to go into that business in order to inspect and get copies of the books. Do you know in this particular section that the Government is including here, Madam Speaker, this is not subject to a warrant? The FIU could just show up and get books, records, documents. It is a very far-reaching power, Madam Speaker. It says it:

“Notwithstanding section 18G...”

—that deals with the warrants, Madam Speaker:

“...the FIUTT may require a nonregulated financial institution or listed business for which it is the Supervisory Authority to provide to it such books, records, documents and other information, or copies of books, records, documents or other information, that are relevant to assess compliance...”

Assessing compliance is a wide, wide, wide power, Madam Speaker,

because you can assess compliance in any single regard with respect to the listed legislation here. So it is a very far-reaching power without judicial oversight in this insertion of 18GA.

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

**Mr. S. Hosein:** I want to ask the Government, why is it that you did not subject this to a judicial process? Be fair. Be fair to the people of Trinidad and Tobago because we have certain enshrined constitutional rights, Madam Speaker. Be fair. Be fair. You have it in other sections of the law, why do you leave it out in this section? Why? And that is a question I hope that we can get some clarification on when the other speakers contribute to this debate, Madam Speaker.

Then there is the insertion of a new 18J, but they are saying that we are inserting this 18J, Madam Speaker, after section 18. I think it means 18I. I think that is another error in the Bill, Madam Speaker. This is a very vague, vague, vague drafting of the law. This is what it says:

- “(1) The FIUTT shall take the necessary measures to effectively promote focused, proportionate and risk-based oversight of non-profit organisations for which it is the Oversight Authority.
- (2) For the purposes of subsection (1), the FIUTT shall, from time to time, issue guidelines, as appropriate, about the vulnerabilities of non-profit organisations to terrorist financing abuse and terrorist financing risks and the measures that non-profit organisations can take to protect themselves against such abuse and risks.”

These are very vague drafting, Madam Speaker. It is strange in which this piece of legislation was drafted.



It sounds as though it came out of a policy paper, because the laws are normally drafted very clear and precise, and the Parliament was in fact— comments were made by the Privy Council about the drafting of various laws in this Parliament, Madam Speaker, where it came to the demerit points and the appropriate forum for appeals. That is the Zachary De Silva matter that was recently handed down in the Privy Council. Also, comments were made by the local Court of Appeal with respect to the preciseness in which legislation ought to be drafted in the Parliament.

Madam Speaker, I want to take you to clause 7. This deals with the amendment to the Insurance Act, Madam Speaker. Now, this is where also there is some level of vagueness and irregularity with respect to this particular section, and I will tell you this, Madam Speaker, outright, there is a typographical error again in this clause. If I take you to page 7, this is what it says:

“...by that police officer with the prior written consent of the director of Director Public Prosecutions.”

Who is the “director of Director Public Prosecutions”? I mean, Madam Speaker, they are trying to rush through legislation. At least proofread it before you bring it to the Parliament.

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

**Mr. S. Hosein:** The last time I checked, Madam Speaker, we speak English in the Parliament. We are mandated to speak English according to the Standing Orders but the Bills are coming in gibberish.

Madam Speaker, with respect to this amendment, it says this, and you have to understand what we are amending. So the parent law deals with

persons who are—that registrants, financial holding companies, shareholders, directors, employees, agents, those persons, they can provide information because they have confidential information from policyholders—

**Madam Speaker:** Hon. Member, you have one more minute of ordinary speaking time, you are entitled to 15 more minutes to wind up your contribution if you wish.

**Mr. S. Hosein:** Thank you very much, Madam Speaker, and I will take the additional time as given.

**Madam Speaker:** Please proceed.

**Mr. S. Hosein:** So, Madam Speaker, as I indicated, these persons will have sensitive financial information of persons who may be policyholders, and so on, or consumers, insurers. But if they realize that, you know, information has to be disclosed by law, there is an issue of money laundering because under the FIU Act you have an obligation to make those disclosures, you provide the information but you provide it in good faith, Madam Speaker. And when you provide this information by way of a witness statement to which the new amendment is going to introduce here in this Bill, where the person provides a:

“...witness statement to-

- (i) a police officer of the rank of Superintendent or above for the purposes of any criminal investigation or criminal proceedings; or
- (ii) the Police Complaints Authority for the purpose of an investigation of criminal offences involving police officers,

police corruption and serious misconduct being conducted by it, where the witness statement—

- (iii) relates to information disclosed under compulsion of law, this Act or any other written law; and
- (iv) is requested, in writing, by that police officer with the prior written consent of the director of Director Public Prosecutions.’;...”

It should be the “Director of Public Prosecutions”, Madam Speaker—that person is protected, because ordinarily, if you give that information you will be in breach of confidentiality.

You will trigger certain provisions of the law where somebody could go for relief. But the section goes on further, Madam Speaker, in the amendment to the Bill that it clothes this person who provides this so-called witness statement with immunity in terms of breach of contract, duty of confidentiality, Madam Speaker, if they provide this witness statement and no action shall be brought against this person if that information is provided with good faith. Now, Madam Speaker, the issue is this, if a person maliciously provides the information, the person who is the victim here, whose name was called maliciously, will have to go through an entire court procedure before he can determine whether that information was given in bad faith or good faith.

So therefore, Madam Speaker, with the point I am trying to make is the damage will already be done. This person will be protected for that entire period, unless ordered otherwise by a court of law. So this is a very concerning provision, and whether or not it obtains with the same standard

that I explained earlier, whether or not it ought to just be a suspicion or a belief, which is an extremely low threshold standard for reporting issues of money laundering and terrorist financing, Madam Speaker. So those are some of the concerns that I have seen with respect to clause 7. Also, there is a disjunctive issue and I ask the Government to also clear this up.

Now, there are two instances of the persons who could provide this information. The first person is that a person could provide the information to a police officer above the rank of superintendent, but if it is a police officer involved, you have to go to the PCA. Now, Madam Speaker, when you go on to the conjunctive part of the clause, which is sub-clauses (iii) and (iv), it says this; it is clear, the witness statement will be protected if the information was given under compulsion of law and once the police officer had the consent of the DPP.

Now, what happens in the area where we are reporting a police officer because the PCA is the one who has the jurisdiction here. You are giving the information about the police officer to the PCA, but do you have to get the consent of the DPP also, or whether or not it should be the consent of the Director of the PCA that you will have to get the consent of, in order to allow that witness statement to be clothed with the necessary protection that the Bill seems to offer.

Madam Speaker, Non-Profit Organisations amendment, which is found at clause 8. Clause 8 deals with the definition of a non-profit organization, and there is probably again another disjunctive issue with the Bill. Now, I know, Madam Speaker, that the Explanatory Note to the Bill does not form part of the Bill, but when you read the Explanatory Note, it

says that what the amendment is trying to do is create a new definition for an NPO. Also, this is what it says, that the NPO—it will govern NPOs with a:

“...gross annual income exceeding five hundred thousand dollars...”

Madam Speaker, when you look at the new definition that they proposed, it has nothing about \$500,000, you know. Madam Speaker, in fact, what they are doing is repealing that because that is the existing law. That is sloppy drafting, Madam Speaker.

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

**Mr. S. Hosein:** Extremely sloppy drafting. I cannot understand how that found itself in the Explanatory Note, because the current law right now is saying that it will govern or provide oversight for NPOs with gross annual income of \$500,000. They are repealing that now to replace it with a very wide definition, and hear what the definition is, “whatever FATF says it is”, the functional definition.

So FATF could today say, “This is the definition”, and tomorrow—they say today, “We will use one dictionary definition and tomorrow we will use another dictionary definition”, and that is how the law will roll. Currently, Madam Speaker, I looked at the Best Practices, June 2015, Combating the Abuse of Non-Profit Organizations, Recommendation 8, came out of FATF, where the definition was found, and it says a non-profit organization is defined as:

“...a legal person or arrangement or organisation that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other types of ‘good works’.”

Madam Speaker, so clearly this Bill was rushed through the Parliament to come at this point in time, filled with typographical errors, incorrect cross-references, and the Explanatory Note does not match up to the clauses that are within the Bill.

Clause 9, the Civil Asset Recovery and Management and Unexplained Wealth Act, Madam Speaker, the amendment there; now, again, serious drafting issues here. Madam Speaker, we have to explain what the Government is trying to do. Initially what the Explanatory Note says is that the Judiciary has called for this amendment to provide some clarity with respect to this section, section 31, but if we pass it in this form, Madam Speaker, we will confuse the Judiciary even more.

**Hon. Member:** “Ooooh.”

**Hon. Member:** “Nah.”

**4.05 p.m.**

**Mr. S. Hosein:** We will confuse them more and I will tell you why.

Under this law, what the Government is trying to do here, Madam Speaker, is this. If there is a person being investigated for a criminal offence of money laundering or any offences under the Proceeds of Crime Act, but there is insufficient evidence to show that the person can be charged for that offence but there is criminal property, the DPP can make a referral to the Agency under the Civil Asset Recovery and Management and Unexplained Wealth Act and the Agency will make an application to the High Court to have something called a “Property Restriction Order”. Sounds complicated. What the Judiciary was saying is that they do not know whether or not they also had—with respect to the drafting of the original law, whether

subsections (a) and (b) had to be read together and you had to satisfy all of these conditions. So I think the first part of the law was cleared up, that the DPP can make the referral to the Agency once there is insufficient evidence to charge.

Let us go on to (b) now:

“(b) the defendant whose property may be the subject of a Property Restriction Order—

- (i) has absconded from the jurisdiction;
- (ii) is outside of the jurisdiction;
- (iii) is too ill to face trial;
- (iv) has died;
- (v) has been acquitted of an offence...under section 45(3)...”—of the parent Act—“...or

in any other case where the...”—DPP—“...is of the view that the matter should be referred to the Agency, and an application should be made for recoverable property to be forfeited to the State, he may refer the matter to the Agency.”

Madam Speaker, that really does not make sense because the only time the DPP has power under the parent legislation to make a referral is this, if he wants a Property Restriction Order. So there are no other circumstances where a referral will be made by the DPP. Now they are inserting other referrals. I do not know where, they could point me, but I did not see any other referral that the DPP could make. Once the court grants the Property Restriction Order, according to—I have the parent law here, Madam Speaker—section 44, when the Agency is now satisfied that the property

ought to be forfeited, after the Property Restriction Order is granted, then an application will be made for it to be forfeited.

So the Agency does not have to wait for a referral from the DPP. So this particular amendment here, I believe the word “and” has to come out from subsection (b) at the end and also, change the “he” we may refer to by putting in the DPP, and delete subsection (b)(vi), because (a) would have already taken care of the referral, Madam Speaker. So, again, those are some issues with respect to the drafting in this particular piece of law, and the omnibus legislation that we are amending, these will be amendments with respect to, again, causing some administrative fines, and also notices and inter partes applications being made to the High Court with respect to these matters under the FIU, Madam Speaker.

So these are the concerns, as an Opposition, we wish to raise, Madam Speaker. I know it is a very complicated, complex, technical area of law but again, Madam Speaker, this particular piece of law, we have to get it right, it has to be specific, it has to be drafted with precision. We cannot continue to come back to this Parliament with omnibus pieces of legislation because errors were made in the past. I am not saying that we are all perfect but there is a certain standard that should be maintained, Madam Speaker, and when I read this Bill, the Government has fallen below the standard. I thank you very much

**Hon. Member:** Yeah, man. Well done.

**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 very much, Madam Speaker, for the opportunity to contribute to this debate this afternoon on this important Bill and for allowing me to rise to say that I fully endorse the presentation of the hon. Minister of Finance in his piloting of this Bill.

Madam Speaker, the Bill before us today is entitled the Miscellaneous Provisions [Proceeds of Crime, Anti-Terrorism, Financial Intelligence Unit of Trinidad and Tobago, Securities, Insurance, Non-Profit Organisations, Civil Asset Recovery and Management and Unexplained Wealth and Miscellaneous Provisions (FATF Compliance)] Bill, 2024. It amends eight pieces of existing legislation, all named in the long title and already referred to by the hon. Minister of Finance, and I shall not repeat them. It is 10 clauses in length, all clauses of which have been examined in considerable detail by the hon. Minister of Finance.

My contribution today, Madam Speaker, is to highlight some key aspects of this Bill and to underscore its importance for Trinidad and Tobago's obligations in implementing the Financial Action Task Force's international standards. Those Financial Action Task Force standards have already been addressed in detail by the hon. Minister of Finance and again, I do not wish to repeat some of what he has said.

Madam Speaker, the Financial Action Task Force is the global anti-money laundering, counter-financing terrorism standard-setting body, which develops and promotes worldwide standards for combating money laundering and terrorist financing. As a policy-making body, the FATF works to protect and generate the necessary political will among

governments worldwide to bring about national legislative and regulatory reforms in these areas. FATF monitors and continues to monitor countries to ensure that the FATF standards are implemented and adhered to.

Trinidad and Tobago's adherence to the FATF Recommendations is crucial for maintaining a safe, secure and transparent financial system and strengthening this country's economy, protecting its citizens and contributing to the global efforts to combat financial crime and terrorism. Madam Speaker, the Miscellaneous Provisions (FATF Compliance) Bill is of the utmost importance, as these amendments to these eight pieces of legislation will go a considerable way towards ensuring that Trinidad and Tobago is compliant with numerous FATF Recommendations.

Furthermore, Madam Speaker, it is important that I inform this House that Trinidad and Tobago is currently preparing for the Fifth Round Mutual Evaluations process by the Caribbean Financial Action Task Force, commencing in 2025, with an on-site visit in March 2026, in point of fact, in the first week in December of this year, I will be leading a delegation of Trinidad and Tobago government representatives to Jamaica to attend a further plenary of the Caribbean Financial Action Task Force, in which that fifth round preparatory work is ongoing and being contributed to.

The Caribbean Financial Action Task Force Secretariat has already confirmed that Trinidad and Tobago will be the first country to enter the Fifth Round Mutual Evaluations process, and to present its mutual evaluation report no later than December 31, 2026. The mutual evaluation process will assess the effectiveness of this country's AML/CFT measures and evaluate technical compliance with FATF's 40 Recommendations. It

will be assessing the laws processes and powers of competent authorities for compliance with the FATF standards.

That fifth round mutual evaluation follow-up assessment process, Madam Speaker, will be a rigorous, more results-oriented process, focusing on specific actions to tackle money laundering, terrorist financing and the financing of weapons of mass destruction. The shorter cycle, the greatest scrutiny and strong follow-up mechanisms will ensure that governments stay focused on taking effective action to detect, prevent and punish money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction.

Madam Speaker, over 200 jurisdictions are regularly reviewed by the FATF or one of the nine regional bodies to assess their effectiveness in protecting their financial systems from illicit flows. Based on these assessments, countries may find themselves on the FATF's grey list for jurisdictions with strategic deficiencies, or its black list for those with particularly severe shortcomings.

In light of this, Trinidad and Tobago continues to work assiduously to assure that it complies with the 40 FATF Recommendations and, Madam Speaker, the passage of this piece of legislation is a crucial step in the preparation of that process. The crux of this Bill, Madam Speaker, is primarily to address Recommendation 35 for which Trinidad and Tobago is presently rated as partially compliant. According to the FATF standards, Recommendation 35 mandates that:

“Countries...”—must—“...ensure that there is a range of effective, proportionate and dissuasive sanctions, whether criminal, civil or

administrative, available to deal with natural or legal persons...Sanctions should be applicable not only to financial institutions...”—but otherwise and—“...also to their directors and senior management...”  
—of designated non-financial businesses and professions.

As referred to by the hon. Minister of Finance, Madam Speaker, Trinidad and Tobago’s prior technical compliance under the Fourth Round process pointed to certain technical deficiencies in the existing legislative regime for the availability of civil and administrative sanctions. Although criminal sanctions appear to be proportionate, the civil and administrative sanctions are not. Trinidad and Tobago was noted as having a deficiency related to the lack of administrative monetary penalties for the breach of AML/CFT/CPF laws. Currently, the AML/CFT legislation makes provision for criminal sanctions to be imposed against financial institutions and listed businesses for breach of the AML/CFT laws.

Provision is also made to empower the supervisory authorities, the Central Bank, the Financial Intelligence Unit, the Trinidad and Tobago Securities and Exchange Commission to enforce a wide range of dissuasive and proportionate administrative penalties for breaches of the AML/CFT obligations, including, among others, the issuance of compliance directives for listed businesses and financial institutions, and the suspension or revocation of licences for financial institutions.

In this regard, Madam Speaker, the criminal penalties include terms of imprisonment and a monetary penalty. The terms of imprisonment in respect of offences created for breach of the respective regulations are

contained in the Proceeds of Crime Act, the Anti-Terrorism Act, the Financial Intelligence Unit of Trinidad and Tobago Act.

Currently, the supervisory authorities, the supervisors, have the power to impose criminal penalties and a wide range of dissuasive and proportionate administrative penalties for breaches of AML/CFT obligations, in particular the Financial Obligations Regulations, the Financial Obligations (Financing of Terrorism) Regulations, and the Financial Intelligence Unit of Trinidad and Tobago Regulations, which I will refer to collectively as “the Regulations”.

As part of this regulatory process proposed in the Bill, if the financial institutions or listed businesses fail to pay the fine and/or remedy or discontinue the breach in compliance with the notices issued by the supervisors under the new proposed sections, which are being proposed in the amendments, the Proceeds of Crime Act, Anti-Terrorism Act, Financial Intelligence Unit of Trinidad and Tobago Act, the supervisory authorities will be authorized to refer the matter of the breach committed by the financial institution or listed business to the Commissioner of Police to consider commencing investigations into the criminal offences created under the proposed amendments to the Proceeds of Crime Act, the Anti-Terrorism Act, and the Financial Intelligence Unit of Trinidad and Tobago Act.

Madam Speaker, the intention is to ensure that the financial institutions or listed businesses who fail or refuse to comply with the instructions of the supervisors will remain liable to the criminal penalties under the amendments being proposed under the Proceeds of Crime Act, the Anti-Terrorism Act, and the Financial Intelligence Unit of Trinidad and

Tobago Act respectively. This is consistent with the existing regulatory approach under the Financial Institutions Act and the Insurance Act, already in place.

The most recent 2020 legislative amendments, which engaged the supervisory working group under NAMLC, was the introduction of an administrative fine regime for compliance with Recommendation 35 which, as I have said, is the primary Recommendation that is being addressed here. Madam Speaker, that 2020 Miscellaneous Provisions (FATF Compliance) Act made initial amendments to the substantive Acts of the supervisory authorities to facilitate the imposition of administrative penalties against financial institutions and listed businesses for failure to comply with AML/CFT requirements.

The supervisory working group previously collaborated on a policy document, the “Introduction of Administrative Monetary Fines for AML/CFT/CPF Breaches Policy Paper” in 2021, for the amendment of regulations to facilitate the penalties introduced in the substantive regulation. Extensive feedback was sought and received from the supervised entities, financial institutions and listed businesses on this policy, which has prompted the supervisory authorities to propose further amendments to the Proceeds of Crime Act, the Anti-Terrorism Act, the Financial Intelligence Unit of Trinidad and Tobago Act, and the Regulations to provide for greater proportionality in the application of the administrative fines, as well as to ensure aggrieved persons are able access due process before the courts, notwithstanding the comments of the Member for Barataria/San Juan.

**4.20 p.m.**

Madam Speaker, the supervisors do not have the power to levy monetary policies for breaches of the AML/CFT Regulations. This Bill, therefore before us is intended to provide a foundation in law for all three supervisors, the Central Bank, the Financial Intelligence Unit of Trinidad and Tobago, and the TTSEC, Trinidad and Tobago Securities Commission to have the power to levy proportionate and dissuasive monetary penalties. It is intended to set out the procedure for all three supervisors to follow when imposing the administrative monetary penalty as well as setting out sufficient access for due process before the courts by any aggrieved party. The specific regulations, which will be subject to a monetary policy, will be set out in schedules to the respective regulations with the applicable monetary penalty for breaches of the specific regulation. And I repeat that with respect to the superficial remarks of the Member from Barataria/San Juan, the specific regulations will be subject to monetary penalties which will be set out in the schedules to the respective regulations with the applicable monetary penalties for breaches of the specific regulation.

Madam Speaker, in addition to Recommendation 35, this Bill seeks to address FATF Recommendations 26 and 27 which have already been detailed by the hon. Minister of Finance and I shall not repeat them in these few comments that I make today. According to Recommendations 26 and 27, the Financial Intelligence Unit of Trinidad and Tobago should be able to demonstrate that it has the ability to conduct off-site examinations as part of a risk-based approach to AML/CFT supervision. That Act currently does not expressly permit offsite compliance examinations by which there is a power to compel information prior to commencing an on-site examination.

Madam Speaker, clause 5(d) of the Bill is intended to provide the FIUTT with the power to compel the production of books, records, documents and other information relevant to access compliance with the AML/CFT laws without first commencing an on-site compliance examination. The FIUTT will also be provided with the power to compel the production of such information that is relevant to assessing compliance with the AML/CFT laws. This approach is consistent with the supervisory powers of the CBTT, Central Bank, and the Trinidad and Tobago Securities Exchange Commissions for off-site supervision.

In accordance, Madam Speaker, with FATF Recommendation 22 1(d), clause 3(e)(iii) of the Bill is proposed to ensure a clear and concise understanding of the functions by attorneys, notaries, other independent legal professionals and accountants who are covered as a listed business and are subject to AML/CFT controls in the jurisdiction of Trinidad and Tobago. The performance of these professional functions should be consistent with Recommendation 22 formulae and alleviate any misrepresentation of the terms and remit of those professionals in their daily operations. Making this amendment at this juncture, is a pre-emptive measure to ensure the intention of FATF Recommendation 22 is met prior to Trinidad and Tobago's entry into the fifth round mutual evaluation.

Madam Speaker, this Bill also addresses the outcomes of national risk assessment on the non-profit organization sector. Recommendations made by the World Bank and EU Global Facility as well as FATF Recommendation 8 which aim to protect NPOs, that is to say, non-profit organizations from terrorist financial abuse.



Clause 5 of the Bill amends the Financial Intelligence Unit Trinidad and Tobago Act to serve to introduce a new term into that Act called “an oversight authority.” The Financial Intelligence Unit of Trinidad and Tobago will perform the function of the oversight authority over NPOs as defined in section 4(1)(a) of the NPO Act using the powers outlined in the new proposed section 18(j) of the Financial Institutions Trinidad and Tobago Act. Subsequently, Madam Speaker, clause 8 of this Bill also amends the NPO Act in order to give effect to these changes.

In addition, clause 9, Madam Speaker, of the Bill proposes to amend further the Civil Asset Recovery and Management and Unexplained Wealth Act, 2019, CARMUWA as I will call it, to address a concern raised by our Judiciary in July of this year, this very year, during an asset recovery workshop hosted jointly by the Office of the Attorney General and Ministry of Legal Affairs and GentiumUK. GentiumUK having been retained by the British High Commission to assist Trinidad and Tobago with strengthening its asset recovery regime and we thank them both. And we emphasize the fact that as we continue to develop for our fifth round of mutual evaluation, and to develop the legislation that we are bringing to this Parliament we are engaging the introduction and input of all relevant stakeholders.

So I am able to point to an issue today that members of the Judiciary raised in respect of the disjunctive or conjunctive application of section 31(2) of the CARMUWA that is to say, the Civil Asset Recovery Management and Unexplained Wealth Act, 2019, which was currently silent. And the provision is being made to provide for matters to be referred where a person has been acquitted of an offence referable to recoverable

property or in any other case where the Director of Public Prosecutions is of the view that the matter should be referred to the Civil Asset Recovery and Management Agency.

Madam Speaker, I pleased to be able to advise that the Cabinet has approved the operationalization of the e Civil Asset Recovery and Management Agency and it is expected that the agency will be fully functional during the first quarter of 2025. So, it is a work in progress and as we continue to progress and to advance the tightness of the legislative framework for our financial operations we will continue to come to this Parliament in the process of refining which we have been engaged in now for some years moving from the fourth round and as we move into the fifth round.

In closing, I would like to again underscore the importance, Madam Speaker, of Trinidad and Tobago's preparation for the fifth round mutual evaluation process. It is imperative that this Bill is passed today, it will not only strengthen this country's financial system, promote global cooperation, protect the economy from the negative effects of financial crimes, help avoid sanctions and reputational damage, it will also strengthen national and global security and will ensure that Trinidad and Tobago complies with its international obligations. Madam Speaker, thank you for the opportunity to contribute to this debate.

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

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

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

**Mr. Davendranath Tancoo** (*Oropouche West*): Thank you, Madam

Speaker, for the opportunity to make a brief intervention in today's proceedings, in this very, very, very important piece of legislation. Although the Bill is, what I believe it is 25 pages long, containing 10 clauses, these are 10 very, very important clauses, Madam Speaker. The Bill seeks to amend the law to comply with the international recommendations issued by the Financial Action Task Force, FATF. This legislation as we have heard from Members before, covers various topics including the proceeds of crime, anti-terrorism, financial intelligence, securities, insurance, non-profit organizations, civil asset recovery and unexplained wealth. The Bill basically aims to clarify procedures and strengthen regulations to combat money laundering, terrorism financing and proliferation financing.

Madam Speaker, I think it is intriguing, to note that this is the eighth time in nine years that this Government that has brought an amendment to the FATF legislation, seeking to bring this country into compliance with the established rules and regulations that are required to ensure that Trinidad and Tobago does not fall within negative situations with regard to financial misconduct, anti-terrorism financing et cetera.

Madam Speaker, one of the issues that I want treat with at the outset, treats with clause 3. I believe it is clause 3:

“3. Proceeds of Crime Act is amended—”

And, Madam Speaker, before I get into that, it was not my intention to engage today, largely because I assumed that when the Minister of Finance would have spoken, and when the hon. Attorney General would have spoken

that some level of clarification would have been made to some of the issues that we would have had on this side and especially with the hon. Attorney General, some of the issues raised by my colleague and an excellent contribution—

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

**Mr. D. Tancoo:**—by my colleague. A phenomenal contribution, raising clear issues. The Member for Barataria/San Juan raising clear issues, registering our concern with regard to the drafting, with regard to some of the contents, Madam Speaker, of the legislation before us. One of those issues which neither the Minister nor the hon. Attorney General treated with, Madam Speaker, is this specific amendment to the Proceeds of Crime Act. The amendment is in clause 3(b) and it reads:

“(b) in section 55A(3), by deleting the word ‘fourteen’ and substituting the word ‘five’;”

What this does, Madam Speaker, is it shifts the responsibility for the organization to file from giving them leeway of 14 days contracting that period to five days, Madam Speaker.

[Mr. Deputy Speaker *in the Chair*]

And no explanation has been provided for why we have moved from 14 days to five days, sorry, Mr. Deputy Speaker. Why we have shifted from 14 days to 5 days especially given the kind—you have now widened the pool, as it were, of information, and the persons and the entities that are supposed to provide information. You have widened the pool, but now, you have also widened the pool with regard to the kind of information, you are supposed to provide. But now, instead of either increasing or at least maintaining the

standard of 14 days, which is in the existing legislation, you are now expecting entities to provide more information, varied types of information, with an even shorter timeframe.

Mr. Deputy Speaker, this seems to be an intent on the part of the Government to create work for lawyers. It creates a space, it creates a situation where all the—just like this piece of legislation, all the t's will not be crossed and all the i's will not be dotted. There will be errors. There will be omissions and we run the real risk, Mr. Deputy Speaker, of having multiple situations where these matters will be challenged in court because of the sloppiness of the drafting in the first instance, as my colleague would have raised, and because of the wideness of the requirements that are now being here, Mr. Deputy Speaker. That are now being put before the Parliament.

I want to treat with clause 5 as well. My colleague the Member for Barataria/San Juan raised the issue with regard to 18GA where lawyers in this particular instance where no warrant is required. I think Member, you would I have been paying attention to this, no warrant is required for the execution as compared to what exists in other part of the law which requires a warrant. Again, this seems to be an opportunity to make work for lawyers.

In clause 7, Insurance Act, amendment, again, my colleague from Barataria/San Juan specified that persons who are affected, who are afflicted, who are the subject of an allegation will have to go to an extended court process in order to find out whether or not this person who made the allegation in the first place, acted in good faith. Again, it seems to be making work for lawyers, and as lawyer, myself, I am grateful for work as

always.

**Hon. Members:** What?

**Mr. D. Tancoo:** As a lawyer myself, I am grateful for work as always, however, Mr. Deputy Speaker, it seems to be that this Government—it should not be on the basis of weakness, weak law. It should not be on the basis of watering down legislation, as it exists now in this Bill, Mr. Deputy Speaker, it should not be on the basis of that.

**4.35 p.m.**

Parliament, as my colleague said, should be creating specific legislation detailed very specific so that we do not have the risks of challenges in court so we tie up the court even further. Mr. Deputy Speaker, in Jamaica the Proceeds of Crime Act, the same requirement. We have 14 days in Trinidad and Tobago which they are now trying to shift to five without explanation. In Jamaica, section 95 of the Proceeds of Crime Act says, section 95 subsection (c) says if:

“The nominated officer fails, without reasonable excuse, to make the required disclosure as soon as is reasonably practicable, and in any event within fifteen days, after the information or matter comes to him.”

That is Jamaica. Jamaica has, bring the information as fast as possible, at the latest within 15 days. We have 14 days, they want to bring it down to five. Guyana’s Money Laundering and Prevention Act, Chap. 85:09 at section 13(2) says:

“Upon reasonable suspicion that the transactions described in subsection (1) could constitute or be related to money laundering, a

financial institution shall promptly report the suspicious transaction to the Supervisory Authority.”

So, again, this is promptly report without a specification of a time frame. Barbados, Proceeds of Crime Act, section 53, chapter 143 states and I quote:

“Where a financial institution, or a person who is an officer, employee or agent of the institution gives the information pursuant to section 52(1) as soon as practicable after forming the belief referred to in that subsection, the institution shall for all purposes...” et cetera, et cetera, et cetera.

So in this instance, again, it is as soon as practicable. In Barbados, also in our neighbouring countries Barbados, Guyana and Jamaica, the definition is a little bit less restrictive because they want to give as much opportunity as possible for substantial information to be brought, especially given the risk of misinformation or persons acting in bad faith, et cetera. Especially given those risks, they want to provide as much leeway as possible for information to be provided within a time frame that will allow for urgent action on the part of legal officials for treating with such information.

The hon. Attorney General in his contribution did not touch that. As a matter of fact, based on what I heard today in the speech that he read, and that seems to be based on Chat GPT research, it proves, Mr. Deputy Speaker, why we are in the crisis we are in now where after nine years we are still amending this legislation. We have not yet put in place the relevant requirements to implement, and that was the focus of my colleague’s contribution, that we are passing all these laws, eight times in nine years, and we are not implementing, Mr. Deputy Speaker. That is because the

Attorney General, the hon. Attorney General, would come and make a contribution about the history of the legislation, et cetera, et cetera, without treating with what the realities are. The realities, as presented by my colleague, are substantially not good in terms of our ranking and our rating when it comes to implementation. The laws are there, implementation, we are failing miserably.

Mr. Deputy Speaker, I want to give one classic example of that. Today, we are here in this Parliament, the Attorney General says, we must pass this today. Today, we are here in Parliament putting additional responsibilities into the hands of the Financial Intelligence Unit of Trinidad and Tobago. We are giving them additional responsibilities, wider powers, Mr. Deputy Speaker, but I want to cite some of the situations that we find ourselves confronted with, the realities which this Government chooses not to pay attention to, but which the international agencies have already signalled, and that is why we are going to another—a level five investigation.

The international agencies have already signalled that they are not sure that the Government is implementing. They are sure that the Government is passing legislation, but not necessarily sure that they are implementing, and let me tell you why some of these challenges we are facing now exist. They exist because of the Government's lack of properly outfitting and resourcing the institutions that are supposed to be at the forefront of implementing these very said pieces of legislation that we are talking about. So, we will pass the law here today and with the implementation agencies that are responsible for ensuring that these very



critical pieces of legislation are put in place and executed, they are being starved of resources and therefore the effect that we want to have, which is the full treatment of terrorism, et cetera, in financing and money laundering, the effect that we want to have, we will not have, again, because to the failure of the Government.

I refer you, Mr. Deputy Speaker, to the FIUTT Annual Report 2023, laid in this very Parliament on the 26<sup>th</sup> of January, 2024 by the hon. Minister of Finance, Minister Imbert, the Member of Diego Martin North/East, who made his presentation and vacated the Chamber immediately, just like the hon. Attorney General did. So they will not have been receiving the benefit of the wisdom and the suggestions and the recommendations that came from Members on this side.

Mr. Deputy Speaker, that may be why we have the Minister presenting today, and while he is presenting amendments via an omnibus piece of legislation to amend other omnibus pieces of legislation, while he is presenting those very same amendments, he is telling us, we have amendments to make to the amendments to be made to the omnibus legislation. That is because, again, there seems to be no sense of planning. Everything seems to be “vaille-que-vaille”. The Minister gets up in the morning, and receives a phone call that says, “You need to do this piece of legislation today because you have not done it for nine years”, and we rush to the Parliament to occupy Parliament time, but when it comes to the implementation, it is like implementation paralysis.

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

**Mr. D. Tancoo:** They fail to implement. So, we spend all this time, the

relevant agencies spend all their time advising and guiding, et cetera, but the Ministry simply fails to put the resources in place, and that is the point I want to come to, Mr. Deputy Speaker, the agency, the Financial Intelligence Unit of Trinidad and Tobago. The critical agency, one of the main agencies responsible for this implementation of the legislation that we are seeking to pass today, Annual Report 2023 of the Financial Intelligence Unit of Trinidad and Tobago.

They listed some challenges, Mr. Deputy Speaker, I will not, I will not provide great detail. The document has been laid in Parliament and is accessible, but I want to treat with some of the challenges as identified, just a few of them. Page 33 of the Financial Intelligence Unit of Trinidad and Tobago report 2023, page 33.

“The FIUTT has encountered challenges regarding the seniority of designated staff...”

That is one issue. So they have some serious issues with regard to the seniority and therefore the competence and experience of some designated staff. Page 35, and these are quotations from the FIUTT, eh, from their report page 35:

“Despite their ongoing commitment to compliance, Supervised Entities continue to encounter challenges. Some of these challenges include:

- difficulty in locating qualified AML/CFT/CPF professionals;
- the disproportionate cost associated with external audits; and
- concerns regarding the quality of testing and reporting by certain auditors.”

Page 36.

“Then FIUTT has observed that supervised sectors have been impacted by existing vulnerabilities and new threats that emerged in the following ways:

- due to the increases in the volume of business activities, there are challenges in conducting consumer/client due diligence and client/transaction monitoring.
- the economic constraints placed on businesses have caused, in some cases, cessation of operations for several supervised sectors; and
- a pronounced increase in the occurrence of various activities such as fraud and cybercrime.”

That is page 36. Page 108 of the very same Financial Intelligence Unit report 2023 submitted to the very same Parliament. Page 108:

“Staff retention continues to be a challenge for the FIUTT based on the unique nature of an AML/CFT/CPF field. Trained staff are approached by international and domestic organisations as they hold vast experience in the field.”

So, we are training staff here for outside entities to benefit. I continue:

“The sanctioned complement of FIUTT staff has increased to 60 officers. Consequently, additional accommodation is necessary to onboard new staff to carry out the core functions at the FIUTT. This challenge has automatically increased responsibilities of staff members in order to satisfy the FIUTT’s objective.”

So they are increasing the staff, but not providing the relevant resources to

ensure that that staff is able to do the job that they have been hired to do. I continue.

“The number of feedback received from every Competent Authorities is inadequate, compared to the number of Intelligence Reports disseminated. Feedback is the main mechanism the FIUTT utilises to continually review and improve the Intelligence Reports with the changing criminal landscape.”

Mr. Deputy Speaker, there are multiple pages in this document which provide great detail of some of the major challenges being faced by the FIUTT who is responsible, in large measure, for the implementation of the legislation before us.

So, I am concerned as to why this Government is anxiously coming to the Parliament showing all the makeup, all the flams and so on of wanting to pass legislation, but holding their hands on the implementation of the legislation, and definitely stifling the ability of the organisations responsible for implementing this legislation, stifling their ability to ensure that the compliance is achieved. I am unfortunately concerned, Mr. Deputy Speaker, that we will end up in the current evaluation and be again found wanting because the Government has failed to put in place the relevant requirements to ensure that the law is effective.

Mr. Deputy Speaker, also this legislation, we are proposing to amend the Proceeds of Crime Act to empower the Minister to make regulations providing for administrative fines for contravention of regulatory money laundering measures. We are empowering the Minister to make regulations. Now that is properly within the ambit of the law, but I am guided by

experience, and I think this Parliament is guided by the experience we have had before when this particular Minister has had the responsibility and authority to create regulations to put various pieces of legislation into effect.

I refer to the procurement Act, Mr. Deputy Speaker. This is just one example, and there are multiple other examples, where Parliament passed a very useful, effective piece of legislation—if implemented—and then left it up to the Minister of Finance to bring regulations to implement the Act. And, instead of implementing, instead of exercising grave anxiousness to ensure that the good piece of legislation is implemented as quickly as possible, it took this Minister six or seven years before the regulations to put into effect the procurement Act was actually put in place. So, I have very grave concern that when we are again given the Minister, the hon. Minister of Finance who has finally made a second appearance—

**Ms. Ameen:** He is back.

**Mr. D. Tancoo:**—we are finally giving the hon. Minister—presence or absence does not make much of a difference to the economy of Trinidad and Tobago, Sir.

**Ms. Ameen:** Performance is still it.

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

**Mr. D. Tancoo:** Performance is still missing, but he just—the hon. Minister has just made my point, Mr. Deputy Speaker. He has just actually made my point. This is why, this is why this country is in the crisis that it is in, because when we are treating with the real issues of the people, when we are treating with major concerns that we have with regard to the way the Government is doing its business, the Minister is conveniently absent.

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

**Mr. D. Tancoo:** Conveniently. I take great honour, Mr. Deputy Speaker, to say that that is not the behaviour of those of us on this side. We will stand here and engage in debate and provide the information to the Members opposite, to the Parliament, and to the members of the viewing community so that they will see that the United National Congress, the Opposition Members of Parliament here, represent their interest to the best of our ability, while the Government is absent from doing theirs.

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

**4.50 p.m.**

**Mr. D. Tancoo:** Mr. Deputy Speaker, I refer to the procurement legislation in the context that this legislation offers the Minister the responsibility and authority of making regulations to several pieces, well, to two major pieces, two major Acts. I maintain my concern because we have already seen their failure to implement the—put measures in place to help the Financial Intelligence Unit be placed in a position to implement the existing legislation. I maintain my concern that the regulations that we are now proposing to give the Minister authority to implement or to provide, will not be forthcoming and therefore, we run the risk, just like we did with the procurement legislation of having the international audience, international credit rating agencies, in having the international bodies relevant, including FATF, will be looking at us and seeing that this Government, and viewing the country therefore, in a negative light, because this Government does not seem to be inclined or interested.

**Mr. Indarsingh:** [*Inaudible*]

**Ms. Ameen:** “He come back?”

**Mr. Deputy Speaker:** No, Members, please.

**Mr. D. Tancoo:** It has not been inclined or interested in seeking the interest of the citizens of Trinidad and Tobago.

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

**Mr. D. Tancoo:** Mr. Deputy Speaker, there is an even more pressing reason why this legislation, nine years in the making and they still have not gotten it right, we still have an amendment. And unfortunately, as I am on that, the Minister advised that he has an amendment to his amendments, but will not place that amendment to the amendments before the House for debate. He will not place it for debate. Amendments to the amendments. Maybe when you were in your jaunt to Paris and wherever else, if you had spent your time on the people’s business, we would not have had to have—still be looking and looking and looking.

Anyway, anyway, Mr. Deputy Speaker, it is my expectation that they will keep coming with this same legislation, you know. They will keep coming, and coming, and coming, and not doing, and doing, and doing that is the implementation paralysis. That is the implementation paralysis. While, they have been twiddling their thumbs, and that is the Government and the Minister of Finance, and others, while they have been twiddling their thumbs, this is what we have before us today.

Between the periods 2016 to 2023, there have been 9,112 reports, STR and SAR reports, that is Suspicious Transaction Reports/Suspicious Activity Reports, 9,112, totalling \$63.8 billion, Mr. Deputy Speaker, \$63.8 billion up to 2023. We are now at the end of 2024, I look forward to see

what else will come forward. Because under this Government, the number of STR/SAR reports, the numbers of Suspicious Transaction Reports and Suspicious Activity Reports, has been growing in terms of numbers and massively in terms of value. Now, not all of these reports may bear fruit but a substantial amount of them will, if it is at all possible that the agencies had the teeth and the resources to implement the legislation, to properly prosecute and persecute these activities. \$63.8 billion, to put that in context, this Government spends less than that in 365 days of the year, to run this country to the ground, \$63.8 billion.

While, they have been twiddling their thumbs, while they have been pussyfooting with regard to implementing legislation, and with regard to providing the resources for the entities to implement the legislation, as they are. While they have pussyfooting, this country has been robbed of billions of dollars, that is unacceptable. And unfortunately, nothing we will hear today going forward will change that fact, because what they have not done in nine years, they will not do in year ten, because they simply lack the political will to take the actions to stop money laundering, to stop all the illegal activity. That is why, Mr. Deputy Speaker, we have the situation in this country where our borders are wide open, wide open, but the Minister of National Security will be complaining about crime, wide open. That is why we have a Government where the Minister of Finance would be talking about a cashless society, no foreign exchange, and then appear to be surprised when people are using their credit cards. Appear to be surprised. It is all a distraction because they are not doing what they are supposed to do. That is my brief intervention for today.



I am extremely concerned, I remain very, very concerned about the status of the current legislation and the fact that the Minister of Finance and the Attorney General himself, in their contribution today, gave no hope at all that they will move past the lethargy that they have in implementing the legislation, into trying to seek the benefit and interest of Trinidad and Tobago citizens. I have no expectations that they would make any step forward. That is very, very unfortunate. Mr. Deputy Speaker, I think we have clearly identified the need for the legislation. The Minister has not been able to do that, but we have, because of \$63.8 billion in wastage in money that has been extracted out of the country, under suspicious circumstances. We have proven that need for legislation. They know it, we know it, whether they will actually do what they say they will do, we have seen the track record already, and that track record on the part of the Government is a complete and absolute failure.

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

**Mr. D. Tancoo:** We understand that in today's global economic climate, that this Bill is needed to maintain Trinidad and Tobago's global standing and economic stability. Well, in fact the language would be different. We understand that in today's global economic climate, this Bill is needed to get—because we do not have economic stability, to get Trinidad and Tobago's global standing better, and hopefully to improve on what the Minister of Finance has now placed on the backs of citizens of Trinidad and Tobago, in terms of the economy stability. Indeed, we all know that FATF compliances are critical to safeguarding the nation's banking systems, as well as, preserving Trinidad and Tobago's international financial reputation.

So, I say that, we in the Opposition, we on this side, remain committed, we have demonstrated that time and again, we have remained committed to ensuring that good legislation is passed. We remain committed to the implementation of good legalization.

Unfortunately, what we have gotten from the other side is the exact opposite, and I know that Trinidad and Tobago citizens are now completely frustrated, completely fed up, and they are aware that under that Government, nothing will change, in fact, it will get worst. This country has reversed instead of going forward, and while the rest of the world has moved forward, Trinidad and Tobago has been regressing both as an economy, in terms of a society, and as an international player in the global scheme. Mr. Deputy Speaker, based on that, I think that it bears mentioning that Trinidad and Tobago does not have long again to wait. We do not have long again to wait, before we can get an opportunity, to show this Government what we really think about their failure to implement legislation and protect the interest of Trinidad and Tobago. Mr. Deputy Speaker, I thank you.

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

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

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

**The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi SC):** Mr. Deputy Speaker, permit me to start where the hon. Member just ended, that “Trinidad and Tobago does not have long to wait”. The hon. Member says that setting up an expectation that the country is perhaps awaiting the hon. Members’ arrival into Government, but I will

demonstrate in the course of my reply, why people should be mortified, desperately afraid, and deeply concerned, if the Member for Oropouche West, were to ever have command of anything to deal with the Laws of the Republic of Trinidad and Tobago, as a government. And let me immediately jump to the fact the hon. Member has said—

**Mr. Ram:** [*Inaudible*]

**Hon. F. Al-Rawi SC:**—let me immediately jump to the fact that the hon. Member has said, as I heard somebody who is still being sought after by TSTT make some comments but, Mr. Deputy Speaker, let me say—

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

**Mr. Deputy Speaker:** Members. Members. Members, I am on my legs. Member, I am on my legs. Please, we know the decorum of the House. You all are leaving the Chamber, leave politely and silently. Proceed, Members.

**Hon. F. Al-Rawi SC:** Thank you. Member should be cautious TSTT is coming.

**Mr. Deputy Speaker:** Member, please, proceed.

**Hon. F. Al-Rawi SC:** Yeah, I mean it. “TSTT coming.”

**Mr. Ram:** [*Inaudible*]

**Hon. F. Al-Rawi SC:** Mr. Deputy Speaker—

**Mr. Ram:** [*Inaudible*]

**Mr. Deputy Speaker:** Member. Member. Member. Caroni Central, please. Caroni Central.

**Mr. Ram:** Yes, Sir.

**Mr. Scotland SC:** [*Inaudible*]

**Mr. Deputy Speaker:** Please, ensure that the decorum is maintained at all

times. Member for Caroni Central, I am not going to tolerate that again. Proceed, Member.

**Mr. Deyalsingh:** Mr. Deputy Speaker, could I ask that Caroni Central withdraw those comments which I heard, that he made against San Fernando West, please?

**Mr. Deputy Speaker:** Again, Member, you have heard the Leader of Government Business, again, just retract and let it move on.

**Mr. Ram:** Which words please?

**Mr. Deputy Speaker:** Member, just retract and move on please.

**Mr. Ram:** Which words please? Which words please? Did they reach the ear of the Chair?

**Mr. Deputy Speaker:** Member, you know what you have said, kindly retract.

**Hon. Member:** Which Standing Order?

**Mr. Ram:** Which Standing Order is the objection made on, please?

**Mr. Deputy Speaker:** Member, last time, kindly retract.

**Mr. Ram:** Retract.

**Mr. Deputy Speaker:** Proceed.

**Hon. F. Al-Rawi SC:** Thank you, Mr. Deputy Speaker. I was making the point that if we were to rely upon the Members of the Opposition to guide us on the law and to be in charge of this country, we would be in deep trouble.

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

**Hon. F. Al-Rawi SC:** The Member for Oropouche West, said after professing that he is a qualified attorney at law, he joined the Member for Barataria/San Juan to make deep complaint about one of the provisions in

the law, which I will jump to immediately, and that is the Financial Intelligence Unit Act. The hon. Members both said that the provision set out in the new section 18GA being introduced by this Bill, Mr. Deputy Speaker, was without precedent, dangerous.

**Mr. Ram:** [*Inaudible*]

**Hon. F. Al-Rawi SC:** Mr. Deputy Speaker, can Caroni Central please just stop it?

**Mr. Deputy Speaker:** Proceed, Member. Proceed.

**Hon. F. Al-Rawi SC:** The hon. Members both were us useful as the crosstalk coming from Caroni Central. They said that the new section 18GA proposed by the amendments to this Bill to the FIU Act, were “unprecedented” “dangerous”, there was no due process, and that we were removing a material safeguard to citizens. The Member for Barataria/San Juan went so far as to say we were being very dangerous.

18GA proposed to be inserted by this Bill, provides notwithstanding section 18G—and 18G is part of the existing law of the FIU. 18G is the law that says that you have the powers of the FIU, and the powers of the FIU involved something which is being deleted, something to require compliance that they could have the power to enter with consent, and that if there was no consent of an occupier of a DNFB, that is a designated non-financial institution and a listed business, if there was no consent, that you had to go for a warrant. The Members say that we have removed that and that it is a dangerous position in the law.

Mr. Deputy Speaker, the first requirement for people in law school is to understand to read the law as a whole. I say that respectfully to the

Member for Oropouche West and the Member for Barataria/San Juan.

**5.05 p.m.**

The new section 18GA says in subsection (2):

“Where a non-regulated financial institution or listed business fails to produce such books...”—et cetera—“...under subsection (1), the FIUTT may issue a directive...”

Let me repeat that:

“...the FIUTT may issue a directive...in accordance with section 18H.”

It says in subsection (3), it does not apply to things that are the subject of legal professional privilege.

But, Mr. Deputy Speaker, after that, one must go to section 18H of the existing law. Section 18H deals with the issuance of directives. Mr. Deputy Speaker, 18H(2) says that:

“Before a directive is issued...”

—that the Financial Institution, et cetera, to whom it shall be served, with a notice specifying facts, saying what the directive is about, time and place, et cetera. It then goes on to say, where the entities fail to attend a time and place:

“...the FIU may proceed to issue a directive in his absence.”

Subsection (4):

“Where after considering...representations made in response to the notice...”—the FIUTT must do certain things.

Subsection (5), how long the directives stays in force. But listen to (7) and why you must never listen to Members of the Opposition. Subsection (7)

says:

“Where a non-regulated financial institution or listed business is aggrieved by decision of the FIU...that...business”—or non-designated institution—“may apply to a Judge to discharge the directive and...serve...”—it—“...on the FIU...”

So they complained, Mr. Deputy Speaker, that we have removed the warrant of a magistrate and without reading the sections that follow, they failed to notice that the first-step remedy is that you must get a notice, you have a right to say why the notice is not good, and if you are aggrieved as to the FIU not taking you on, you can apply to a judge of the High Court saying that you are aggrieved. But listen to subsection (8):

“Where the non-regulated financial institution or listed business to whom a directives issued fails to comply with the...directive the FIU may, in addition to any other action that may be taken...apply to the High Court for an Order requiring non-regulated financial institution or listed business...to cease...”

So, Mr. Deputy Speaker, is it that the Members are just irresponsible, or is it incompetence? Because irresponsibility would be where you are making a submission and you are not careful as to whether it makes sense in the mind of public and you are seeking to distract them. But incompetence for qualified attorneys-at-law is perhaps more likely if you have failed to read the rest of the law that says, instead of going for a magisterial warrant, you have the right to complain to a judge and that the FIUTT must go to a judge to get compliance.

So, Mr. Deputy Speaker, it is essential to put on the record of the

Parliament that there is due process associated with the new section 18GH—GA, forgive me. Not only is there due process, but the right of approaching the court to a judge to complain is preserved by the section which follows, particularly in subsection (7), and that for the FIUTT to take the steps, it must seek judicial assistance in subsection (8). That is why you cannot rely upon Oropouche West or the Member for Barataria/San Juan.

But let me give you another example in responding to the submissions coming from the hon. Members opposite. The hon. Members opposite made heavy weather—and I am starting with responses first before I go to my own submissions. They made heavy weather of clause 3, and in clause 3, you will see that the Member for Barataria/San Juan is complaining that we have had something—sorry, forgive me, before I even go to clause 3, let us go to clause 7. Barataria/San Juan says that the Insurance Act is being amended in such a way by clause 7—and it is at page 6 of the Bill—that is offensive and that it is beyond suspicion that it is offensive.

Clause 7 proposes in subparagraph (a)(iii) that one can see:

“the provision of a witness statement to-

- (i) a police officer of the rank of Superintendent or above...
- (ii) Police Complaints Authority...

where the witness statement—

- (iii) relates to information disclosed under compulsion of law, this Act or any other written law;
- (iv) and is requested, in writing, by that police officer with the prior written consent of the director of Public Prosecutions...”



Barataria/San Juan says that is so draconian that we should be run out of town immediately. Barataria/San Juan says that there is effectively no precedent for that law.

Mr. Deputy Speaker, let me take you to the House of Representatives. Let me take you to Act No. 10 of 2020. Let me take you to a debate that happened on the 06 May, 2020, in the Senate, where the seventh speaker was none other than Sen. Saddam Hosein. Mr. Deputy Speaker, listen to the law that we have on the record since it was proclaimed as Act No. 10 of 2020, and that is a proclamation that happened four years ago and more. We amended, Mr. Deputy Speaker, the law specifically. We amended by section 14, the Income Tax Act. We amended by section 15, the Central Bank Act. We amended by section 16, the Financial Institutions Act. We amended by section 18, the Securities Act. And all of these laws that were amended, if you go to Act No. 10, as I have put it through, the Income Tax Act, all of these laws, the Central Bank Act, the Financial Institutions Act, the Securities Act, all of them have the exact provision word for word, that we are now introducing by clause 7 of this Bill, that talks to an exception for breach of confidentiality. And that, Mr. Deputy Speaker, is that information at the time of the disclosure is already made available to the public:

“the provision of a witness statement to-

- (i) a police officer of the rank of Superintendent or above for the purposes of any criminal investigation or criminal proceedings...

where the witness statement—

- (ii) relates to information under compulsion of law, this

Act...any other written law is requested in writing by a police officer with the prior written consent of the...”—  
DPP.

It goes on to provide the same exception:

“Notwithstanding any law to the contrary, it...”—is—“...not...a contravention of any law, or a breach of contract or any duty of confidentiality...”—et cetera, for the information to be given by the witness statement.

And listen to this one:

“No action or other proceeding shall be brought against...”—the bank, in this instance, or director, or officer, or employee of the bank—“...with respect to disclosure by him or it, in good faith, of any information pursuant to this section.”

So, Mr. Deputy Speaker, big song and dance by Barataria/San Juan. Big song and dance by Oropouche West. Noise from Caroni Central, unintelligible as it is, all complaining that clause 7, where we make amendments to the Insurance Act, is unholy, never seen before, unconstitutional, lacking in due process, vague, Mr. Deputy Speaker, when four years and more ago, in May 2020, the Member for Barataria/San Juan himself participated in a debate to amend four laws where we instituted exactly the same provisions. How do you take the hon. Members seriously at all?—both of them, qualified attorneys-at-law; one of them certainly participating in debates where this law has been traversed already, and dare I say that the law has been tested in court already. So, Mr. Deputy Speaker, I completely and without reservation say that the hon. Members opposite just

do know what they are saying and do not care to know what they are saying, with the greatest of respect

Mr. Deputy Speaker, the hon. Member for Barataria/San Juan correctly characterized the FATF experience—the Financial Action Task Force experience. We heard the Member for Oropouche West complain, “The Government has come with omnibus legislation and I bet you they will come again.” Mr. Deputy Speaker, the minute we became a member of 200 countries strong being members of the Financial Action Task Force, the minute we joined the Global Forum under the hand of then Prime Minister, the Member for Siparia, we committed ourselves to ongoing assessment. We are first in the ongoing assessment for the Financial Action Task Force Fifth Round Mutual Evaluations in our FSRB, our FATF-style regional body which is CFATF, and we are first because the Siparia-led Government put us first for the Fourth Round and therefore, we had to be first for the Fifth Round.

And, Mr. Deputy Speaker, the Financial Action Task Force outcomes, the Immediate Outcomes being 11 of them, the 40 Recommendations which we are treating with today, those affect and are the basis for the European Union’s treatment of Trinidad and Tobago and the Global Forum’s treatment because the FATF assessment, the mutual evaluation report by FATF is the cornerstone assessment for anti-money laundering, preventing the financing of terrorism, preventing the proliferation of financing. If you do not pass the FATF cornerstone, everybody will use it to black list you And, Mr. Deputy Speaker, we heard hon. Members speak as if we, the Government, this hon. Minister of Finance, took eight years to do something.

Mr. Deputy Speaker, yes, we did, and I want to publicly acknowledge that the exercise of the Minister of Finance going to Paris to sign the treaty on—the multilateral tax treaty, is a signal event that is most important to our jurisdiction. It took nine years of work to get there, to remedy the scourge that the UNC left us in. It took us four years and more to pass the special majority legislation that they refused to support the amendments to the Income Tax Act, for the very treaty that the Minister has signed so successfully in Paris. It took four years of joint select committee. And I remind again, the submissions that came from the Members opposite were so significant that they objected to the words “(; and” in one of the Bills

Mr. Deputy Speaker, the Member for Barataria/San Juan correctly listed our ratings, but I want to remind that in our Fourth Round Mutual Evaluations, we had something called, “The big six”. We had to focus on only a few of the recommendations for technical compliance, which we did. Today, we are treating with Recommendation 8 for Non-Profit organisations; Recommendation 25 for beneficial ownership; Recommendation 28 for the Regulation and supervision of DNFBPs; Recommendation 35 for Sanctions; and Recommendation 38 to deal with the freezing of weapons of mass destruction, et cetera. But those were not due when we did the Fourth Round Mutual Evaluations, and I will remind that this Government, and I then leading the Office of the Attorney General and Ministry of Legal Affairs, we successfully came out of the negative listing of the Financial Action Task Force, and the world congratulated us for it

Now, Mr. Deputy Speaker, when we get to effectiveness, which is what the Fifth Round Mutual Evaluations is going to be focused upon, and

we are looking at the focus on Immediate Outcome 7, which is money laundering; on 8, the confiscation of proceeds; on 9, the terrorist financing, et cetera, investigations; on 10, in treating with NPOs, et cetera; and on 11, with respect to weapons of mass destruction, Mr. Deputy Speaker, to get to a place of investigating money laundering, it is the same Opposition that has refused to support the Trinidad and Tobago Revenue Authority, the entity which has to investigate the predicate offence of tax evasion. They refused to support it.

**5.20 p.m.**

It is the same Opposition that objected to the Criminal Division and District Criminal and Traffic Courts Bill, now an Act. It is the same Opposition, a Senator by the name of Sen. Wayne Sturge went to court to challenge the criminal proceeding rules that we passed, Mr. Deputy Speaker. It is those Members opposite that resisted the establishment of the specialist courts that we do under section 24 of the Criminal Division and District Criminal and Traffic Courts Act to create the specialist courts as we have done for trafficking in persons or money laundering, et cetera. It is those hon.Members opposite that have past Senators before the courts treating with issues of bribery. It is those hon.Members that have stood in the way of one of the largest corruption and money laundering cases in the history of the country, which is the Piarco Airport scandal.

So, Mr. Deputy Speaker, when you are look into effectiveness of compliance to meet the immediate outcomes of 7, 8, 9, 10, 11, Mr. Deputy Speaker, to get the systems and processes working, it is the Members opposite that have stopped all form of progress in as quick as it could be.

But thank the Lord that we have had patience and resilience and have made sure that we are pushing the reforms that we need to treat with.

Mr. Deputy Speaker, the Member for Oropouche West went into the fact that we are treating now with more suspicious transaction reports and more suspicious activity reports than before. Yes, we are, because we improved the capacity of the FIUTT, but it is also because we improved the law under the Proceeds of Crime Act. The Second Schedule now has a broader range of offences for which the FIU has to report. And the large chunk of money that came up by way of suspicious activity, in the billions of dollars, came in the activity report that reflected just after the UNC left. In other words then, the FIU had seen the most amount of suspicious activity, which also now includes tax evasion, Mr. Deputy Speaker. So you just cannot rely on them to put things in context.

Mr. Deputy Speaker, what time is full time for me.

**Mr. Deputy Speaker:** 5.44 p.m.

**Hon. F. Al-Rawi SC:** Thank you. Let me jump to a few very important—

**Mr. Deputy Speaker:** You have [*Inaudible*]

**Hon. F. Al-Rawi SC:** Yes, please. May I have the full time? Thank you.

**Mr. Deputy Speaker:** Right, proceed.

**Hon. F. Al-Rawi SC:** May I jump to a few critical provisions of the law. First of all, Mr. Deputy Speaker, the hon. Members opposite say, why are we now bringing this law? Mr. Deputy Speaker, if you look to the *Hansard*, if you look to the online publications, I laid a Bill called Miscellaneous Provisions (FATF Compliance) Bill in the office that I held then since 2021. We allowed it to lapse because we had not yet had the benefit of the Global

Forum intervention. The Global Forum intervention specifically treated with non-profit organizations, a definition which the hon. Members opposite have complained about today; it specifically treated with the beneficial ownership requirements.

Now, Mr. Deputy Speaker, in 2020 when we introduced the law of beneficial ownership into this country it was one of the first jurisdictions; our country was one of the first jurisdictions to bring a definition for beneficial ownership forward. We have now had the benefit of hands-on interaction with the Global Forum, with the EU, with the OECD, with FATF, et cetera, and as a result of the assessment guidelines that they have given us, we are in a better place to come forward with systemic reforms. But this work has been going on for a very long time. It is critical to note, Mr. Deputy Speaker, that in this law, this Bill before us, we are essentially—and clause 3 is perhaps the best precedent form to use. The Proceeds of Crime Act in clause 3, when we are looking to the amendments there in clause 3 you must read them alongside clause 10, which is where we make the amendments to the Miscellaneous Provisions (FATF Compliance) Bill. It is an omnibus Bill.

In fact, Mr. Deputy Speaker, what we really doing today is we are amending not just eight laws but when you look to the combination we are amending further laws than that because we are actually, if you look to the Miscellaneous Provisions (FATF Compliance) Bill we are amending 14 laws in total. We are amending the Proceeds of Crime Act; the Anti-Terrorism Act; the Financial Intelligence Unit Act; the Securities Act; the Insurance Act; the Non-Profit Organisations Act; the civil asset law and the FATF

compliance law. But we are affecting, importantly, amendments also, to the Mutual Assistance in Criminal Matters Act, by way of reference in that clause 10; the Interception of Communication Act; the Income Tax Act; the Central Bank Act; the FIA, the Financial Institutions Act; the Companies Act. So, we are actually touching 14 laws.

Clause 3 deals with the Proceeds of Crime Act. The Proceeds of Crime Act; the Securities Act; the Central Bank Act; the Financial Institutions Act, these are the parent laws by which supervising authorities that regulate the large section of our business manage anti-money laundering, countering terrorism financing and proliferation financing. That is, of course, the Central Bank's team, the inspector of financial institutions, the entity with the responsibility over insurance agencies, the FIU, et cetera, the Security Exchange Commission. What we are doing in recommendation 35, this Bill is 99 per cent concerned with dealing with FATF Recommendation 35. That is the introduction of administrative sanctions.

But, Mr. Deputy Speaker, I want to put on the record, in the event that there is a challenge in the law, that we are introducing amendments which are entirely proportionate, which are entirely within the constitutional realm. And I want to say specifically that we have had the benefit of considering the positions coming out of Privy Council, specifically, since 2021, when we reflected upon, learning coming out of Privy Council, and that is in the case of L-O-W-E-L-L, *Lowell v Financial Services Commission*, 2009, that is to be found at the UKPC at 49. We specifically looked at the concept of what we call charge avoidance schemes. This law on administrative sanctions, which is where we provide an option to treat with something that is



potentially a crime to somebody notified of same, this law, of what is called charge avoidance schemes, does comply with our Constitution.

It is well within our constitutional realm because it does not interfere with our rights towards a fair hearing. It preserves due process, it is specifically something which also settles the law as it relates to fixed penalties. And I say that because under the COVID regime as a Government we amended motor vehicle and road traffic laws, we amended the public health regulations and we relied upon the utilization of fixed penalty notices where you have the ability to get a fixed penalty and you contest it if you wish by a notice to contest. But in keeping the fixed penalty system alive we specifically relied upon learning coming out of a case called *Re McCutcheon*, that is, M-C-C-U-T-C-H-E-O-N, *Re McCutcheon and the City of Toronto*, which is 1983, DLR was referred to in the Privy Council decision.

But what we did, Mr. Deputy Speaker, is to introduce in this Bill, a system by which you can be alerted to potential liability in the criminal law, where you are provided with the notice that you are in potential breach, where you are invited to consider that if you wish, you volunteer to agree pay an administrative fine that you can in fact avoid a criminal prosecution.

But, Mr. Deputy Speaker, we heard the Member for Oropouche West talk about the laws in Barbados and the laws in Jamaica, where they have a slightly different worded realm of legislation. In those countries, in Jamaica in particular, they go so far as to say that when you pay an administrative sanction, that there is an effective end to the criminal law. Our law stops just short of that because it accepts what the Privy Council has upheld and

which many other courts have upheld that you can in fact be charged for a different crime. But what this law does by laying out—by clause 10 in particular—the process for the amendments in the Proceeds of Crime Act. We are saying, and this is very important, I refer you to clause 10 at page 9 of the Bill. I want to refer you to subparagraph (a), the introduction, (i), and I want to note that the law is being applied notwithstanding the:

“...contravention of a regulation which attracts a summary penalty...”

When we are looking to this, we are looking to breach of the Financial Obligation Regulations, 2010. We are looking to the Financial Obligations (Financing for Terrorism), 2011. We are looking to regulations issued by the Minister of Finance under the FIUTT, by the Minister of Finance under the securities exchange legislation, by the Minister of National Security under the Proceeds of Crime Act. And, Mr. Deputy Speaker, even though, when you look to the amendments in the Securities Exchange Commission that this Bill proposes in clause 6, which says that you can effectively—I want to refer you at page 6 of the Bill to the new proposed 156 AA which says:

“In addition to its power to impose an administrative fine under sections 156 and 156A, the Commission may, impose an administrative fine as provided for under—

- (a) any written law for the prevention of money laundering, anti-terrorism and proliferation financing; or
- (b) any written law which the Commission has supervisory role...”

I want to refer you to the *chaussure* or the foot of the law, which says:

“...in accordance with the procedure for the imposition of such administrative fine as specified in that written law.”

I want to sharply say even though 156AA of the Securities Act appears to be very wide, it is circumscribed by the law itself which says that the administrative fine must be in the context of that written law. And when you go to the Anti-Terrorism Act; when you go to the Proceeds of Crime Act; you go to the Securities Act; you go to the Central Bank Act; you go to the Insurance Act; you go to the Financial Institutions Act; all of those laws are effectively treating with regulations. The breach of regulations, in fact, can be both summary and indictable, but we are really looking in the specified regulations, the FOR, 2010 and the FOR for terrorism, 2011. You are looking at those, which are summary offenses and mostly those where there is no *mens rea*. In other words, then, you are dealing simply with an Act.

I am saying this so that the *Hansard* has on the record the fact that the law is in keeping with the Privy Council case that I have referred you to, that is, the Lowell Privy Council case, where we have preserved the law as it relates to proportionality. We are within constitutional remit. The right to fair hearing is there. The right to be presumed innocent until proven guilty is there, specifically, because you are volunteering to accept an administrative fine. You are not yet charged, so you are not a person within the context of a criminal matter, because you are not yet charged, you are notified. There is no obligation, according to the Privy Council, for someone who receives a notice, whether it is under POCA, whether it is

under the FIU Act, the Securities Exchange Act, there is absolutely no requirement for somebody to have a hearing on that notice. Because you are presumed innocent still, if you choose not to pay the administrative fine, then the criminal law restarts and the criminal law restarts by the prosecutorial agencies agreeing with consent in most instances of the DPP, that you shall go through a criminal process. And that is where your right to be heard and your fair trial comes in, within the concept of the Constitution, Mr. Deputy Speaker.

So, I am putting this down, because I well expect that Members of the Opposition who often threaten that they are going to court on every matter, may try to make agitations. And I am laying it down with the concept of *Pepper v Hart* rule, that the Privy Council will at least have reference to the government on the *Hansard*, laying down the proportionality, the constitutionality, the right to fair hearing.

**5.35 p.m.**

May I add at this point that the concept of the breach of separation of powers does not arise at all. And that is again because the administrative sanctions under Recommendation 35, as we are applying across the body of laws, does not interfere with the DDP's role in particular under section 90 of the Constitution, or a prosecutorial role if and when somebody decides not to take avail of an offer to settle something by an administrative sanction voluntarily.

Now, Mr. Deputy Speaker, Trinidad and Tobago has had experience in this realm. The Securities and Exchange Commission had the very famous imbroglio and matter now concluded of the FCB scandal where there

were allegations of insider trading, et cetera, et cetera. All of that, Mr. Deputy Speaker, is to say that the administrative sanctions rule is preserved in proper form. We have the right to be heard. The notice of the administrative sanction is served. You can have that. There is a suspension—let me deal with one other point that Oropouche West raised. Why does the Proceeds of Crime Act now have a Suspicious Activity Report (SAR) or a Suspicious Transaction Report (STR) being reported in five days and not 14 days?

The reason is that as our society goes more and more cashless with less cash; as we have improved systems via the Revenue Authority structures; as the gaming commission has been operationalized in part with the gaming law to come into effect—Barataria/San Juan was complaining that the gaming law has not come in yet. Yes, it has begun. The same way the Revenue Authority has—as we are also dealing with the operationalization of the civil asset trustee because we have partially proclaimed the Civil Asset Recovery and Management and Unexplained Wealth law and we have unexplained wealth orders that are being challenged up to the Privy Council level; as we get all of that ready, Mr. Deputy Speaker, it is important for us to note that the landscape has changed and that it is a better requirement to have a faster report.

So moving to five days for report is because the entities that we are treating with, Mr. Deputy Speaker, listed businesses and financial institutions, designated non-financial institutions being listed businesses set out in POCA, these are people that are “sophisticated” in law: attorneys-at-law, real estate agents in certain practice, pawnbrokers, moneylenders.

These are people who exercise fiduciary obligations. So to go to five days is to give us a better chance at efficiency and effectiveness when we get to the immediate outcomes which we are going to be assessed on in 2026, where our financial reporting has to happen in terms of questionnaires and forms long before that.

Mr. Deputy Speaker, what we have here is a continuation of that which will continue. We have to bear in mind that being a participatory compliant member of a body, such as the Financial Action Task Force, that we will be called upon for continuous and more rigorous assessment. It is clear from the submissions of the Members opposite that they have not a clue of what this involves. Two attorneys-at-law, Oropouche West, Barataria/San Juan, cannot even read the FIUTT Act to know that a directive is subject to going to court. The compliance with a directive, I have read it out for you, Mr. Deputy Speaker, involves in subsections 7 and 8 of the relevant section that you have to go and see a judge.

So okay, you have not got a warrant from a magistrate, you go in to a judge, a higher level of judicial scrutiny. Mr. Deputy Speaker, even though there is the fact that breach of a directive is a criminal offence, it is an offence set out there, you have due process, you can complain. That particular entry and compliance requirement is something that took a great deal of ingenuity to come up with. It has been the subject of complaint for decades by the assessors that you had to be hamstrung by getting a warrant first. So this is a novelty accepted worldwide and well within our jurisprudence that we can make this happen, Mr. Deputy Speaker.

So, Mr. Deputy Speaker, that in a nutshell is what we are doing here.

It is perfectly within the realm of demonstrating that the Government has been hard at work. For those who can simply open their computers or iPads, you will see the laws all there. This FATF Compliance Bill, the first iteration of that, was in 2021. December 2021 when I laid that Bill, we had to press pause because Recommendation 35 review was not yet a mandatory requirement. We had to get the Global Forum input. We had to get the EU input. The revised FATF standards were coming up. The time for it has come now. We have settled the EU and Global Forum position.

The Minister of Finance has pulled off a miracle which he deserved to be complimented for in the hard work of getting the signatory done and the depository—

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

**Hon. F. Al-Rawi:**—of the instruments for the multilateral convention, Mr. Deputy Speaker. Mr. Deputy Speaker, if I had the time to explain to you—

**Mr. Deputy Speaker:** Member, you have two more minutes.

**Hon. F. Al-Rawi:** Thank you—how complicated that approach is, it is one of the most complicated realms. It is a tie to base erosion and profit sharing; it is tied to the special economic zones; it is tied to the country-by-country reporting; it is tied to multilateral tax conventions, double taxation relief; it is tied to harmful tax practices; it is tied to the Revenue Authority; it is tied to property tax; it is tied to valuation; it is tied to GISL mapping information; it is tied to the companies registry.

Mr. Deputy Speaker, permit for one second as I run down to compliment the CPC's Department, in particular Ms. Ida Eversley SC, who has championed the laws in the FATF realm for well over 15 year right now;

permit me to compliment the Registrar General of the Republic, Ms. Karen Bridgewater; permit me to compliment Mr. Dillon Teelucksingh and Mr. Jonathan Soo Hon from the Ministry of Finance; permit me to compliment the hon. Attorney General Hon. Sen. Armour SC and the Minister of Finance for the hard work that has gone in to get this position where we are today. I support this law without reservation, and I think I have made the task of the Minister of Finance somewhat easier by rejecting the arguments coming from those opposite. Thank you, Mr. Deputy Speaker.

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

**Mr. Deputy Speaker:** I recognize the Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much. Mr. Deputy Speaker, we have settled the amendment that I was referring to. It is an amendment to deal with the submission of false information by a listed business, a non-profit organization, or a non-regulated financial institution, and I will just read it:

A non-regulated financial institution listed business or non-profit organization who knowingly makes a misrepresentative in any application, notification, or other document required to be submitted, delivered or notified or requested by the FIUTT commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for two years.

And I checked this with respect to other similar legislation.

When I looked at the Securities Act for example, the other bits of legislation are quite simple. In, for example, in the Securities Act the penalty under registration of registrants, section 60(1) of the Securities Act



states:

“A person...knowingly or recklessly makes a misrepresentation in any...application, notification, or other document required to be the filed, delivered or notified to the Commission under this Part commits an offence and is liable on summary conviction to a fine of one million dollars and to imprisonment for three years.”

So that we took some time looking at it. We are now satisfied it is necessary because quite often non-profit organizations or listed businesses put inaccurate or false information on their documentation that they submit to the FIU.

Apart from that, Mr. Deputy Speaker, I welcome the support of the Opposition for this Bill. I do not need to say it much more, and with those few words I beg to move.

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

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

[MADAM SPEAKER *in the Chair*]

*House in committee.*

**5.50 p.m.**

**Madam Chairman:** Okay, Hon. Members, the amendments have been circulated in soft so that all Members have them and a few hard copies have been given to like the Whips and the Members who have contributed to the Bill.

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed:* That clause 5 stand part of the Bill.

In Paragraph (e):

- A. Delete the words “section 18 the following new section” and replace with the words “section 18I, the following new sections”;
- B. In new section 18J delete the words “.”” and replace with the following “.”; and
- C. Insert after proposed section 18J the following new section:  
“Knowingly making a misrepresentation in any application, notification, or other document

18K.(1) A non-regulated financial institution, listed business or Non-Profit Organisation who knowingly makes a misrepresentation in any application, notification, or other document required to be submitted, delivered or notified to, or requested by, the FIUTT under this Part, commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for two years.

(2) Where a non-regulated financial institution, listed business or Non-Profit Organisation is convicted of an offence under subsection (1), each director or officer of the non-regulated financial institution, listed business or Non-Profit Organisation, who knowingly authorised, permitted or acquiesced in the offence is also liable on summary conviction for such offence to a fine of two hundred and fifty thousand dollars and to imprisonment for two years.”.

**Madam Chairman:** Minister of Finance

**Mr. Imbert:** Thank you, Madam Chairman. We have circulated an

amendment which I spoke to in my winding up. Essentially what this will allow for is a penalty if a non-regulated financial institution, a listed business or a non-profit organization knowingly makes a misrepresentation in any application, notification, document, et cetera required to be submitted to, given to, notified, et cetera, to the FIU and the fine would be \$250,000 and a term of imprisonment of two years. And as I said, this follows the Securities Act which actually has a much higher fine and a longer term of imprisonment for a very similar offence.

It has also been drawn to my attention, and I thank the Member for Barataria/San Juan for picking up the one or two typographical errors in the Bill. It has been drawn to my attention there is a typographical error in this said clause 5 and it is in part (e) of the said Clause 5 and part (e) of clause 5 should read as follows:

“by inserting after section 18I—”

So we need to add “I” after the number 18. That is it, Madam Chairman.

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Thank you very much. Madam Chair, through you to the Minister. Minister, is there a reason why subsection 1 of the amendment the new 18K, you have in subsection 1 the offence created for a non-regulated financial institution, a listed business or an NPO but when you go to subsection 2 it does not have the NPO. It just deals with the non-regulated financial institution or listed business. Is there a reason for the omission of the NPO at subsection 2?

**Mr. Imbert:** Is this in the amendment?

**Mr. Hosein:** Yes, your amendment. Yes.

**Mr. Imbert:** Okay, I am advised by the Deputy CPC that NPOs do not

have directors. They have officers but it is disjunctive so we can put it into part 2. We can put it into part 2.

**Mr. Hosein:** I think is it not the definition in the NPO Act, I think they call them Controllers or something?

**Mr. Imbert:** Yes it—

**Mr. Hosein:** Yes, Controllers.

**Mr. Imbert:** But the officer will cover that.

**Mr. Hosein:** Okay, sure.

**Mr. Imbert:** Alright, so let us add the words “non-profit organisation”, yeah, so it would read as follows:

“Where a non-regulated financial institution or listed business”—

**Mr. Hosein:** Minister, sorry. After “non-regulated financial institution” you should put a “,” delete the word “or”, “listed business” and then “or non-profit organisation”.

**Mr. Imbert:** Agreed. So:

“Where a non-regulated financial institution, listed business or non-profit organisation is convicted of an offence under subsection 1, each director or officer of the non-regulated financial institution, listed business or non-profit organisation who knowingly or authorized, permitted or acquiesced in the offence is also liable on summary conviction for such offence to a fine of \$250,000 and to imprisonment for two years.”

Just give me second.

Apparently, this is a typo again. The “or” has to come out in the fifth line. So it is “knowingly authorized, permitted or acquiesced”. Okay, so let me read the whole thing again. Thank you.

“Where a nonregulated financial institution, listed business or a non-profit organisation is convicted of an offence under subsection 1, each director or officer of the non-regulated financial institution, listed business or non-profit organisation who knowingly authorized, permitted or acquiesced in the offence is also”—

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

**Mr. Imbert:**—no—“knowingly authorized.” Take out the “or” completely.

“...knowingly authorized, permitted or acquiesced in the offence is also liable on summary conviction for such offence to a fine of \$250,000 and to imprisonment for two years.” Okay? All right.

**Madam Speaker:** Hon. Members, the question is that clause 5 be amended as circulated and further amended by including after section 18 in clause 5(e) I, and further amended in (c) at subclause 2, line 2, to remove the word “or” between “financial institution” and “listed business”, replace a “;”. After the words “listed business” includes the words “or non-profit organisation”. In line 5, to delete the word “or” between “financial institution” and “listed business”, replace it with a “;” and after the words “listed business” include the words “or non-profit organisation”. And in line 6, to delete the word “or” between the words “knowingly” and “authorized”.

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6 ordered to stand part of the Bill.*

*Clause 7.*

In sub-clause (a)(iii), proposed paragraph (c) (iv) delete the words “director of Director” and replace with the words “Director of”.

**Mr. Imbert:** Madam Chairman.

**Madam Chairman:** Yes, Minister.

**Mr. Imbert:** There is another typo here on page 7 of the Bill in (iv) of clause 7(iii)(c)(iv) the word “director of” is repeated. So it reads as follows now:

“...is requested, in writing, by that police officer with the prior written consent of the director of”—and then it says—“Director Public Prosecutions.”

So we have to delete the words “director of”.

**Mr. Hosein:** Minister, if we just delete the word “director” after the word “of” we should be fine.

**Mr. Imbert:** No, it has to be between “director” and “public”.

**Mr. Hosein:** So it would just be—if we delete the second “Director” it will just read “the Director of Public Prosecutions”.

**Mr. Imbert:** No, we need the capital letters.

**Mr. Hosein:** Okay.

**Mr. Imbert:** So we will just put “of” in between “Director” and “Public” and take out “director of” before, okay?

**Madam Chairman:** The question is that clause 7 be amended at (a)(iii)(iv) line 3, by deleting the words “director of” and inserting after the word “Director” and “Public” the word “of”.

*Clause 7, as amended, ordered to stand part of the Bill.*

**6.05 p.m.**

*Clause 9.*

*Question proposed:* That clause 9 stand part of the Bill.

**Mr. Imbert:** Madam Chairman, another typographical error in clause 9, and that would be 9(2)(a)—at the end of 9(2)(a). It reads as follows, the last line in that:

...he may refer the matter to the Agency full stop open brackets and another full stop.

We have to remove the closed brackets and the full stop, and replace that with semicolon and the word “or” because it is a list and it is dealt with at the end. The two full stops and the closed brackets are dealt with at the end. Okay? We are taking out the closed bracket and the full stop, and replacing it with a semicolon and the word “or”. Did you see anything else, Barataria/San Juan?

**Mr. Hosein:** Minister, do we have to leave the word “and”? I am looking at (b) now, right.

**Mr. Imbert:** What did you say?

**Mr. Hosein:** I am looking at subsection (b).

**Mr. Imbert:** Ah-ha. Go ahead.

**Mr. Hosein:** Before the words “an application”, there is the word “and”. Do we necessarily have to leave the word “and” there?

**Mr. Imbert:** Yes, you have to read the whole thing. You need the “and”. Read the chapeau.

**Mr. Hosein:** Okay. Should we put also—just for clarification, I am just wondering, when it says, “he may refer the matter to the Agency”, should we just be absolutely clear and say it is the Director of Public Prosecutions? Because in the parent law, when the Property Restriction Order is made, it is the Agency that will then go to the High Court for the asset forfeiture order. In this case, it just says, he may just go for the property forfeited, so it is a new order that we are creating here basically.

**Mr. Imbert:** Thank you for your diligence but if you go up to the top of the clause—go to the top of the clause and you will see the Director of Public

Prosecutions starts the whole thing. He is named there. It says:

“...Director of Public Prosecutions...”

And I will read:

“Where upon receipt of an investigative report under subsection (1), the Director of Public Prosecutions is of the view...”

And then it recites everything, and then it goes to “he”, and the only “he” it could possibly would be the Director of Public Prosecutions.

**Mr. Hosein:** So just to be clear, Minister of Finance, are we now creating a new—there are two orders under the parent law, which is the Property Restriction Order and then there is also the Civil Asset Forfeiture Order. Under this new subsection that—well, this new section that we are creating here, is that we are creating another avenue for the forfeiture of property that is subject of a Property Restriction Order?

**Mr. Imbert:** Just a second. Madam Chairman, this is not a new provision. An application would have to be made for a Property Restriction Order, which is already in existing law. I am subject to your proposals, so if you want to go further, just let me know. If you look at the top, it is talking about recoverable property, eh.

**Mr. Hosein:** Yeah. You see, the only reason it leaves a bit of confusion is because under section 44 of the parent Act—I am not talking about the amendment—

**Mr. Imbert:** Yeah, yeah.

**Mr. Hosein:**—section 44 creates a specific Civil Asset Forfeiture Order, where properties are already subject to a Property Restriction Order.

**Mr. Imbert:** So if you look at it, the way it is being read, the DPP is getting an investigative report. He is of the view that there is insufficient evidence to



pursue criminal charges, but there is sufficient evidence that the property is recoverable property, and then he is given the power to apply for a Property Restriction Order. So it is not anything new. Okay?

**Mr. Hosein:** Okay.

**Mr. Imbert:** All right.

**Madam Chairman:** The question is that clause 9 be amended as follows:

At 9(2)(a), line five, after the word “Agency”, delete the full stop, closed bracket, full stop, and substitute semicolon and the word “or”.

*Question put and agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clause 10 ordered to stand part of the Bill.*

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

*House resumed.*

**Madam Speaker:** Minister of Finance.

**Hon. Imbert:** Madam Speaker, I beg to move that a Bill entitled an Act to amend the Proceeds of Crime Act, Chap. 11:27, the Anti-Terrorism Act, Chap. 12:07, the Financial Intelligence Unit of Trinidad and Tobago Act, Chap. 72.01, the Securities Act, Chap. 83:02, the Insurance Act, Chap. 84:01, the Non-Profit Organisations Act, No. 7 of 2019, the Civil Asset Recovery and Management and Unexplained Wealth Act, No. 8 of 2019 and the Miscellaneous Provisions (FATF Compliance) Act, No. 25 of 2020—I am so sorry, I am in the wrong place. I apologize, Madam Speaker.

**Hon. Members:** [*Interruption*]

**Hon. Imbert:** Yeah. “Way yuh go do”?

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

**Hon. Imbert:** Madam Speaker, I wish to report that the Miscellaneous Provisions [Proceeds of Crime, Anti-Terrorism, Financial Intelligence Unit of Trinidad and Tobago, Securities, Insurance, Non-Profit Organisations, Civil Asset Recovery and Management and Unexplained Wealth and Miscellaneous Provisions (FATF Compliance)] Bill, 2024, was considered in the committee of the whole and approved with amendments. I now beg to move that the House agree with the committee's report.

*Bill reported, with amendment.*

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

**Hon. Imbert:** Let us hope I get it right, Madam Speaker.

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

*Bill accordingly read the third time and passed.*

### ADJOURNMENT

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. I beg to move that this House do now adjourn to Monday, the 18<sup>th</sup> day of November, at 1.30 p.m. On that day, as earlier indicated by the Minister of Finance, we intend to take the Finance Bill, 2024, through all its stages. It is also the Government's intention to debate, on the Supplemental Order Paper, Motions 22 to 26, which deal with the notifications of Her Excellency the President to appoint members to the Police Service Commission. Thank you.

**Madam Speaker:** Hon. Members, there are two matters that qualify to be raised on the Motion on the Adjournment of the House. I will now call upon the Member for Mayaro.

### **Period Poverty in Trinidad and Tobago (Government's need to eradicate)**

Period Poverty in Trinidad and Tobago  
(Government's need to eradicate)  
Mr. Paray

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**Mr. Rushton Paray** (*Mayaro*): Thank you very much, Madam Speaker. The matter that I raise this evening is a need for the Government to urgently take decisive measures to eradicate period poverty in Trinidad and Tobago, and to address the lack of access to essential menstrual products which negatively impact school and workforce participation for affected women and girls, deepening the cycle of poverty, diminishing opportunities and undermining the achievement of the Sustainable Development Goals.

Madam Speaker, thank you for the opportunity to address this matter that is both urgent and deeply significant to the health, dignity and socio-economic potential of countless women and girls in Trinidad and Tobago, that is the case of period poverty.

Madam Speaker, I recently held a seminar on period poverty in my constituency, where NGOs, school principals, teachers and other interested members of the community discussed this in some detail. I was very shocked with the information that was shared on that day, showing how deep this issue is, in terms of its effect on women and girls. I made a commitment to those at the seminar to use the tools of the Parliament to bring this matter to the national community.

Period poverty is not simply an issue of inconvenience or discomfort, it is the lack of access to affordable menstrual products. For many women and girls, it represents an enduring cycle of hardship that limits education, restricts employment and ultimately, undermines their future opportunities. The repercussions of period poverty extend far beyond monthly struggles. It is a chronic barrier to education and economic independence that restricts full participation in our society.

Imagine a young girl, Madam Speaker, with aspirations and potential, forced to miss school every month, simply because her family cannot afford sanitary products. Imagine a woman in the workforce, who has to compromise her health and dignity, because the costs of some of these products are very high. Period poverty is real and it is present in all of our communities. It prevents our citizens from accessing basic human rights and we must respond to it urgently.

**6:20 p.m.**

Madam Speaker, let us be clear about the impact, period poverty leads to a loss of educational opportunities. Girls are missing school each day and every month due to inadequate access to these products. Studies from other countries around the world show that girls who miss school because of their periods are more likely to fall behind academically, drop out, and as a result, miss out on future employment opportunities. Here in Trinidad and Tobago, Madam Speaker, the data may not be fully documented, but we cannot ignore the testimonies that show this problem is real and serious. The same is true for working women who face barriers to full employment due to the lack of access to these products.

By not addressing this issue, we are not only failing our women and girls, but we are also harming our workforce, our economy, and our national productivity. This issue of period poverty is intertwined with the cycle of poverty. By missing school or work due to inadequate access to menstrual products, the affected women and girls find themselves trapped in an ongoing struggle. They are deprived, as I have said before, of their

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educational and income opportunities, limiting their economic independence, and reinforcing poverty from one generation to the next.

The sustainable development goals as well, Madam Speaker, call for equal access to quality education, decent work, economic growth for all, and the eradication of poverty in all forms. Sadly, period poverty stands in direct opposition to these goals. Madam Speaker, I would like to offer a couple suggestions in terms of what the Government can do in terms of bringing some relief to this issue, Madam Speaker, subsidies or tax exemption exceptions for these products. Currently menstrual products are often seen as luxury items, which increase their cost and make them inaccessible for many families, especially in low-income rural communities like Mayaro. A legislative measure to exempt menstrual products from value-added tax and other duties or provide subsidies for these products would make them more affordable.

Two, free product distribution. The Government could initiate partnerships with NGOs, corporate entities, and local health services to provide free menstrual products in all schools and public health facilities. Such a measure would ensure that no girl is forced to miss school due to her periods. This initiative should be especially prioritized in schools, in communities, and in rural areas.

Madam Speaker, item 03, the Government can consider making it mandatory by law that all public and private commercial buildings must facilitate the dispensation and removal of menstrual products to ensure the well-being of our women and girls. Item 04, menstrual education and health initiatives. We must not overlook education and outreach programmes.

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Menstrual health is still stigmatized, leading to silence, and misinformation. A robust educational campaign on menstrual health and hygiene is necessary. Particularly for young girls in school and women in underserved communities. Item 05, Madam Speaker. Perhaps the Government can encourage local manufacturing of sanitary products through subsidies and incentives that would support small businesses, create jobs, and also contribute to price reduction.

Madam Speaker, I would like to just state briefly some jurisdictions where this is mandatory by law: In Scotland—Scotland became the first country to make menstrual products free for everyone. The Period Products (Free Provisions) (Scotland) Act 2021, mandates public spaces, including schools, colleges, and local government buildings, to provide free access to these products.

Madam Speaker, in New Zealand, the Government provides free sanitary products in schools to address period poverty and its impact on education. In Kenya, they removed the tax on menstrual products in 2004, and have since worked to distribute free sanitary products in schools. Madam Speaker, in India, several state Governments provide subsidized or free sanitary napkins through schools and healthcare facilities. Even in the United States, Madam Speaker, several states like California and New York have mandated the provision of free menstrual products in schools and shelters.

Madam Speaker, period poverty is a solvable issue. It requires the commitment and support of our Government to bring about lasting change. By enacting legislation that addresses period poverty, we will be taking a

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significant step towards improving the lives of countless girls and women across our nation. We owe it to our citizens to create an environment where every girl can pursue her education without the shame, fear, or hindrance caused by period poverty. I encourage the Government to consider this matter seriously and engage with community leaders, health experts, advocates, and take decisive legislative steps to address period poverty in Trinidad and Tobago. Thank you, Madam Speaker.

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

**Madam Speaker:** Minister in the Office of the Prime Minister.

**The Minister in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):** Thank you, Madam Speaker. I want to commend the hon. Member for Mayaro for bringing such a very important issue to the floor of the Parliament.

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

**Hon. A. Webster-Roy:** Madam Speaker, the hon. Member has an ally in the cause. Just like MP for Mayaro, I would have partnered with NGOs in my constituency, creating awareness around period poverty. But, Madam Speaker, for us to come to a conclusive policy position on the matter, there is need for data. There is a need for reliable, accurate data to see how pervasive the issue is in Trinidad and Tobago. One of the activities we intend to do as we launch the 16 Days of Activism coming up, is to launch a survey on period poverty throughout Trinidad and Tobago so we can gather the data to inform a policy position. Notwithstanding, Madam Speaker, since 2016, the Gender and Child Affairs Division has been creating measures to assist persons who are very vulnerable and who may be

facing period poverty. So, for example, from 2016 to now, every year, we have been distributing what we call dignity packs in collaboration with various entities, including UNFPA. Last December, we partnered with the local agencies and did a distribution in the community of Beetham as part of an initiative. That was hosted in collaboration with the Gender and Child Affairs, private sector in Trinidad and Tobago, as well as NGOs in the Beetham community.

Madam Speaker, the issue is real. I am a mother of two daughters. I have a sister. I have a niece. I have countless friends who are females, who all share with me the concern about the availability on a monthly basis to access sanitary items. As time has changed and as technology has changed, we see the need to start educating our people more and bringing in new ideas and new products to make it more affordable for persons. So, for example, one of the products that is now being used to help cut the costs in some societies is a renewable item called a femmy cup that some persons are using.

We intend to, at the Government level, explore all avenues to see how we could make sure that all of our girls and women in Trinidad and Tobago have a reliable access to feminine hygiene products on a monthly basis. I have had conversations with the Minister of Finance. I have had conversations with the hon. Prime Minister. And, I have had conversations with the Minister of Education. I am happy to note that in many of our schools in Trinidad and Tobago, sanitary items are available for schoolchildren at the office.



Madam Speaker, we know our culture in Trinidad and Tobago. If things are available for free and in our public bathrooms, we know our culture. We could take advantage of things at times. So, we have to make sure that we explore all the opportunities to make the products available in a reliable and sustainable manner so that all persons who truly need it will be able to benefit.

Madam Speaker, I am also engaging in discussions with the Minister of Social Development and Family Services to see how we could, through that Ministry, ensure that those persons who are in most critical need at this point in time, especially those persons who may be on our social welfare system at the moment, how they would be able to benefit from some measure, through the Government, to help them access the products.

I want to reassure the hon. Member, as well as the rest of Trinidad and Tobago, that your Government has our eyes on this issue, and we are committed to finding a reliable solution and working towards ensuring a period-just society. When I say period-just society, I want to explain it—Madam Speaker, in preparing for this, some persons said to me, “You know what, you could get condoms free at a health centre, but something that women cannot control—we have to live with this from, sometimes, eight until sixty, you cannot get it free.” We are committed to looking into the matter and finding the most reasonable, responsible response. I thank you.

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

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

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

**Growing Prevalence of Demand by Menace Crimes**

**Mr. Dinesh Rambally:** Thank you, Madam Speaker. Thank you for allowing me to raise the following matter on the Motion for the adjournment of the House, namely, the growing prevalence of demand by menace crimes, commonly known as extortion, and the danger these crimes pose to the safety, well-being, and security of all citizens. These crimes occur where an individual illegally obtains money, property, or services from another person by threatening harm, or using coercive measures. The key elements are threats, demand, and coercion. These threats can involve physical violence, property damage, accusations of crimes, or exposure of sensitive information. Madam Speaker, during this month alone, November 2024, we have had newspapers reporting and I cite some of the articles:

“The price of extortion. Criminals monitoring victims on social media.” Another article, Tunapuna Chamber head:

“Anyone can be targeted. “

Another article, ACP Smith:

We cannot rush investigations.

Another:

“Living in fear. Cunupia residents talk of robberies and the ‘silent torture’ of extortion.”

“Some Princes Town business owners don’t feel safe reporting extortion.” “Cops urge Princes Town businessmen: Report cases of extortion.”

“DOMA...”—head tells meeting—“...crime killing...”—business.

“Extortion victims speaks out Woman leaving Cunupia after threatening demands for money.”

“ACP reveals ‘one big gang’ behind ring in Central, North Central areas”.

Madam Speaker, I will refer to the demand by menace crime hereafter extortion. It has not only been plaguing Chaguanas West businesses but communities throughout Trinidad and Tobago where extortionists demand protection money from victims. It is a matter of urgent national concern.

Madam Speaker, the alarming growth of extortion in our communities—over the past few years our country has been gripped by an epidemic of violent crime and criminality. Now extortionists are targeting our business community in increasing numbers. In recent months, reports have spiked. Chaguanas West, my own constituency, has witnessed several disturbing incidents where business owners, residents, and even young people have been targeted. Victims are receiving calls and WhatsApp messages with instructions to pay money or suffer harm to themselves and/or their family members. Payments demanded range from thousands to hundreds of thousands of dollars.

Madam Speaker, can you imagine the fear? These crimes often go on unreported or are underreported due to fear. It creates a climate of intimidation that destabilizes the communities. Just last month, a small business in Chaguanas was forced to close its doors after receiving repeated threats demanding payment.

Madam Speaker, if we take a reality check, imagine being a small business owner working day and night to build a livelihood only to face

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threats that rob you, not only of your earnings, but of your peace. Unfortunately, these stories are becoming more common, reaching beyond Chaguanas to places like Port of Spain, San Fernando, and other communities. Madam Speaker, common types of extortion also include blackmail, cyberextortion, financial extortion, and protection rackets.

Madam Speaker, I turn quickly to the social and economic impact of extortion. Small and medium-sized businesses make up around 75 per cent of the private sector economy. These businesses have already been struggling due to the COVID-19 pandemic, as well as the shortage of foreign exchange. Thousands of these businesses have already closed due to these issues. If this cancer of extortion is allowed to metastasize, then we could be witnessing the terminal decline of our entire private economy.

Economically extortion drains businesses, discourages entrepreneurship, and deters both local and foreign investment. As we see in the communities affected by this menace, business owners live in constant fear, leading some to shut down altogether. This reduces employment opportunities, diminishes our economic vibrancy, and weakens the very fabric of our society. Socially, Madam Speaker, extortions creates an atmosphere of distrust and fear. When people feel that they cannot rely on their own Government for protection, it fosters resentment and disengagement undermining the trust we need to function as a healthy society.

**6.35 p.m.**

This constant threat affects the well-being and mental health of our citizens' especially vulnerable groups like small business owners, single

parents, and young people. I have seen, Madam Speaker, the Ministers in the Ministry of National Security on the ground. I am hearing some tough talk. Whilst this is not enough, I trust that it can aid in fostering trust reposed by the citizenry. I repeat what I have said on numerous occasions, Madam Speaker, leaders like ourselves, the police together with businesses, Chambers of Commerce, civil societies, and the community at large, must join hands and unite in combating, preventing, and exposing incidents of extortion.

Madam Speaker, how do citizens protect themselves? And I say this on the record for the possible benefit of the population. Citizens must recognize the signs, stay alert for any suspicious or threatening demands, stay calm, do not react impulsively to threats, document everything, keep records of all communications and demands, contact law enforcement, report any instances of extortion immediately to the authorities, strengthen cyber security, protect sensitive information online with strong passwords encryption. There are many victims in our society at this time and what do they do? Do not comply, Madam Speaker, avoid giving in to demands as it could worsen the situation. Get support, reach out to law enforcement, legal advisers, or support groups in your own community. Seek counselling, victims may experience anxiety or stress so talking to a counsellor can help, Madam Speaker. And most and foremost, report the crime. File a report with local police and/or anti-extortion unit to initiate a legal response.

But, Madam Speaker, the Government must step its game up too. I have mentioned what citizens and victims ought to do but let me turn to what is required of Government and law enforcement. And, Madam

Speaker, as I proceed here, this is a call for urgent government action. The Government must prioritize this situation, get all relevant parties together, and develop some immediate short-term responses. Elements of the responses include: Strengthening the specialized anti-extortion task force; expand the dedicated units within the police force that are trained specifically to deal with extortion cases. Madam Speaker, community reporting and protection programmes; encourage victims to come forward by providing clear, accessible, and confidential reporting mechanisms that protect their identities and safety, stronger penalties and enforcement, we need to properly resource our police service, and increase the detection rate to an acceptable level, and we must update our laws to reflect the serious nature of this crime. Educational campaigns and public awareness; let us educate our communities about the resources available to them, and encourage a zero-tolerance approach to extortion.

On the point, Madam Speaker, of updating and strengthening our laws, I suggest that we consider legislation that not only incarcerates some of the gang leaders, who can and will be replaced. Such legislation must also serve to undermine the criminal organizations. It has been said that in this century, organizations control the important elements of society such as commerce and labour, yet, the criminal law, for the most part, addresses only individuals. So the role of the organization in organized crime, both as an economic force and as a social construct, should not be underestimated.

Madam Speaker, in the United States of America, legislation known as RICO, Racketeer Influenced and Corrupt Organizations Acts laws has been introduced. Canada implemented different pieces of legislation to

combat crimes including extortion which incorporated aspects of RICO. This law provided law enforcement with powerful tools to go beyond arresting low-level offenders. It enabled them to dismantle entire criminal organizations by holding leaders accountable for crimes committed by their groups. Time does not permit me to go into the success of those laws and the potential for its direct incorporation into domestic laws, but I will be happy to provide my notes, Madam Speaker, and proposals for consideration. I end this part by citing Robert Blakey, one of the drafters of RICO who stated:

It is not enough to go after individuals. You need a team. You have got to go after the organization. Individuals commit organized crime but organizations make the organized crime possible.

Madam Speaker, let us act decisively together and let us protect the peace and prosperity of Trinidad and Tobago.

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

**Madam Speaker:** Minister of National Security.

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker.

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

**Hon. F. Hinds:** Madam Speaker, the Member for Chaguanas West completed his presentation with a long menu of very interesting and very sensible suggestions about strengthening the team that dealt with it. We have just established an extortion task force, and that is exactly what we have done in that regard. And that is in addition to all of the anti-gang teams in every single police division across the police service. So that is a

recommendation that is already in place.

The question of encouraging victims, the police service is now running an advertisement. Recently when Minister Scotland and the police met with the central business chamber, they, in their own defence, suggested that the police conduct some advertisements so that more businessmen will know what the issues are. The police have put together an advertisement in a video and that is now in circulation taking the advice of that business community. That too is covered here. The question of encouraging victims, you would have heard the police leading the extortion task force, ACP Smith, making it very clear that people are required to come out there and to report these offences otherwise the talk about it will be only that, talk.

In terms of updating laws, the current law accommodates a fine of up to \$500,000 and five years in jail. And in any event, it is the courts that are responsible for the sentencing of convicted persons, hence the reason why we from the Government have been calling on the Judiciary to take more serious account of what is happening in the society and impose maximum sentences.

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

**Hon. F. Hinds:** Minister Scotland and I—

*Madam Speaker motions to the Member to use the proper title.*

**Hon. F. Hinds:** The Member for Port of Spain South and I have recently put together, and we are now about to implement, a training programme for all of the police officers involved in front-line crime fighting to sensitize them and their prosecutors of the need to call on the courts to impose more stringent sentences after all the good work is done by the police to arrest



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them.

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

**Hon. F. Hinds:** That is happening. So, the Member is negotiating for what he already has. Madam Speaker, the Ministry of National Security and its appropriately mandated law enforcement agency the TTPS, remain committed to safeguarding all the citizens including the members of the business community. The Trinidad and Tobago Police Service has taken note of the recent increase in public discussion and I distinguish that from reports because so far, year to date, we have only had 32 reports but there is a lot more chatter in the national community hence the reason why I say talk will not do it. The citizens are to report it to the extortion unit, and they only support the divisions, all the divisions are dealing with this matter supported by this specialist unit. But let me continue.

It is also in the schedule, this demanding money by menace, it is considered and it is in fact a very serious offence. It is also in the schedule of offences under the anti-gang law so that when it is affected by one or more persons, we can charge under the anti-gang law. And that law says:

“32. Any person who, with menaces or by force, demands of any person anything capable of being stolen, with intent to steal the same, is liable to imprisonment”—as I said earlier—“for five years”.

I indicated earlier there are only 32 reports here to date of demanding money by menace, and eight of these incidents have been detected and solved by the Trinidad and Tobago Police Service. “Yuh heard dat?” Eight of them. And the others are under investigation. These incidents have occurred

primarily in the Central Division. Given the deep and far-reaching effects of crime and its detrimental impact on the business sector, some outlined by my friend opposite, and by extension our economy, the Trinidad and Tobago Police Service has recently established, as I said, that task force led by ACP Richard Smith, demonstrating high priority as the Member was calling for.

This task force comprises of specially skilled and experienced officers along with an intelligence analyst. It is tasked with the mandate of aiding the 10 police divisions of the TTPS with their extortion investigations. In addition, cases will also reported directly to the task force for further investigation. Members of the team have been vetted given the sensitive nature of the crime, including the need to disclose personal and financial details. The need to set up this specialized team was essential, and we the Government advised in terms of policy to the police service, and to their credit they have done that. The efforts of the task force have led thus far to the arrest of one individual within the first three weeks of its operation. The individual was charged with 22 criminal offences, including demanding money by menace, robbery, kidnapping, and possession of firearm and ammunition. These occurred during the period of March to October 2024.

Stemming from this success, it is evident that there are predicate offences that can emanate from one offence. Robbery: Where the victim pays money it converts from demanding to robbery; where possession of firearms or use of arms and ammunition comes into the picture, it now moves to aggravated robbery because of the presence of those. Kidnapping: If the victim is carried from one place to the bank so that he has to withdraw money or home to find it under a bed then that raises issues of kidnapping,

Madam Speaker. All of these are open to the police, and this is exactly how they are dealing with it. Madam Speaker, although demanding money by menace is not a new offence, an increase in reports of this offence has been noted, and the chatter I spoke about. As such, the Government and the Trinidad and Tobago Police Service remain deeply committed to implementing the measures I have just described, and we are working closely with the business sector which this crime is largely focused on, and contractors and so on.

The task force has seen many viable links in incidents both past and present including linkages between gangs, as well as persons known to the victims. The task force and the TTPS will continue with their efforts to ensure that arrests are made and the prevalence of this offence is suppressed. The key is that victims must report the offences and work closely with the police to solve and arrest these gangsters who see extortion as an easy way to make their dirty money. Public chatter and media hype are important but no substitute for formal reports to the police. And as I told you, the business sector is now engaged with the police in this regard, particularly, the central business district. And, Madam Speaker, I 'say the gun is the threat and fear is the merchandise, but the Trinidad and Tobago Police Service have designed solid responses to both, and I am confident with the support of the business sector who are affected, the hard work of the police, in the context of that which I have just explained we will be able to suppress this crime and bring better peace and order to Trinidad and Tobago. I thank you, Madam Speaker, thank you.

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

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*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.48 p.m.*