

SENATE

Friday, November 29, 2024

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Dr. Amery Browne, Sen. Laurence Hislop, and Sen. Ancil Dennis, all of whom are out of the country.

REVOCAATION OF APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from Her Excellency the President Christine Carla Kangaloo, O.R.T.T.:

“THE CONSTITUTION OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo

President.

TO: MR. TAHARQA OBIKA

WHEREAS by Instrument dated 25th November, 2024, I appointed you as a temporary Senator, with effect from 26th November, 2024 and continuing during the absence from Trinidad and Tobago of Senator the Honourable Paula Gopee-Scoon.

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In exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, and acting in accordance with the advice of the Prime Minister, I, CHRISTINE CARLA KANGALOO, President as aforesaid, do hereby revoke, with immediate effect, your appointment as a temporary Senator.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 28th day of
November, 2024.”

“THE CONSTITUTION OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo
President.

TO: DR. TIM GOPEESINGH

WHEREAS by Instrument dated 26th November, 2024, I appointed you as a temporary Senator, with effect from 26th November, 2024 and continuing during the absence of Senator Anil Roberts by reason of illness.

In exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, and acting in accordance with the advice of the Leader of the Opposition, I, CHRISTINE CARLA KANGALOO, President as

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aforesaid, do hereby revoke, with immediate effect, your appointment as a temporary Senator.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 29th day of
November, 2024.”

SENATORS' APPOINTMENT

“THE CONSTITUTION OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo

President.

TO: MR. NDALE YOUNG

WHEREAS Senator the Honourable Dr. Amery Browne is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, NDALE YOUNG to be a member of the Senate temporarily, with effect from 29th

UNREVISED

November, 2024 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Dr. Amery Browne.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 28th day of
November, 2024.”

“THE CONSTITUTION OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo

President.

TO: MS. YOKYMMA BETHELMY

WHEREAS Senator the Honourable Paula Gopee-Scoon is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, YOKYMMA BETHELMY to be a member of the Senate temporarily, with effect

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from 29th November, 2024 and continuing during the absence from Trinidad and Tobago of Senator the Honourable Paula Gopee-Scoon.

Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 28th day of
November, 2024."

"THE CONSTITUTION OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo
President.

TO: MR. MICHAEL SEALES

WHEREAS Senator Laurence Hislop is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, MICHAEL SEALES to be a member of the Senate temporarily, with effect from 29th November, 2024 and continuing during the absence from Trinidad and Tobago of Senator Laurence Hislop.

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Given under my Hand and the Seal of the
President of the Republic of Trinidad
and Tobago at the Office of the
President, St. Ann's, this 28th day of
November, 2024."

"THE CONSTITUTION OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA
KANGALOO, O.R.T.T., President of
the Republic of Trinidad and Tobago
and Commander-in-Chief of the
Armed Forces.

/s/Christine Kangaloo
President.

TO: DR. JEREMY INNISS

WHEREAS Senator Ancil Dennis is incapable of performing his duties as a
Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as
aforesaid, in exercise of the power vested in me by section 44(1)(a) and section
44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in
accordance with the advice of the Prime Minister, do hereby appoint you,
JEREMY INNISS to be a member of the Senate temporarily, with effect from 29th
November, 2024 and continuing during the absence from Trinidad and Tobago of
the said Senator Ancil Dennis.

Given under my Hand and the Seal of the
President of the Republic of Trinidad

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and Tobago at the Office of the President, St. Ann's, this 28th day of November, 2024.”

“THE CONSTITUTION OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE CARLA KANGALOO, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/Christine Kangaloo

President.

TO: MR. DOMINIC SMITH

WHEREAS Senator Anil Roberts is incapable of performing his duties as a Senator by reason of illness;

NOW THEREFORE, I, CHRISTINE CARLA KANGALOO, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, DOMINIC SMITH to be a member of the Senate temporarily, with effect from 29th November, 2024 and continuing during the absence of Senator Anil Roberts by reason of illness.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the

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President, St. Ann's, this 29th day of
November, 2024.”

AFFIRMATION OF ALLEGIANCE

Senator Ndale Young took and subscribed the Affirmation of Allegiance as required by law.

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Yokymma Bethelmy, Michael Seales, Dr. Jeremy Inniss and Dominic Smith.

URGENT QUESTIONS

Virulent Flu

(Measures to Address)

Sen. Dr. Paul Richards: Thank you, Mr. President, and good afternoon, colleagues. To the Minister of Health: What is being done at the primary care level to stem the rapid spread of a virulent flu affecting a significant portion of the population, including several schools across the country?

Mr. President: The Minister of Health.

Hon. Senators: [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Mr. President. I thank the hon. Senator for the question. Mr. President, we have to understand what the word “virulent” means. It means a disease that is extremely severe or harmful in its effects that has the possibility of crippling a health system.

Mr. President, we are in the second month of our normal flu season which runs from October of any year to May of the following year. It is a seven-month flu season. At this point in time in checking with the Ministry of Education, we are checking with all the RHAs, all the accident and emergency departments,

checking with the paediatric emergency department at Mount Hope, checking with selective private sector physicians and paediatricians. I can report that at this time there is no significant increase in flu amongst the population, either adult or children that is unusual from any other previous year.

1.45 p.m.

It is noteworthy for the country to understand that every year, we engage in primary care activities to sensitize the public as to how to protect themselves against the influenza. We launched our flu vaccine drive on September 13th. We had flu vaccines at 1, 2, 3, 4, 5, 6, 7, 8, 9 mass vax sites. We engaged with health education at our schools, with the Ministry of Health, CMOHs and the health department of the Ministry of Education, and we do social media and mass media activities to sensitize the population on how to protect themselves from influenza.

So, at this point in time, there is no significant increase at the hospitals, at the level of the private sector, that warrants any unusual response at this time. But we do encourage the population to get vaccinated. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Dr. Richards.

Sen. Dr. Richards: Thank you, Minister, for the response. Can the Minister indicate how the population, if possible, can identify the difference between the symptoms of this flu, which the Minister has identified is within normal parameters for this time of year, and the dengue fever?

Mr. President: Minister of Health.

Hon. T. Deyalsingh: We had alerted the population that if they suspect they suffer from any viral illness, they should immediately contact a health care provider, not to treat these things on their own because, as we know, with influenza, as opposed to the regular flu, is deadly, especially influenza A, which

we are vaccinating on. You can go from normal to deceased in the space of 24 to 48 hours. The symptoms are rapid onset, as opposed to the normal flu which is self-limiting over a five to seven-day period. Our advice to the population, as we have always done, if you are unsure, seek medical advice. Thank you very much, Mr. President.

Mr. President: Sen. Dr. Paul Richards.

Sen. Dr. Richards: Thank you, Minister. Through you, Mr. President, given that the Minister has indicated that the flu presentation in the country at this time is within what is described as “normal parameters”, can the Minister describe and identify if there are any special provisions put in place, given the fact that we are going into the—well, we are into the Christmas season, people will be travelling, coming into the country, and going out and coming back, to monitor and/or prevent any potential outbreaks?

Mr. President: Minister of Health.

Hon. T. Deyalsingh: Thank you very much. So as we always do, we advise the population that our flu season, which we runs from October of any year to May the following year, is predicated as to what is circulating in North America and England, where most of our visitors and returning residents come from. Right now, in North America, in this Thanksgiving season, it is Autumn and we advise the population every year that the flu season is a reflection of what is circulating in these temperate countries.

We have our normal surveillance systems and we do constant surveillance for influenza and other respiratory viruses throughout the health system, from primary, to secondary, to tertiary. That is what we do. And we treat these cases symptomatically until a test comes back, which says you have influenza A, influenza B, and then more specific treatments can be employed. Thank you very

much, Mr. President.

Mr. President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

**New Online Phishing Scheme
(Steps to Address)**

Sen. Wade Mark: Thank you, Mr. President. To the Minister of National Security: Given recent reports of a new online phishing scheme to retrieve personal banking information from customers, can the Minister advise what urgent steps are being taken by the Cybercrime Unit to address this matter?

Mr. President: Minister of National Security.

Hon. Senators: [*Continuous desk thumping*]

Mrs. Cudjoe-Lewis: We love you.

The Minister of National Security (Hon. Fitzgerald Hinds): As usual, may the words of my mouth and the mediation of my heart be accepted in Jah's sight.

Hon. Senators: [*Laughter and desk thumping*]

Hon. F. Hinds: Mr. President, wisely, we have two agencies in the state system to treat with the problem as raised by the hon Senator. We have the Trinidad and Tobago Cyber Security Incident Response team, or TT-CSIRT, and of course, we have the cybercrime unit of the Trinidad and Tobago Police Service. Two incidents popped up within recent times, a phishing campaign initiated—imitating, sorry, the Republic Bank online banking portal in an attempt to harvest usernames and passwords. TT-CSIRT has taken steps to report the phishing links to the respective foreign hosting providers and have taken them down. To date, all phishing links that had been reported to TT-CSIRT have been successfully brought down.

A phishing campaign, secondly, meant to take over access to persons'

WhatsApp accounts: TT-CSIRT has issued warnings, guidance, on social media and is developing an awareness guide to be posted on the Ministry of National Security's website. Phishing, Mr. President, is a type of cyberattack where attackers try to trick people into revealing personal information, such as usernames, passwords or credit card numbers. They typically do this by pretending to be a trustworthy entity, like a bank, a company or even sometimes a friend.

The steps taken so far by the cybercrime unit of the police service are: Public awareness campaigns, educating the public about the dangers of phishing scams and how to recognize them; secondly, enhanced monitoring, increasing surveillances on online activities to detect and respond to phishing attempts more quickly; collaboration with financial institutions, working closely with banks, to identify and shut down fake websites and fraudulent activities; forensic analysis, meaning utilizing advanced forensic tools—

Mr. President: Minister, time has ended for response. Sen Mark.

Sen. Nakhid: [*Inaudible*]—time is up.

Sen. Mark: Mr. President, can I ask the Minister of National Security whether he is aware of the number—not the names, but the number of customers, through this phishing scam, that have been affected thus far, given the fact that you have indicated that you have arrested this matter? How many people were affected? Do you know? Can you share?

Mr. President: Minister of National Security.

Hon. F. Hinds: As I said earlier, or was saying, utilizing advanced forensic tools to trace the origins of phishing attacks and gather evidence for prosecution, and we have established some reporting mechanisms, encouraging the public to report suspicious emails and messages to the authorities. These steps are part of the

broader attempt to strengthen our cybersecurity measures to protect citizens from this phenomenon.

In respect of the question raised by my friend, I am, unfortunately at this time, unable to say with specificity how many cases, but we are aware that there are cases and we are responding to them in the manner that I suspect thoroughly described. Thank you.

EXPIRATION OF QUESTION TIME

Mr. President: Hon. Senators, the time for Urgent Questions for has come to an end.

ANSWERS TO QUESTIONS

Mr. President: Acting Leader of Government Business.

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Mr. President. There are nine questions for oral answer on the Order Paper. I should enquire from Sen. Mark, whether Sen. Mark is minded to withdraw Question No. 4 to the Minister of Labour?

Sen. Mark: The Minister of Labour and I have agreed that the question should be stood down today, and he will be able to answer it at the next Sitting. So I am prepared to—

Hon. Senator: Stand down?

Sen. Mark: Yes, yes, I am prepared to stand down.

Mr. President: Acting Leader of Government Business.

Sen. The Hon. R. Mitchell: Thank you very much. So, Mr. President, in that regard, we will be answering the remaining eight questions, and we are asking for a deferral on Question No. 4.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Sen. Wade

Mark:

**Stork Technical Services T&T Limited
(Measures to Compensate Employees)**

4. In light of the decision by Stork Technical Services T&T Limited to shut down its operations, potentially leaving 389 employees without jobs, can the hon. Minister of Labour indicate what measures will be taken to ensure employees are adequately compensated in alignment with the Retrenchment and Severance Benefits Act?

Question, by leave, deferred.

Mr. President: Sen. Francis.

Hon. Senators: [*Desk thumping*]

**SHAPE Programme
(Plan to Expand and Develop)**

22. **Sen. Helon Francis** asked the hon. Minister of Sport and Community Development:

How does the Ministry of Sport and Community Development plan to expand and further develop the Sport, Health, Athletic Performance & Empowerment (SHAPE) Programme to foster deeper community engagement and improve collaboration between sports organisations, government agencies, and non-governmental entities to create stronger support networks for athletes?

Mr. President: Minister of Sport and Community Development.

The Minister of Sport and Community Development (Hon. Shamfa Cudjoe-Lewis): Thank you, Mr. President. The implementation of Sport, Health, Athletic Performance & Empowerment Programme is designed to impact athletes, coaches, managers and administrators within communities, by using sport and the physical

activity, at the grassroots level, as a method of talent identification, capacity building and skills development for athletes and coaches.

As I said, when I came earlier this week, it is all about adding structure to Ministry or public sector area that did not really have structure before. From the inception of the SHAPE Programme in 2022, the Ministry has demonstrated significant impact. We certified 365 participants across Trinidad and Tobago in coaching, sport administration, sport management.

In addition to SHAPE, we have the “I Choose Sport” programme, which has been implemented in over 130 schools across Trinidad and Tobago, providing a platform for talent identification, mentorship by sport icons, changing the cultures in schools as it relates to sport, and promoting increased participation in sports in schools and at community level.

To enhance the effectiveness of the SHAPE Programme, the Ministry has partnered with the Trinidad & Tobago Olympic Committee for administrative and coaching development and capacity building, and the national governing bodies to advance coaching and sport management at the community level. In addition, initiatives like Pink Reign Campaign, with the specific focus on the developing and promoting women and girls in sports, are done in collaboration with the national governing bodies and members of the private sector.

The Ministry has also deepened its focus in supporting community groups. We also use athletes to help us in promoting sport as a tool for development and promoting peace. Some of our recent initiatives through partnerships include: Supporting the Gabriella Wood’s judo workshop, Machel Cedenio’s elite athlete development camp, Dylan Carter’s engagement for our April pools programme, Kenya Corder’s evolution football camp. In the past, we have supported individual athletes in their athletic camps, like Michelle-Lee Ahye in the past. The

Ministry recently supported a month-long Unity Call Football League in Beetham Gardens, and we stand ready to support Keshorn Walcott's Golden League carded for later on this year or maybe earlier be next year.

Other initiatives include partnerships with Bafasports for our Pink Reign Campaign, Republic Bank and Let's Learn Golf. We have Republic Bank, also, for futsal in areas like St George's West and St George's East, and the National Gas Company, in collaboration with the NAAA of Trinidad and Tobago. And recently, we partnered with Digicel and Special Olympics Trinidad and Tobago to host our inaugural Special Olympics Regional Beach Games held on November 08 to 10, 2024. All these partnerships and initiatives of this nature serve to promote sport at the community level. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Francis.

Sen. Francis: Thank you, Mr. President. Question No. 23.

Hon. Senators: [*Interruption*]

Mr. President: One second. You have no supplemental, Sen. Francis, on 22?

Sen. Francis: No.

Mr. President: Okay then. So Question No. 25, Sen. Prof. Hutchinson.

Vacation Revision Programme

(Details of)

25. Sen. Prof. Gerard Hutchinson: Asked the hon. Minister of Education:

Regarding the Ministry's Vacation Revision Programme offered to students who scored below 50 per cent at the Secondary Entrance Assessment, can the Minister advise on the following:

- (i) is there a system in place to monitor the progress and development of students enrolled in this programme; and

- (ii) if the answer to (i) is in the affirmative, can the Minister provide any information or data that speaks to the success of this programme?

Mr. President: Minister of Education.

Hon. Senators: [*Desk thumping*]

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Mr. President. Mr. President, launched in 2022, the Vacation Division Programme is part of the Ministry's initiative to improve the performance of students who scored below 50 per cent at the Secondary Entrance Assessment examination. At the start of the programme, pre-tests in Mathematics and Language Arts are administered to assess students' academic levels. These results are used by tutors to tailor lesson plans that address specific areas of weakness. Student performance is tracked by measuring performance at national examinations.

It should be noted that the Primary School Leaving Certificate is the first national examination for the first batch of VRP students. Observation of the students who scored below 50 per cent on the 2022 Secondary Entrance Assessment examination participated in the VRP and sat the Primary School Leaving Certificate in 2024 revealed notable improvement in the following three key subject areas: A 52 per cent increase in English, Language Arts, Writing; a 44 per cent improvement in Mathematics; and an 89 per cent boost in English, Language Arts. Additionally, students and their families received support from the Ministry's Student Support Services and Curriculum Planning and Development Divisions which provided both psychosocial assistance and an adjusted curriculum designed to meet the students' specific needs.

The programme also exposed students to a broad curriculum, including visual and performing arts, and offered opportunities to engage with influencers who shared insight on career choices and pathways. In total, over the past three

years 4,300 students have benefited from the Vacation Revision Programme, and it is anticipated that the programme will continue to offer valuable learning opportunities to academically vulnerable students. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Hutchinson, you have a supplemental?

Sen. Hutchinson: Thank you Minister. Are you satisfied that the programming is working optimally, and if not, how can it be improved?

Mr. President: The first question Minister of Education.

Hon. Dr. N. Gadsby-Dolly: Thank you, Mr. President. With regard to my level of satisfaction, I am happy to see the upward trend in the student performance. There is always room for improvement. In addition to that, we also are appealing to parents of students who are eligible for the VRP to allow your children to attend. There is a lot to be done in terms of the academics, but also the transition between primary and secondary school that they can benefit from. So, we are happy for the upward trend but we are always happy to see improvement. At the end of every session we do a report and that report includes recommendations for improvement in the next year, and so we take those into consideration as we go from year to year.

Mr. President: Sen. Hutchinson, further supplemental?

Sen. Hutchinson: No, no further supplemental.

Mr. President: No supplemental; Sen. Dr. Richards.

Sen. Dr. Richards: Thank you, good afternoon. Thank you, Mr. President. Can the hon. Minister indicate what is the participation percentage of eligible students who took part from the start of the programme?

Mr. President: Minister of Education.

Hon. Dr. N. Gadsby-Dolly: I do not have the specifics in front of me. We do

request it but I do not have it in front of me so I cannot give that particular answer at this time.

Sen. Dr. Richards: Can the Minister indicate—my understanding is that while the programme is extremely well-intended and planned there is an issue with the participation level making it as not as effective as envisioned. Can the Minister indicate if there are any plans or protocols to improve the participation level?

Mr. President: The Minister of Education.

Hon. Dr. N. Gadsby-Dolly: Thank you, Mr. President. I would have indicated that certainly, one of the things we want to do is to ensure that those who are eligible do attend, and this is not a mandatory programme, it is something that parents have to agree to send their children to. We do provide lunches and so on to encourage participation, and what we have done from the first year to the second year, is to advertise it earlier so that parents have a chance to plan to send their children. And, of course, we do in our regular school year—we have had primary and secondary schools encourage parents to send their children, and so we make this appeal again to encourage the parents. It is not a mandatory session, and therefore that is the most we can do to get our children there. A part of it is also encouraging children to attend by broadening the curriculum, that is why we have included the Arts and the Culture and as well the voluntarily mentorship with the influencers that act as a stimulant to encourage children to want to attend the VRP sessions that are so valuable for them. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Hutchinson next question on the Order Paper.

Student Support Services Division

(Details of Psychosocial Support)

26. Sen. Prof. Gerard Hutchinson: Asked the hon. Minister of Education:

Given the statements made by the Minister of Education during the Standing Finance Committee on October 19, 2024, regarding the responsibilities of the Student Support Services Division (SSSD) in providing psychosocial support systems to schools, can the Minister indicate the following:

- (i) whether the SSSD is sufficiently resourced to address the psychosocial problems at our nation's schools;
- (ii) what services are outsourced and from which Division/Ministry; and
- (iii) what special provisions, if any, are made for schools located in vulnerable areas?

Mr. President: Minister of Education.

Hon. Senators: [*Desk thumping*]

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Mr. President. Mr. President, the Student Support Services Division is resourced with specialized personnel such a guidance and counselling officers, school social workers, psychologists and restorative practitioners to address the psychosocial challenges of our nation's children. These officers utilize the following intervention strategies to assist in removing the psychosocial barriers so that students can reach their fullest potential:

- Individual and group counselling;
- consultations with parents, teachers and principals;
- home visits;
- parenting and education sessions;
- teacher information sessions;
- community engagement;
- educational advising;
- group guidance in academic career and personal social development;

- psycho-educational assessments and evaluations;
- psycho-therapeutic support; and
- restorative interventions.

The school social workers and the SSSD department aims to maximize and provide service delivery to our nation's students utilizing all available resources. It should be noted that efforts are being made to increase the staff in the Student Support Services Division and procure more of the necessary tools and devices such as connectivity devices and assessment tools to ensure that the work of meeting the needs of the nation's children are addressed. The Minister of Education outsources diverse services to support students and families through partnerships with institutions such as: The National Family Services Division, Ministry of Social Development and Family Services, and they provide family and counselling services; child guidance clinic at the Ministry of Health, which conducts psychiatric evaluations; the Trinidad and Tobago Police Service which manages family support and monitoring; community policing units of the Ministry of National Security which offers victim and witness support alongside community policing services; and the Children's Authority of Trinidad and Tobago, which ensures the safety and well-being of children. These partnerships enable the Ministry of Education to address a broad range of psychosocial and protective needs for students and their families.

The following provisions are made for schools in vulnerable areas:

- The SSSD is staffed with officers assigned to each primary and secondary school across the seven education districts with dedicated officers at 80 primary schools and 26 secondary schools of focus, among others.
- Staff are trained to identify students in vulnerable areas and to implement

- the necessary measures to support them.
- Collaboration with the Ministry of Sport and Community Development to assist vulnerable communities through outreach programmes, and that is through their mediation department, as well as programmes that promote technical and vocational skills.
 - Partnership with the victim witness support to provide outreach programmes to students and their families who have experienced trauma, especially in communities impacted by crime and gang-related issues.
 - Collaboration with the community police to conduct home visits in high-risk and vulnerable areas.
 - Joint efforts with the community police to offer after school support through centres and homework clubs; as well as monitoring families facing challenges.
 - And additional provisions which include offering sessions and parenting in education, mental health awareness, crisis intervention, counselling, community engagement, teacher training, professional development and career guidance.

Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Prof. Hutchinson.

Sen. Prof. Hutchinson: Is the hon. Minister able to give quantitative estimate of the deficit between demand for these services and supply?

Mr. President: Minister.

Hon. Dr. N. Gadsby-Dolly: Mr. President, demand is always more than the supply. The workload of these officers is very large, in some cases larger than others, which is why for the schools of focus, which are the schools we identified

with the highest discipline problems and the lowest academic performance, they require more resources, and that is why we would have hired in addition to what existed, dedicated officers for those schools. There are also schools, high risk-schools, that have dedicated officers, but there is need for more, and the Ministry of Education has made the proposal, it has been accepted, and it will be implemented as soon as possible to increase the number of school social workers, guidance counsellors, behavioural specialists, school psychologists in our education system. So the demand is always more than the supply, but what is also critical is one of the school-based management processes, which is the school-based intervention team which allows the school to identify, early, students who have issues.

In many cases, those teams are not operating at maximum level, leaving problems to spiral and therefore, it becomes much more difficult to deal with later down the road. I just actually met with education stakeholders and we discussed ensuring that there is time on the curriculum during school hours for that school-based intervention team to meet, so we can identify earlier some of the issues and deal with them while they are smaller problems rather than larger problems. Because what is happening is that more and more persons are demanding the services and we cannot simply keep increasing the number of school social workers, we have to make the other parts of the system that support these social workers and guidance counsellors, we have to make that work as well. Thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Prof. Hutchinson.

Upsurge in School Violence and Traumatic Incidents

(Details of Response Protocols)

27. Sen. Prof. Gerard Hutchinson: Asked the hon. Minister of Education:

Given the upsurge in violence and traumatic incidents in and around our Nation's schools, can the Minister provide the following:

- (i) The response protocols of the Student Support Services Division in treating with such incidents; and
- (ii) a list of the other agencies that may become involved and their role(s) in the protocol response?

Mr. President: Minister of Education.

The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly): Thank you, Mr. President. It is my day today. Mr. President, it is because of random acts of violence and traumatic incidents in schools that the People's National Movement Government would have created the Student Support Services Division in 2004, which is 20 years ago. Accordingly, once the Student Support Services Division receives information of a violent or traumatic incident occurring at a school contact is made with the school and an officer from the division responds to ensure that the student/students is/are taken for medical treatment, if that is needed. A report is subsequently sent to the manager of the division who then shares it with the Office of the Chief Education Officer detailing a critical incident, care and protection plan for the students involved. This may include planned visits to the home of the students. The care and protection plan includes, but is not limited to, counselling for the students; psychosocial and/or clinical assessments; case conferencing with the parents; family intervention; advocacy for the students; home visits; monitoring of the students, if they may be on suspension.

Further, the following agencies are engaged by the Ministry of Education, as and where necessary, to provide further support in dealing with these issues. The Ministry of Health, which is responsible for assessing and ensuring the students medical fitness and well-being; the Child Protection Services of the Child

Protection Unit, which is tasked with preventing the escalation of volatile incidence within the student community, and the Children's Authority of Trinidad and Tobago and the Children's Court, which is responsible for addressing the students need or the crisis in a timely manner. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Prof. Hutchinson.

Sen. Prof. Hutchinson: Has the Ministry explored any association or potential association between academic performance in these schools and the prevalence of these violent incidents?

Mr. President: Minister of Education.

Hon. Dr. N. Gadsby-Dolly: Thank you. Mr. President, it is a fact that students who are the victims of trauma, do in some cases, not in all, but in some cases experience academic decline, and that is why the protection plan for the students in most cases involve the counselling, and counselling for the home as well. I must mention, at this juncture, that the Ministry of Education relies on the support we receive from other organizations and institutions as well. It is important because there is a limit to where we can go, and when that support from other agencies is applied to the students and situation, it allows for us to manage the caseload much better. So whereas, within the Ministry, we want to increase the number of workers so that we can get more support, we also have to strongly recognize and rely on those who can offer that support that we cannot offer at the Ministry. There is a limit to where we can go. And most certainly, we are very much in that partnership mode to ensure that our students receive the type of care that is required for all of them.

Mr. President: Senator. Sen. Mark.

Sen. Mark: Thank you, Mr. President. I am going to question No. 5. Yes. I have to address that to my outgoing colleague. I will miss you.

Hon. Senators: [*Laughter*]

Sen. Mark: Mr. President, may I address this to my colleague and friend, the Minister of National Security? I will miss you.

Mr. President: Yes, you may.

Youth-Related Killings

(Measures to Deter)

5. **Sen. Wade Mark** asked the hon. Minister of National Security:

In light of the fatal stabbing of a fifteen-year-old by another youth on June 09, 2024, can the Minister outline the measures and support systems currently in place to deter at-risk youth from engaging in criminal activity and reduce the number of youth-related killings?

Mr. President: The Minister of National Security.

The Minister of National Security (Hon. Fitzgerald Hinds): Mr. President, it is rather interesting to note that I am moving on from 30 years of representative service, of politics—

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds:—a sphere, a field, in which the hon. Senator never got started.

Hon. Senators: Aah, ha ha ha ha.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: Politically stillborn.

Hon. Senators: [*Laughter and desk thumping*]

Hon. F. Hinds: Mr. President, that aside, there has been a very careful development of strategic programmes, workshops and seminars with a focus on social challenges such as drug abuse, domestic violence, incest, rape, anger

management and gang-related activities, which have been implemented by the Trinidad and Tobago Police Service. In the same vein, the TTPS has begun to execute various proactive strategies aimed at assisting the deterrence and suppression of criminal violations by youths deemed at risk.

2.15 p.m.

I am sure the professor on the other side, Prof. Hutchinson, would agree that the traditional at-risk group has now broadened to more learned, educated, not fitting traditional profiles who use their acumen to perpetrate anti-social and criminal behaviour in this country and in the world as well. One such measure involves—they look ordinary, in other words. One such measure involves the establishment of a community-oriented policing section across Trinidad and Tobago to foster and develop a closer and more effective relationship with high-risk communities to aid in the relentless struggle against the criminal elements infiltrating and influencing youth within these communities.

This approach has been largely successful, and it is epitomized by the work of the “Hearts and Minds” team of the interagency task force of the Trinidad and Tobago Police Service. The community policing concept is based on the premise that both police and the community must work closely together to identify, prioritize and solve contemporary problems. This is inclusive of crime, drugs, the fear of crime, social, physical disorder and overall neighbourhood and community decadence, decay.

In recent times, crime and violence has emerged as major concerns for all of us in Trinidad and Tobago accompanied by a proliferation of violence in and outside of our schools, perpetrated often by students themselves. There is also activities of gangs, which are in constant battle, largely over turf, drugs and the gun turf. It has been identified that some of the violent gangs predominantly along the

East-West Corridor and south central regions now have their influences entrenched in the school system. Criminal elements also rely on juveniles to conduct narcotic sales and conceal contraband, even in places designed for or used as safe spaces in their respective communities.

Juveniles are used as stashers, gun mules and look outs. Additionally, a degree of influence by perpetrators of crime is also engendered by certain types of music which they promote and through youth who “oftenly” display their inclination for particular lifestyle. So some of it, some of the techniques, the utilization of liaison officers of the police service attached to the community policing unit. They have been assigned to schools labeled as high risk in an attempt to partner with and foster harmonious relationships with the police officers and the students, allowing for a level of calm and mentorship. Lecturers and mentorship programmes, the absence of proper role models and mentors account in part for the increase in crimes and deviant behaviour among our young people. The TTPS, by way of lectures, mentorship programme, and partnership seek to provide literature and in-house seminars to deal and to develop communication skills, ethic, anger management programmes, career choices and conflict resolution.

In the Southern Division, for example, there is a community project called, “**The More**” was commenced in 2023. Within this project children are exposed to sports and academics and catch-up programmes for those who have fallen behind.

Mr. President: Minister—

Hon. F. Hinds: I thank you, Mr. President.

Mr. President: Sen. Mark.

Sen. Mark: Normally, I would interrogate him. Today I put him to rest. I now go on to question No. 6 to the Minister of Public Utilities.

Mr. President: The Minister of Public Utilities.

Hon. Senators: [*Desk thumping*]

**Death of a WASA Employee
(Breaches of the OSH Act)**

6. Sen. Wade Mark asked the hon. Minister of Public Utilities:

In light of the Occupational Health and Safety Authority identifying six (6) breaches of the OSH Act in its investigation of the circumstances surrounding the death of a WASA employee on a job site on October 22, 2023, can the Minister indicate what health and safety procedures were adopted since the completion of the investigation to ensure that such an incident does not reoccur?

Mr. President: The Minister of Public Utilities.

Hon. Senators: [*Desk thumping*]

The Minister of Public Utilities (Hon. Marvin Gonzales): Thank you very much, Mr. President. Mr. President, following the unfortunate and tragic incident which resulted in the death of an employee on the Water and Sewerage Authority job site on October 22nd, 2023, while laying a new sewer connection, the Authority immediately conducted an internal review of excavation safety procedures in collaboration with the National Gas Company and identified the need for the stringent implementation of the following best practices, some of which were already being implemented.

- Having qualified and competent persons for inspection as per the Authority's SOPs for trenching safety as well as the OSH Act, 2004.
- Ensuring that all excavations for plan jobs are properly designed and a competent person designated.

This will ensure that once works are being performed the crew is fully aware of the

required techniques to be employed for safeguarding the trench wall and who is the assigned person designated as the competent person.

- Ensuring that all crews involved in excavation works undergo basic safety awareness training on excavation safety, trenching SOPs and SJA for pipeline work.
- Using lightweight modular aluminum sheets instead of heavy weight steel boxes and sheeting materials for during excavation.

The lighter material can be configured to fit most trenches and can be easily assembled on site and transported on the tray of a typical 4X4 pickup as opposed to heavy materials that are impractical to use, as well as, entail heavy equipment to transport and install.

- Finally, having a rescue team readily available during excavation works.

The Authority has started sourcing spinal boards for safe extraction of injured persons as well as identifying local trainers who can provide the necessary specialist training for selected employees that can perform rescue operations and compulsory training and certification for all persons in charge of work requiring excavation and pipeline repairing installation. This should be a mandatory requirement prior to any promotion or assignment.

Additionally, as part of that person's performance metric excavation safety is to be part of the assessment. This entails completion of job safety analysis, conducting tool box talks as well as performing trench inspection and signing off unfit for entry. Thank you, Mr. President.

Mr. President: Sen. Mark.

Sen. Mark: Mr. President, can I ask the hon. Minister, are all the measures outlined to safeguard any recurrence in the future of such a tragedy—can you tell this honourable Senate whether those measures outlined by your good self have

been implemented fully as we speak or are they still being implemented as we proceed? Can you clarify?

Hon. M. Gonzales: Thank you very much, Mr. President, and thanks to the Senator for that question. I want to assure the Senator that this has been a work in progress because it entails a reconfiguring internal safety procedures, engaging in the necessary training, et cetera, but insofar as it relates to all of the items that I have just mentioned, I can give you the assurance that with respect to employees as well as contractors of the Authority, those procedures are being implemented as we speak.

Mr. President: Sen. Mark.

Sen. Mark: As it related to contractors, would you want to share with this honourable Senate, what are some of the procedures this investigation would have thrown up for contractors to follow to ensure that they keep their end of the bargain to ensure the safety and health of employees who are engaged in the kind of activities that resulted in the loss of life of this employee?

Mr. President: Minister.

Hon. M. Gonzales: Thank you very much, Mr. President. Mr. President, with respect to WASA's contractors, I want to give you the assurance that upon the finalization of this particular investigation and the recommendations for training, contractors were also brought on board to ensure that they comply with these new safety procedures, that the Authority is now ensuring that its workers, as well as its contractors, that they comply with these new safety procedures. And, I can tell you when I visit some of those sites I am seeing, I witnessed, their full implementation by the Authority as well as its safety procedures and units inside the Authority and ensuring that contractors comply with them. And if those contractors do not comply with these safety procedures the Authority will take the appropriate action

to shut down the work site until these procedures are fully adhered to.

Sen. Mark: Mr. President, can the hon. Minister indicate whether internal procedures, written procedures with the appropriate sanctions accompanying those written procedures have been established by WASA arising out of this report and what you have just shared with this honourable Senate?

Mr. President: Minister of Public Utilities.

Hon. M. Gonzales: Thank you very much, Mr. President, the response to this question is, yes.

Mr. President: Sen. Francis.

Sports Development Systems in Jamaica

(Key Findings of)

23. Sen. Helon Francis asked the hon. Minister of Sport and Community Development:

In light of the two studies conducted by the Ministry in 2023 on the success of sports development systems in Jamaica, can the Minister indicate:

- (i) the key findings from these studies;
- (ii) how these findings will inform the development of a more effective and sustainable sports system in Trinidad and Tobago; and
- (iii) whether the Ministry intends to examine the sports development programmes of other regional countries with high performing athletes such as Cuba?

Mr. President: Minister of Sport and Community Development.

The Minister of Sport and Community Development (Hon. Shamfa Cudjoe-Lewis): Thank you, Mr. President—

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe-Lewis:—and you hon. Senator for this question. The key

findings and outcomes of the visit are as follows. The Jamaica sport system operates through three complementary agencies: the Sport Development Foundation, which oversees national governing bodies; the Institute of Sport, which manages grassroots development through schools and communities, with focused talent identification programmes; and the Independence Park Limited, which operates sports facilities on a fee-based structure ensuring sustainability through revenue generation from concerts and cultural events.

The systemic differences include: Schools, not clubs, serve as the primary driver of track and field development in Jamaica; mandatory fee structure for all facility usage supporting maintenance and operation; a deep cultural integration of sports, particularly through school activities and to competitions; robust private sector and alumni support system for athlete development. The Inter-secondary School Sport Association is made up of secondary school principals. Once you are principal of a secondary school you have to be a part of the Inter-secondary School Sport Association and that entity is responsible for coordinating all school sports, raising funds for the school sport activities and soliciting sponsorship for all school sport activities.

As it relates to education and training framework, the G.C. Foster College graduates maintain 85 per cent presence in secondary schools, 100 per cent of the primary schools, complete coverage of the primary schools with qualified physical education teachers. Cultural mandate for annual sport event by all schools, a dedicated 10 per cent allocation of the school's budget to promote sport development, significant autonomy granted to schools for their sport programme management.

Some of the impacts of the findings. Based on the findings the following has been implemented in the Ministry: The launch of the pioneering, "I Choose

Sport” programme designed as a response to declining youth engagement in sport and aims to reinvigorate the passion for sport amongst young people, to foster a robust sporting culture and capture a wider cross-section of upcoming athletes. Establishment of the sporting schools programme under the Community Sport Unit at SporTT to manage school sport participation in sporting activities and connect athletes with clubs to support overall development. The training of over 75 coaches and sport practitioners and employing 30 coaches or sport practitioners to support the education system. As I said earlier this week we are in over 130 primary and secondary schools throughout Trinidad. The development of the memorandum of understanding between the Government of Jamaica and the Government of Trinidad and Tobago which will be signed later on in this fiscal year for deeper partnership in the area of sport development and technical cooperation.

Another part of the question spoke to whether we are going to look at other countries. This year the Government includes to engage the Embassy of Cuba and the Cuban Government to initiate another cycle of the technical cooperation agreement to promote capacity building of our technocrats, coaches and administrators. Currently, the Ministry continues to work closely with various regional and international partners in sport development, for example, with Jamaica, of course, for general sport cooperation and especially in the area of athletics with the G.C, Foster College. We have partnered with other countries for work in cricket towards developing a high performance sport academy through hosting the Commonwealth Youth Games. We have had a stronger relationship with Commonwealth—

Mr. President: Minister, the time for response has ended.

2.30 p.m.

Mr. President: Sen. Francis, you have supplementals?

Sen. Francis: No supplementals.

Hosting of Sporting Activities

(Measures to Monitor/Evaluate Allocations)

24. Sen. Helon Francis asked the hon. Minister of Sport and Community Development:

Can the Minister advise what measures were taken to monitor and evaluate the impact of the \$70 million allocated in fiscal 2023/2024 to national government bodies, individual athletes and community groups for hosting sporting activities at the national, regional and international levels?

The Minister of Sport and Community Development (Hon. Shamfa Cudjoe-Lewis): Thank you, Mr. President, and thank you, Senator for that question. The funds disbursed to national governing bodies, individual athletic, and community groups in fiscal 2023/2024, supported their pursuits for personal and professional excellence through their respective sporting disciplines, supported the growth for each sport and advanced the development of our people and our economy through sport. The Ministry of Sport and Community Development ensures a comprehensive monitoring and evaluation framework which includes completion reports, on sight monitoring, yearly compliance assessment for national governing bodies, and a tracking process where the Ministry monitors the performance of our athletes and the national governing bodies over time.

Many athletes supported by these funds have excelled in regional and international competitions. Community and grassroots programmes have contributed to developing future talent for national teams. Additionally, national governing bodies have improved their organizational capacity. The Ministry

remains committed to refining its evaluation processes to maximize the long-term impact of this public investment in sport. Thank you.

**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**

Mr. President: Minister of Finance.

Hon. Senators: [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Thank you, Mr. President. 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.

This Bill has been brought from the other place, where it was debated and amended on Friday, 15th of November, 2024. The amendments involved a new section and some minor omissions and typographical errors, and are relevant to clauses 5, 7 and 9 of the Bill. From the outset I want to make it clear that this Bill is of utmost importance in terms of Trinidad and Tobago's compliance with the 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 their anti-money laundering counterterrorism regimes. These standards are essential for aligning our anti-money laundering counterterrorism financing and asset recovery frameworks within best practices.

I think we all know what FATF is. It is as global watch dog for combating money laundering and terrorist financing. It has 40 members and it formulates the standards that empower national authorities to effectively target unlawful funds associated with drug trafficking, arms for smuggling, cybercrime with other serious offences. Two hundred countries and jurisdictions including Trinidad and Tobago have pledged to adopt FATF standards, creating a unified global front against organized crime, corruption and terrorism.

Now, this Bill is critical as the proposed amendments to eight pieces of legislation will help align Trinidad and Tobago with key FATF standards. The amendments—now this is all highly technical stuff, but the amendments address important recommendations including Recommendation 8, on non-profit organizations—these are FATF Recommendations—Recommendation 22, on customer due diligence for designated non-financial businesses and professions; Recommendation 26, on the regulation and supervision of financial institutions; Recommendation 27, on the powers of supervisors; and Recommendation 35, on sanctions.

The Bill introduces key reforms that will strengthen our ability to detect and penalize financial misconduct, and introduces administrative monetary fines intended to enhance reporting and compliance with EU requirements. On another side, this is sort of a worldwide trend where these authorities are asking for a

combination of criminal sanctions and administrative fines, reason being inefficiency. It is much easier to impose an administrative fine than it is to successfully prosecute a criminal matter especially in our system. The proposed amendments cover a wide range of areas including the proceeds of crime, anti-terrorism, other financial intelligence units, supervisory function, and it strengthens our securities and insurance legislation. It also includes enhanced oversight for non-profit organizations. It helps civil asset recovery and addresses unexplained wealth matters.

Now, the core elements of the Bill as it relates to Trinidad and Tobago's commitment to upholding its obligations under FATF underscore the importance of the Bill. The core elements of this Bill underscore its importance as it relates to our commitment to our FATF obligations. Now, FATF standards 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. The amendments before the Senate are necessary to improve Trinidad and Tobago's reputation as a cooperative jurisdiction in the international financial system.

In the Caribbean Financial Action Task Force (CFATF) Fourth Round Mutual Evaluation Report which was published in 2016, Trinidad and Tobago received a partially compliant rating for a particular Recommendation, Recommendation 35 of FATF. This recommendation mandates that countries implement criminal, administrative and civil sanctions which are effective and proportionate for breaches of anti-money laundering and counter financing of terrorism or AML/CFT laws and regulations. However, in our third follow-up report in 2019, it was highlighted that while criminal penalties in Trinidad and Tobago were considered proportionate and effective for AML/CFT, the

administrative sanctions framework needed to be strengthened.

Importantly, it was found that supervisory authorities lack the power to impose administrative monetary fines on financial institutions and designated businesses for violations. In addition, in 2018, the EU included Trinidad and Tobago on its EU anti-money laundering list. This listing was due to our partially compliant ratings in FATF Recommendation 25 which pertains to beneficial ownership, and Recommendation 35 which refers to sanctions. We have been told that our removal from the EU high-risk list depends on obtaining stronger ratings from Recommendations 25 and 35. So this Bill seeks to move us from partially compliant to largely compliant.

In 2024, 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. This was completed in October of 2024—this mock assessment. During this assessment the Global Forum assessment team noted—sorry, in March we did the mock assessment to prepare us and we completed the actual second round peer review in October of 2024. During the October assessment, the Global Forum told us that Trinidad and Tobago will benefit from implementing a robust administrative monetary fine regime to deter breaches of anti-money laundering.

Regulations. They recommended we prioritize this legislation and bring it to the Global Forum's attention to support our overall rating. It is worth highlighting that the requirements under Recommendation 25, which addresses beneficial ownership, were substantively met by the Miscellaneous Provisions (Global Forum) Act, No. 15 of '24 which was proclaimed last month on October 10th. Our fifth round mutual evaluation to assess the country's effective implementation of FATF Recommendations including the 25 and 35, is scheduled to commence in the

second quarter of 2025, and this is why we must complete this matter as soon as possible. It will begin with a technical compliance questionnaire followed by an onsite visit from CFATF assessors in March of 2026.

The Bill therefore aims to strengthen existing AML/CFT provisions, and will assist us to remove Trinidad and Tobago from the EU anti-money laundering list and position us favourably for a positive outcome in the upcoming fifth round mutual evaluation. The practical benefits of the Bill are significant, include, enhancing the powers of supervisory authorities, assisting local banks in maintaining and expanding their correspondent banking relationships, and this will deal with challenges with higher transaction fees and delays and processing times due to the current situation where there is enhanced scrutiny of correspondent banks as a result of our EU AML listing.

The Bill will also improve the resilience of our financial sector and will, I am sure, attract more international players and certainly more foreign direct investment to the region. This will help to restore confidence, or to improve confidence in our financial system. Through these measures, the Bill not only addresses the challenges identified, but also actively seeks to fortify our financial sector.

Going through the Bill clause by clause now. It contains 10 clauses. It seeks to amend eight pieces of legislation. The first clause is the usual title. Second clause, typical commencement clause, provides for commencement of the Bill by proclamation at a date and time to be fixed. Clause 3 deals with the Proceeds of Crime Act. It proposes several amendments to the Proceeds of Crime Act, Chap. 11:27, aimed at strengthening the regulatory framework against money laundering. Firstly, it grants the Minister to whom the responsibility for finance is given, the authority to establish regulations that set administrative fines for

breaches of money laundering regulations. The clause also clarifies a disclosure made about suspicions of money laundering whether to a police officer or the FIU, will not be considered a violation of confidentiality or other statutory restrictions.

Further, the amendment in particular to section 55A(3) of the Proceeds of Crime shortens the reporting period for financial institutions and listing 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 linked to criminal activity.

2.45 p.m.

Under section 58E, any ministerial order concerning allocation of funds from that particular fund, proceeds of crime 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 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 Professional” in the First Schedule to align with description of the activities intended to be captured by FATF Recommendation 22.

This clause removes the National Lotteries Control Board from the First Schedule as a listed business, thereby aligning with Recommendation 22 for greater consistency. Additionally, the activity of “Gaming and Betting Control” as defined under the Gambling (Gaming and Betting) Control Act is added to the activities described in the First Schedule. All of this is to become more consistent with the current FATF regulatory framework.

Clause 4 amends the Anti-Terrorism Act, granting the Minister with the responsibility for finance the authority to establish regulations that impose

administrative fines for breaches of money laundering regulations.

Clause 5 deals with the Financial Intelligence Unit Act. It introduces several amendments to that Act, aimed at strengthening the FIU's AML/CFT and CPF supervisory capabilities, and that CPF is proliferation financing.

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 our domestic legislation. This provision allows the FIU to conduct off-site and desk-based reviews of non-regulated financial institutions and listed businesses when the circumstances justify such a review.

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.

Clause 5, and more specifically 5(e), introduces new section 18J designating the FIU as the oversight authority for non-profit organizations. This, again, aligns with the revised FATF Recommendation 8 and clarifies the FIU's role with respect to non-profit organizations.

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 forthwith. In the other place, amendments were approved in respect of this clause. This amendment introduces the new section 18K in the FIU Act, establishing a new summary offence for knowingly making a misrepresentation in any application, notification or other document to the FIU. This aims to ensure that any information provided by non-regulated financial institutions, listed businesses and non-profit organizations to the FIU is accurate and free from misrepresentation. By mandating the submission of truthful and accurate

information, the FIU, as the supervisory authority, will now be better equipped to monitor and supervise these entities effectively. Penalties proposed in this new section are consistent with those currently established under the FIU Act.

Clause 6, Securities Act. Clause 6 amends sections 14, 51 and 57 of the Securities Act to address unintended changes made by the Miscellaneous Provisions (FATF Compliance) Act, and these updates clarify prior amendments. And a new provision, under subparagraph (c)(vi), empowers the Trinidad and Tobago Securities and Exchange Commission to issue warnings to registrants who fail to comply with the Securities Act or fail to comply with obligations under laws addressing money laundering, terrorism financing, proliferation financing or any other relevant law. Paragraph (d) introduces a new section 156AA, granting the Commission authority to impose administrative penalties for breaches of AML and counter financing terrorism laws. And there is a common theme here, as you will see, in the Bill.

The Insurance Act is modified by clause 7. It introduces an exception to the current restriction on disclosing information during the course of duties. 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 will be permitted when requested in writing by the police, with the consent of the DPP.

Additionally, the clause introduces protection for those making disclosures, stating that it will not be a breach of confidentiality, contract or law to provide these witness statements. It also ensures that no legal action can be brought against individuals or entities who disclose information in good faith. This amendment enhances the ability to support criminal investigations while protecting those

acting within the law, and are consistent with amendments previously made to the Financial Institutions Act.

Clause 8 deals with the Non-Profit Organisations Act. It proposes amendments to the Non-Profit Organisations Act by introducing the term, “Oversight Authority”, in line with FATF’s functional definitions, and removing the definition of “Supervisory Authority”. It designates the FIU as the oversight authority for non-profit organizations that have been identified as “high-risk” based on an AML/CFT or CPF risk assessment. Under this clause, the FIU will be responsible for providing oversight and guidance to these non-profit organizations, regarding anti-money laundering, combating the financing of terrorism and counter proliferation financing. Again, the oversight will be done using a risk-based approach. The Bill also corrects a cross-reference—an erroneous cross-reference in section 28.

Now, in 2016, FATF revised Recommendation 8 to clarify that only a particular subset of non-profit organizations, identified on a country-by-country basis, are vulnerable to terrorist financing and should be subjected to Recommendation 8 requirements. The revisions emphasized a risk-based approach, avoiding a one-size fits-all approach. However, later on, a 2021 FATF paper highlighted ongoing issues with a proportional and focused implementation of those measures, which were disrupting legitimate NPO activities. What this means is that, initially, all non-profit organizations were under the microscope but FATF has now recognized that you need to use a risk-based approach and be proportional in dealing with non-profit organizations in this way.

In 2023, FATF proposed further revisions to improve clarity and consistency, in terms of how one needs to deal with non-profit organizations and stressed the need for targeted risk-based measures to address terrorist financing

risks, without hindering legitimate non-profit organizations activities. Additionally, NPOs should be subject to oversight, not supervisory, which is typically used for a financial institution. So clauses 5 and 8 of the Bill correct this situation and align with FATF revisions.

Clause 9 deals with the Civil Asset Recovery and Management and Unexplained Wealth Act, and it addresses the concerns raised by the Judiciary regarding the application of section 31(2) of that particular civil asset recovery legislation. The amendment ensures that cases involving individuals acquitted of an offence, or other situations where the DPP deems it appropriate, can be referred to the relevant agency for further action.

Clause 10 is an amendment to the Miscellaneous Provisions (FATF Compliance) Act of 2020. Some of the key changes include: Amendments to the Proceeds of Crime. It is revised to impose stricter penalties for non-compliance with specific provisions, including fines and custodial sentences. New sections introduce administrative fines and detailed procedures for the application, allowing authorities to issue fines for violations of financial obligation regulations. Provisions for appeals and extension of time to remedy contraventions are also included.

Secondly, Anti-Terrorism Act amendments: Again, refines penalties and administrative fines, aligning them with the Proceeds of Crime Act. It also sets a seven-year statute of limitation for prosecuting offences.

The third key change is amendments to the Financial Intelligence Unit Act. It removes certain provisions related to the imposition of fines, opting instead for direct fines by the FIU for violations by non-regulated financial institutions or businesses.

The fourth key change is amendments to the Securities Act, and it is simply

to correct a reference.

Now, this Bill, which essentially lays the groundwork for the introduction of the administrative monetary fines for breaches related to anti-money laundering, combating the financing of terrorism and countering proliferation financing, is a significant step forward and will reinforce Trinidad and Tobago's commitment to adopting global financial integrity standards.

The Bill is targeted at meeting the stringent recommendations set forth by the Financial Action Task Force and the European Union. It is designed to enhance our regulatory and supervisory frameworks with respect to three authorities: The Financial Intelligence Unit, the Central Bank, and the Securities and Exchange Commission.

The Bill is designed to empower these agencies with the authority to impose proportionate and dissuasive monetary policies, and is intended to strengthen our regulatory environment. It is intended to promote a culture of compliance and these fines, administrative fines, are thought to be a robust and flexible tool to penalize non-compliance, without the need for lengthy legal proceedings, making enforcement much easier. I mean, we have cases in Trinidad and Tobago that are going on for 20 years. Piarco may never end.

So this Bill directly addresses prior deficiencies highlighted in our CFATF Fourth Round of Mutual Evaluations. The establishment of administrative monetary fines will certainly enhance our standing as a country, as a trustworthy and transparent financial jurisdiction. It must advance our progression towards full compliance with FATF standards and paves the way for removal of Trinidad and Tobago as a high-risk jurisdiction. With strong enforcement mechanisms in place, we will be aligning ourselves with international best practice and it will help our national agencies to identify and deal with risks associated with financial crime.

Through this Bill, Trinidad and Tobago will join the ranks of compliant jurisdictions and send a clear message to all of these regulatory agencies around the world.

So as we approach the Fifth Round of Mutual Evaluations process, it is crucial that Trinidad and Tobago positions itself as a leader in transparency and compliance, and this Bill is central to that effort. And as I indicated earlier, it is designed to give us the necessary tools to deal with anti-money laundering and countering of financing of terrorism.

3.00 p.m.

It provides supervisory authorities with an additional enforcement mechanism and will improve the integrity of our domestic financial system, and I can give you an example from overseas:

“The US...Financial Crimes Enforcement Network assessed a record US \$1.3 billion penalty against TD Bank...for...anti-money laundering...”—failures.

This was reported on September 20, 2023, by FinCEN.

And that is an example of the use of administrative fines. They did not have to go through the court system. They just dropped a fine on them of \$1.3 billion for anti-money laundering. Another significant case is Canada’s Financial Transactions and Reports Analysis Centre, FINTRAC, which imposed a:

“...C\$7.5 million...penalty on...”—the Royal Bank of Canada for failing to meet anti-money laundering obligations—as reported by Reuters on December 5, 2023.

So, I do not think I need to underscore anymore how important this Bill is. How much more time do I have, Mr. President?

Mr. President: You finish at 3:18 p.m.

Hon. C. Imbert: Okay, I do not need all of that. I just want to report on the progress we are making with the Global Forum. I am happy to report that on the 7th of November 2024, in Paris, I was able to sign four very important conventions or agreements. I signed the Multilateral Convention on Mutual Administrative Assistance in Tax Matters, the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information under the Common Reporting Standard for the Automatic Exchange of Financial Account Information; I signed the addendum to that Common Reporting Standard. And I also signed the Multilateral Competent Authority Agreement on the exchange of country-by-country reports. I am advised that there is no requirement for us to sign any more agreements. We now have to do the work to show that we are compliant with all of these agreements that we have signed.

We also submitted a questionnaire and self-review documents to the Forum for Harmful Tax Practices, and we have been advised, based on the review of what we have submitted, that it is quite likely that we will be reported in December by the Forum for Harmful Tax Practices of no longer being noncompliant. We will be cleared, and our regime will no longer be deemed to have harmful tax practices.

Hon. Senators: [*Desk thumping*]

Hon. C. Imbert: I also sent a representative to the 17th Global Forum plenary meeting, which was held in Paraguay just a few days ago, where a pre-recorded address that I did was shown to 400 delegates from all over the world on Trinidad and Tobago's progress in the international tax community and in terms of the sharing of tax information. Bilateral meetings were also held with the European Union, the Chair of the European Union Code of Conduct during this plenary meeting, all geared to get us off the EU list of noncompliant organizations.

We were advised that the signing of the treaties that I signed in Paris has placed Trinidad and Tobago on the international market, and we are well on our way to getting off all of these lists of non-cooperative jurisdictions. With those few words, I beg to move, Mr. President.

Question proposed

Mr. President: Sen. Lutchmedial-Ramdial.

Hon. Senators: [*Desk thumping*]

Sen. Jayanti Lutchmedial-Ramdial: Thank you, Mr. President, for the opportunity to contribute to this very important piece of legislation, one of the many omnibus Bills that are brought before us dealing with this particular area of law, and that is the regulation and supervision of entities which are covered by the Anti-Money Laundering and Counter Financing of Terrorism regime.

Mr. President, these are very significant amendments, and they are very important to Trinidad and Tobago as a country, particularly as we approach the 5th Round of Mutual Evaluations.

I, in another life, participated in the 4th Round of Mutual Evaluations, and so, I have a lot of sympathy for the public officers who are facing the 5th round—and that was in 2014—and we are moving into the other one—or early 2015. We are moving into the 5th round evaluation some 10 years later. And, of course, the global standards for anti-money laundering, which countries are required to comply with, are shifting goalposts.

So, I remember approaching the 4th Round of Mutual Evaluations and being faced with a whole avalanche of changes, particularly with the method being used to assess country compliance. And that is when we first experienced, as a country, the shift away from technical compliance and looking at effectiveness. There was an entirely new set of recommendations, and there was an entirely new approach

because, of course, as a worldwide body, the Financial Action Task Force is not just interested in the laws that you pass and the laws that you have on your statute books but also in how effectively you are using those laws to really deal with money laundering and, you know, combating the financing of terrorism to ensure that organizations, particularly non-profits and so on, are not abused in order to finance terrorism or to finance the proliferation of weapons of mass destruction.

So, as a country, these are very important amendments for us. We want to protect our financial services sector. We want to encourage the growth and expansion of our financial services sector. And, you know, we want to also, at the same time, balance that requirement and to see that growth, we have to balance it with the risk and the risk exposure that it may face because of money laundering. We also want to ensure that any law that we pass, one, cannot lead to abuse, or two, cannot lead to the stymieing of business activity amongst certain sectors.

I think the Minister alluded to it, that, previously, the manner in which certain recommendations dealing with non-profit organizations, for example, would have been implemented actually hindered the role of non-profit organizations. It was actually being implemented far too stringently, and it is not the fault of any particular country because as a worldwide body, FATF recognized that that was the requirement, and that is why they refined it.

And that is why I say it is always a moving the goalpost because you do not always get it right, and I think, even in Trinidad and Tobago, right now, a lot of our non-profit organizations are struggling to comply with the implementation of some of these requirements. Because, of course, every cricket club, when they are trying to register so that they can seek sponsorship and so on, and incorporate as a non-profit company, they are being faced with a host of requirements that they have to comply with. That really is not the intention of these pieces of legislation, and it is

not the intention FATF standards, and that is why they call for what is called the “risk-based approach.”

So, as a whole, as a country, every country must look at its area of risk, and you must tailor your laws to ensure that they address your highest area of risk. But you must also tailor your implementation of the laws to ensure that you are targeting your highest area of the risk because it is very easy, and I think that some countries do this in order to get off of the grey list and black list, and so on, you target the low-hanging fruit. You target the easiest set of charges that you could make, and it is very easy to do that because money laundering is as simple as I see Sen. Mark’s phone here, and I pick it up, and I know it is worth \$5,000, I am just saying, but I can sell it to Sen. Lyder, and say, “Sen. Lyder, I will give it to you, you just give me \$4,000, and you could do whatever you want with it; just do not tell anybody you got it from me.” Sen. Lyder and I have both just engaged in money laundering. It is that simple. It is as simple as I have stolen something, I have converted it, and somebody has, you know, collaborated with me; they have aided and abetted me in the theft, and they have helped me to now have cash in my hand that I can use and that I can spend. That is how easy money laundering is.

Really, as a country, we want to be able to target the high-level money laundering cases. We want to show that we are going after the higher level of breaches of our money laundering laws so that we can show that we are effective. The Opposition always supports good law that will assist Trinidad and Tobago with meeting our international obligations. None of us want to see Trinidad and Tobago go back on to a light grey or dark grey list because we have spent some time there, and we came off of it, we bent back on for a little while, and we are off of the list again, and so we make our comments and observations hoping to contribute to the continuous strengthening of this regime because that is in the best

interest of all the citizens of Trinidad and Tobago, and, as I have said before, ensuring that we can do business, that we can attract business, and at the same time, protect our financial system and other types of business activity that may be easy targets for money laundering.

When we talk about designated nonfinancial businesses and professions, these are certain areas of activity that are considered high-risk or susceptible to being used by persons who want to launder money. And I will keep just saying money laundering, but, of course, I am talking about all the types of activities we are dealing with: Money laundering, financing of terrorism, and proliferation financing for weapons of mass destruction, but in the interest of time, it is money laundering. And our designated financial businesses professions have struggled to really, I think, meet all of the requirements, and I do not think there is, still up to now, enough of an understanding on their level of what they are required to do.

The risk-based approach that we are seeking to put in this legislation at a country level also has to be applied by every single entity that is going to be supervised, and it is difficult for a supervisor to teach some of these businesses and professions how they must go about conducting business in a manner that they do not make it too difficult for people to do. All of these things are going to be assessed as we go down the road and as we go into the 5th Round of Mutual Evaluation because your effectiveness as a supervisor is not just about how many sanctions you impose, or not just about how many warning letters you issue, or not just about, you know, how many people you have registered, it is also about the people who are doing business outside of your scope of supervision because they have not registered, and what mechanisms you have in place to capture those people and to bring them under the regulations or to penalize them for not registering, and we have those laws and those sanctions in place already since

2012, I believe; we put those sanctions into law, but are we really doing it, and do we have the sufficient resources to get it done?

We suffer terribly from an implementation deficit when it comes to some of the laws that passed in this Parliament. It is really not—you know, it feels sometimes like you are not using the full power of the law simply because people do not understand how to use it. They are not using it effectively. They are not investing enough in resources for some of our agencies, and that is where we tend to run into some problems.

So, I heard the Minister of Finance say that with strong enforcement mechanisms in place, he is confident that we will be removed from the list. Well, can the Minister say how strong our enforcement mechanisms have been? How many convictions have we been able to secure in relation to money laundering in this country under the Proceeds of Crime Act? And many of those cases have been brought when they relate to a predicate offence.

So, it is public knowledge that the first money laundering charge that was brought in this country was in relation to a scam related to a cruise, someone took money, there was a common charge of fraud, and that person was also charged for money laundering because the money that they fraudulently obtained from people, they then converted into something else and purchased cars or properties or something of the sort, and by doing that, we made a money laundering charge. But there are much more complex cases of money laundering taking place, and we have to understand—are we showing, as a country, that we have the strong enforcement measures in place by bringing charges before the court.

3.15 p.m.

What FATF is looking for is not just that you are supervising or that you are enforcing your regulations and your laws, but they are also looking to ensure that

you can prosecute persons who are in breach of your laws and that you can have secured convictions. By those means, you will be able to, therefore, you know, show that as a country you are treating with the risk of money laundering. And, of course, you must be able to demonstrate—and I know we had a national risk assessment—but, you must be able to demonstrate that you are really focusing your efforts on the areas identified as the highest risk.

So, in his winding up, perhaps, if the Minister could tell us a little bit more about the last national risk assessment. I think there is another one ongoing now, but he needs to tell us what are the most critical high-risk areas for money laundering that we face as a country, and how the Government intends to implement the strong enforcement mechanisms that he himself has spoken about, so that going into our fifth round mutual evaluation, we can put our best foot forward and show that we are actually doing this the way it is intended to be.

Trinidad and Tobago will face serious consequences if we are not able to show that we are compliant. But, it is not just a matter of blacklisting, and I hear people you cannot use your credit card, although nowadays credit cards are not really worth that much anyway because of the limits being imposed on you. But, you know, within the financial service sector and banking, and correspondent banking relationships and so on, there are consequences. But, there is a broader context to this and that is the context of everyday crime. Because, there are really only two motivations for crime. One, lust, or what we call crimes of passion or, you know, people who are mentally driven by some motive leads to emotions, an emotional response, or crimes related to money.

If you are able to really seriously take and clamp down on that money issue you will see the ripple effect in terms of crimes, you will see the effect in terms of murders, kidnapping, robberies, home invasions, all of it. Because if a man cannot

come into your house with a gun and take your jewellery and easily be able to convert it into quick cash to do whatever he wants with it, because you have strict money laundering regulations in place and you are implementing and enforcing those things, you limit the amount of home invasions. You limit the amount of robberies. I literally dropped my baby off at my mother-in-law's home today, lunchtime on Ciperio Street in San Fernando. Five minutes after I drove off, a man ran towards a woman, right in front of a business on Ciperio Street, and snatched her handbag. She was on her way to the bank.

Sen. Lyder: Wow.

Sen. J. Lutchmedial-Ramdial: And it was so—I literally just looked at the footage on my phone—

Sen. Lyder: That happening every day.

Sen. J. Lutchmedial-Ramdial:—and I was showing it to Sen. John. The fact of the matter is that whatever cash that person got today he has to have a way to spend it, he has to have some way to get it into the system. He wants to buy something, it may not be that much, he might spend it in the grocery, the hardware, whatever it is. But on a larger scale, people who are doing this as a way of life, if we have proper customer due diligence in place, for example, and you can actually track what these people are buying, what they are using this money for, you can actually eliminate the number of incidents like that—not eliminate, but you can cut down on the number of incidents that can happen, something like that. And so, there is a wider impact for members of our society, if we can really properly implement these mechanisms.

Let me just get into a couple observations about the Bill, and there are a couple of things that, as I said, even when we support legislation, and we support the spirit and the need for it and we understand the need for it, we may still have

certain concerns that we wish to raise. It does not mean that we are not supportive of the overall thrust and drive as a country to get these things passed, but it is our duty to, of course, try to make the legislation as strong as possible. The Minister of Finance pointed to the shortening of the time frame under the Proceeds of Crime Act to file a suspicious transaction report. Now, I understand, on one hand—and this is where the balancing comes in—that you do not want too much time to pass between a financial institution or anybody else—one of the listed businesses—having the suspicion of money laundering and filing the reports with the FIU.

But it is not just a matter of, “I suspect this person, this transaction is suspicious in some way and may be linked to money laundering, and therefore I want to fill out a one sheet thing and file that report.” There is a whole process that these financial institutions and listed businesses are required to do. You must actually look at the transaction, request further information, examine your customer’s due diligence information, ask for clarification from your customer, for example. So, I am sure many of us—because we are all classified as politically exposed persons under this law—from time to time, you go to the bank and they ask you some extra questions because they are required to clarify the nature of the transaction, and they want to make sure their documentation is in order.

So there is a process that has to go into determining whether or not you want to file a suspicious transaction report or a suspicious activity report. And so, I just want some clarification from the Minister as to whether the shortening of the time from 14 days to five days, whether that is something that came out of one of our follow-up reports with CFATF when they were assessing our laws, whether they recommended that, or what was the motivation? Because he did not get into it, he just mentioned that that is what the section did. Because what we do not want to have, and I saw it happening earlier on when we started to implement this regime

where you had people just filing for filing sake. So no entity that is being regulated, no bank, no credit union, no lawyer, for example.

I could tell you, I speak to many of my colleagues too and I ask them, I say, “You ever filed, you know, certain things with your conveyancing transactions and so on?” Because I do some training and so on for lawyers who are under this regime. And all of them say, “Well, I just file one or two, you know, so FIU will say I filed something and they would not come and harass me.” That is not what you want. You do not want people filing for filing sake. You want to make sure that when they fill that they have thoroughly investigated, analysed the transaction, that they have collected all of the relevant information, they have sought clarification where necessary, and they have determined that this is a legitimate suspicious transaction, and we would like the FIU to go forward and do it.

All of this is part of your risk-based approach, because if you are just filing for filing sake then you overwhelm the FIU who are required by law to then look at the transaction, analyse it, and take action later on down the road. So the shortening of that time period, I just want to ask a little bit more about that. In terms of refining the definitions of the listed businesses in the first Schedule of the Proceeds of Crime Act, I have no difficulty with that, we have updated that Schedule now to treat with the fact that our gambling activities will now come under the Gambling (Gaming and Betting) Control Act. So that is really sort of a clean-up.

Let me treat with a couple of things that have to do with the FIU. I want to make specific reference in this law to the ability of the FIU and—sorry it is easier for me to read from my notes than to read the Bill because, of course, these Bills and the amount of sections that are amended it is sometimes difficult to read. But it is a specific section that deals with the ability of the FIU to demand books and

records and so on to ensure compliance. Now, the FIU, and for the benefit of the public and maybe others in here who may not be so familiar with it, you have two functions within the FIU. They are functioning as the receiver of the intelligence and the suspicious transaction reports. They have to analyse them and they have to do further investigations and so on and determine whether there is something you want to pass on to law enforcement and say, “Go and investigate this person.”

So, they can receive a transaction report from an attorney who can say that, “Listen, I know this person, I see what their job description is, I have no idea how they could have afforded to buy this \$5 million property, and they are paying, you know, I believe the property is valued a lot more, and I am going to file a suspicious transaction report because I believe there is something amiss in this situation.” And therefore if they want to investigate it they can then forward it on to the TTPS to investigate, the Financial Investigations Bureau of the TTPS will investigate it. But on the flip side of that now, the FIU is also the supervisory authority for a number of institutions, and it is not just those professionals like lawyers, and accountants, and the jewellers, and real estate and so on. They are also functioning as the supervisory authority for some nonregulated financial institutions. To this day, credit unions for the purposes of anti-money laundering, fall under the remit of the FIU who are their supervisors.

So, in terms of their internal processes and so on, and how they maintain their books, their records, how they collect customer due diligence, whether they are consistently applying those standards and so on, it is the FIU who must go in and check those things. So while the FIU must receive things from you and information from you and analyse, they can also come in and look at your methods behind what you are doing. The ability of the FIU to request information on the analytical side of things has a particular process that they must go through. There

is a very specific process that they have to go through. In some cases, they can request information from banks just by way of a simple request, but there are also cases where they must have judicial authority to do so in the form of a warrant. They must go to the courts and ask for an order and the production orders that the FIU are empowered to get, they must fit within certain parameters.

The concern that we have on this side is really this. We do not want to empower an organization—and I cast no aspersions whatsoever on the men and women who are the specific office holders. I am speaking in very general terms of an organization, any organization that is empowered under legislation to do something, you must guard against abuse of power. You do not want to empower an organization to be able to make demands to access peoples' books and records which may contain sensitive information, sensitive data about their customers, and so on, or people who they are doing business with, and they are able to do so without any sort of judicial oversight. But what they end up doing is using it for something that they should have gone on the analytical side to do.

Let me just give a very brief explanation and I will make reference to something that occurred and I thought it was very unfortunate and it ought not to have happened in this jurisdiction. And that is the case where certain firearm dealers took the FIU to court and said that the FIU was requesting their personal financial information without ever having received a suspicious transaction report. And, Madame Justice Robertson ruled in July of this year that it was in fact a breach of the law for the FIU to do that. So, Mr. President, seeing that we have had an instance where, without on the analytical side the FIU actually receiving any report to trigger its investigations, for want of a better word, or its analysis or its need to acquire information—This is part of a much broader—which we do not have time to get into—scheme that has been taking place in this country with

respect to licensed firearm dealers and audits, and all of that. But the FIU became implicated in this. That certainly does not bode well for Trinidad and Tobago as a country going into the fifth round mutual evaluation.

It should have never happened, and I dare say that it, you know, truly is something that I hope this Government pays attention to and ensures it does not happen in the future. But, what we are seeing now is that they are broadening the scope of power for the FIU to go into specific businesses and request information. How do you balance? It is almost like you got caught doing something you should not have done, so now I am giving you more power to do a little bit more of the same thing that you should not have been doing, and that you were found that you found that you should not have been doing in July.

I do not know if that matter is an appeal, I am stating upfront, I would be guided if it is. But, as it stands right now, and I want to quote from this particular—it is page 34 of this judgment *CV 2022-04620* between a popular name, Mr. Brent Thomas and a constitutional matter brought against the Attorney General of Trinidad and Tobago. And what the judge really found is that when you look at the intention of Parliament and the powers that Parliament intended to give to the FIU, it said:

“It is to be noted...”

It is from page 34 I am reading with your leave, Mr. President.

“It is to be noted that none of the above-mentioned provisions support a general position that a request by the FIU to a financial institution or listed business in respect of accounts ought to be made without there being a concern of there being some suspicions activity which breaches or is likely to breach the law. Differently stated, a request in the absence of SAR”—suspicious activity report—“or”—suspicious transaction report—“...does

not, further any of the above-mentioned functions of the FIU save when the FIU is operating under FIU's monitoring of compliance with any written law...securing compliance with any written law.”

So broadening their scope of access to documents in the context of what transpired here is just an area of concern. I am not saying that it is not proper, but I am saying that if that power is abused, and it is susceptible to being abused, it can seriously hurt our image in terms of the supervision of our financial institutions and listed businesses as a country. Because the FIU is at the core of our fight against money laundering and is at the core of our drive to implement the FATF standards.

[MR. VICE-PRESIDENT *in the Chair*]

3.30 p.m.

So, we would suggest that that provision and those powers be looked at more carefully, and that perhaps some—it be refined because the language used in the Bill is exceptionally broad in terms of what they have access to. So, I think that we should further refine those sections, make it very specific in terms of fulfilling the role of a compliance supervisor, and what you can have access to because we do not want these provisions to be used as a way to get around this judgment. That is the simple submission please, Mr. Vice President. So, that is the concern that we raise with respect to that.

Clause 7. With respect to the confidentiality obligations under the Insurance Act, these again, we had this challenge with the Board of Inland Revenue, and their confidentiality provisions and information sharing, and we have had challenges, I think it was in our Joint Select Committee on Finance and Legal Affairs. We heard about the challenges that law enforcement have in terms of obtaining statements and witness statements from law enforcement. They have to go to the

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institutions to get the witness statements, and so, these provisions are seeking to make it easier for law enforcement to get witness statements, and to not hold any—or not to open persons who work particularly in the financial services sector, to the risk of liability as long as they act in good faith, but they breach confidentiality provisions. It is a very tricky particular section, again because, of course, you want to balance the rights of persons who do business with financial services sectors. You are encroaching upon their privacy. So, and I am just red-flagging it again for the benefit of the Government because I am here to help. I am red-flagging it that when people have—

Sen. Nakhid: Help them, help them.

Sen. J. Lutchmedial-Ramdial: I am always here to help, I am always trying to be helpful.

Sen. Lyder: “Buh they need help bad, boy.”

Sen. J. Lutchmedial-Ramdial:—and, yes, yes they do, and I will get to that. They need a lot of help but—

Sen Lyder: “We go help them out de door.”

Sen. J. Lutchmedial-Ramdial:—there is—you have a right to privacy under the Constitution of Trinidad and Tobago, and that may extend to when you choose or you opt to do business with a particular insurance company.

This piece of legislation is essentially saying to the insurance company that you are not bound to the confidentiality provisions that you contractually enter into with a customer, and that you can provide the information because you need it for antimoney laundering purposes. Is there a constitutional issue there? I do not know. I would think that the Government should really give some serious consideration to that, when you are looking at, you know, your privacy issues and asking entities, private companies, private financial institutions to do those things.

What I would suggest or what I would think would happen, and perhaps the prudential supervisor would have to do, is that they would have to ensure that all contracts of insurance or something like that, contain a clause that says that, you know, your general right to privacy and confidentiality of information would not be covered by these things if it is to comply with anti-money laundering laws and regulations. If that is not already so. So, I just flag it as one particular issue that popped out at me in terms of our privacy, the privacy concerns that can be raised.

Now, with respect to the issue of Sanctions and Recommendation 35. All of us would look at television, if you watch Netflix, for example, *Billions*. The show *Billions*, it deals a lot with securities and trading, and the stock exchange and all of that. You always hear about the SEC imposing heavy, heavy, heavy administrative fines. In fact, when you have a very mature financial services sector and a very active stock exchange, and traders, and brokers, and all of that, they are more afraid of the SEC than the police because as a federal body the SEC can impose very, very hefty fines.

In Trinidad and Tobago, our Central Bank, and our Securities and Exchange Commission have long been empowered under the Securities Act, and under the Financial Institutions Act, the Insurance Act, and so on, to impose administrative fines and penalties as the prudential supervisors for those particular areas. What we are doing now, and what we really should do, and I think it may have been an oversight before, is to empower those two bodies to also impose sanctions, administrative fines and penalties for breaches of the anti-money laundering laws and regulations. I have noted in some places there are references to guidelines, I think that is a little bit sketchy because I do not—I think the nature of a guideline as a whole, you have to look at it very carefully.

We recently had case law coming out of the COVID-19 Regulations and Guidelines where the Privy Council examines specifically whether a guideline went beyond the remit of the regulation to provide more than just guidance, and whether there was sufficient legal certainty and so on. I tend to not agree that you should have sanctions, whether they are criminal, civil, or administrative penalties in relation to guidelines, because a guideline is meant to be just that, a guideline. If there is something that is specific that you breach and you should be penalized for, the requirement of legal certainty in criminal law requires that that should be put into some form of regulation, and that is my general belief.

So, I think that the references to guidelines here could be a little bit dangerous, and again could lead to uncertainty. But, in terms of the imposition of penalties for breaches of the law, the FIU is set up very differently from the Trinidad and Tobago Securities and Exchange Commission, and the Central Bank. I think again, it raises a bit of a concern because both those bodies, they have a Board of Directors, and then you have management, and you have staff. And the supervision of the entities that fall under them—so, in the case of the Central Bank, banks and insurance companies, and money remittance companies, and so on, the SEC, the brokers, the traders, the investment advisers, and so on, you have a distinction between the person imposing the penalty, and the person conducting the supervision.

So, for example, you have the staff of a compliance unit who will go out there, who might find that there is something wrong, who—you have a process, a graduated process of enforcement where you would issue warning letters, you may do certain things, you can, you know, try to work out with them. You can impose penalties and a lot of times there is a lot of negotiation, and you will impose a penalty on them and they will agree to pay the fine for what they have done. But at

the end of the day, the ultimate decision as to what penalty is to be imposed, lies with a Board that is appointed that sits above and is separate and apart from the management and staff of the Commission.

And that is important because they are exercising essentially a quasi-judicial function. The FIU is not set up like that. The FIU, although it has a Director and it has its own piece of legislation, they are just like a division or a unit within a Ministry. So, there is no distinction between the work that is being done in terms of supervision by the FIU, and the person who must ultimately impose the sanction. That can also be problematic because at the end of the day, whether a sanction being imposed is criminal or civil or administrative in the form of a penalty, you must have due process, and you must afford persons due process, it cannot be that—and particularly when you are dealing with compliance which in many cases is very subjective. Issues of compliance with AML-CFT laws and regulations is something as simple as, I do not believe you have thoroughly assessed the level of risk exposure that you have when you are doing business at this particular outlet of your organization, because you have not taken into account that the location, you have not taken into account the type of clientele that you deal with at this particular branch, and so on, and so forth. These things are very, very subjective.

So, when you have the staff of the compliance unit within an FIU making those judgments and determining that, “okay, you have failed to comply with the requirement to thoroughly conduct a risk assessment”, and the entity is saying, “That is not true, we have thoroughly done it”. “We have assessed the risk and we have determined that the policies and procedures that we have put in place are sufficient.” Who makes the determination? Who decides whether there should be sanctions? Is it the same FIU? That cannot be fair. It cannot be fair, and again, it

can be open to a number of challenges. I do not know how going into an assessment, how we can justify these concerns because part of the mutual evaluation assessment that will be conducted next year, is that they do not just listen to what the Central Bank, and the FIU, and the TTSEC, and Ministries and so on, have to say, and the technocrats. They meet with representatives from all of these agencies.

So, they will have a handful of jewellers, they will have a handful of attorneys, they might have a handful of accountants or a representative from ICATT coming to meet with them, and discuss it. They may very well say, “But listen, this same FIU that comes in, and determines whether or not, and reviewing our compliance programme, and looking at our documents, and so on, they are the ones saying to us they want us to change something, and now they are the ones deciding what type of sanction they are going to impose upon us”.

And I think that really and truly, if we are to have a proper regime that, you know, abides by the rule of law and that really has respect for how, you know, the imposition of sanctions is supposed to work, we need to look at a restructuring of the FIU, because in order for them to—

3.40 p.m.

Mr. Vice-President: Senator, you have five more minutes.

Sen. J. Lutchmedial: Thank you. In order for them to carry out their compliance obligations, specifically as it relates to Recommendation 35 and the imposition of sanctions, which is very important, it is one of the critical areas that we need to address if we want to ensure that we are given a largely compliant rating when it comes to the next round of evaluations, we have to look at restructuring that compliance side of the FIU, perhaps maybe hiving it off into a separate agency that will regulate the designated non-financial businesses, or maybe just setting them

up a little bit differently and modelling them in the way that the other prudential supervisors, like the TTSEC and the Central Bank are set up, so that you have a little bit more of that independence on the part of the TTSEC.

I always remember being told that one of the reasons why there is a very specific requirement under the Securities Act as to how the board is to be constituted, and that you must have an attorney at law with a certain number of years of experience, and so on and so forth, it is because of that quasi-judicial function that they carry out. Anybody who fails to file a material change notice in the newspaper, as you are required to do under the Securities Act, you can be sanctioned, and it is the Board of TTSEC that will determine if a sanction should be imposed upon you, what the penalty should be, and so on, and they are collecting the fines and all of that.

So all of these things, they work well in other countries. I think we have to look a little bit further—FinCEN and FINTRAC, which are the Canadian and American versions of an FIU, also exercise supervisory functions to an extent—FINTRAC in particular, in Canada—and they impose administrative fines and penalties. But in those jurisdictions, when you are set up as a federal body, you enjoy a certain amount of insulation. You are—just like the SEC in the United States, you have a separation, in terms of the staff and so on.

So you do not want to have that sort of, you know, relationship between the accuser and the person imposing the penalty. It is like in criminal law. You cannot have the prosecution and the Judiciary being the same person and judging a defendant. It seems ridiculous, but that is, essentially, what it may amount to if you have the FIU imposing administrative sanctions. And although administrative sanctions seem to be a lot less stringent than criminal law sanctions, you still have to abide by the requirement to have due process and fairness built into that

procedure.

Very briefly, I just want to make one comment, and it is in relation to licensing. Apart from administrative sanctions and those fines and penalties to strengthen our system, the revocation of licences for anyone who breaches our anti-money laundering laws, I think, is a very important step for us to take as a country. Currently, there are many persons who are covered by our anti-money laundering laws who are not licensed by the FIU, or they are not licensed by one of the core bodies that are participating in this particular regime.

The Real Estate Agents Act, whenever it comes on board, we will have to have licensed real estate agents and so on. But for now, the most the FIU can do, if someone who is a real estate agent is not complying with the regulations to have their compliance programme, to collect customer due diligence information, to file SDRs, to conduct enhanced due diligence, and so on and so forth, the most they can do is write letters and so on. And now—well, if this law is implemented, when it is implemented, they can impose a financial sanction, but you cannot stop the person from doing business.

And we have to reach the stage as a country where we can find people who are engaged in and enabling money laundering, and take them out of the sector altogether, and remove them. The TTSEC can do it because they have to actually license a broker-dealer or an investment advisor. Central Bank has to grant a licence to a financial institution. So I think that the time has come where that is the next step, the next stage that we must get to. Jewellers, real estate agents, moneylenders, they are granted licence to conduct business through the Magistrates' Court. And the process really has absolutely no room, and it has never incorporated into it a method of assessing whether or not these persons are compliant.

So it may very well be that, as a first step, we need to have persons produce—to whichever authority is licensing them, if any at all, when they go to renew their licence—some sort of letter that they are largely compliant with the law. But that is the only way that we will really clamp down on people being on these specific areas of vulnerability to our anti-money laundering sector. So with those few words, Mr. Vice-President, I thank you.

Hon Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Dr. Paul Richards.

Hon Senators: [*Desk thumping*]

Sen. Dr. Paul Richards: Thank you, Mr. Vice-President, for the opportunity to make, what I hope will be, a short contribution to this Bill before us, which was presented by the hon. Minister of Finance. My contribution will take the form of more questions than statements, and seeking clarity in some of the issues. As the Minister said, and Sen. Lutchmedial-Ramdial, it is an important piece of legislation seeking to amend eight major pieces of legislation on the journey to getting Trinidad and Tobago, hopefully, more compliant with Global Forum and FATF and CFATF, et cetera.

I took a look at the Parliament's website, because I was trying to remember and be accurate in how many times the hon. Minister of Finance has come before us before to amend legislation on the journey to us becoming and remaining compliant. And I have to say that I got lost in the number of contributions the Minister of Finance makes. The list was exorbitant.

Mr. Imbert: And the list is incomplete.

Sen. Dr. P. Richards: And that is incomplete? Okay. Well, let us just say those who said we do not work, they need to take a look at the Parliament's website as parliamentarians.

But one of the challenges I had—and I will say it plainly—is that, of course, the loath in my soul is omnibus legislation, but I understand the efficiency in this because it is with the same aim in mind and they are related in that way. But when you have to exercise due diligence in preparing for these sort of omnibus bits of legislation without the might of the Ministry of Finance and the might of the Office of the Attorney General and Ministry of Legal Affairs on your side, it is a bit more onerous, particularly for the nine benches on this side, who I do not presume have the kind of resources that the hon. Minister of Finance and the Attorney General may have at their disposal, or anyone else for that matter.

In addition to that, to get a context for making the contribution, I took a look at the FIUTT's report, which was laid by the hon. Minister in March of this year, which gave us a sense of suspicious transactions and suspicious activities to make some comparisons. So I am hoping that one of the things the hon. Minister of Finance can do—because it was not lost on me, when he wraps up, is that he said that this suite of changes, amendments, will put us in good standing, which is a deviation from what he would have said before, that we would have been on the way. So I am presuming that when we get the fifth round assessment, it will put us in good standing and we will be firmly in the realm of complete compliance. Although I know it is a consistent assessment as the time goes on.

One of the areas, of course—my focus is the NPO sector which, fortunately, now, through these amendments, is now moving to a realm where it is not all the NPOs that are now going to be as regulated as before, because I think it is very confusing to them, the NPO sector in Trinidad and Tobago, to have had, since 2019, the added burden, though for good cause, of having to, one, register—which is a good thing—and two, become compliant with a number of pretty onerous requirements to avoid running afoul of the law.

And just to give you a sense of the level of scrutiny that they are under now, looking at the Financial Intelligence Unit report of March—laid the report in March 2024, 307 NPOs submitted risk assessment questionnaires received for the reporting period, I do believe, '22 to '23. Of the 307:

“12...”—of those— “...have gross annual income of over TT \$500,000.00”—which falls within the reporting structure as identified by FATF in clause 8 of the Bill.

FATF’s functional definition of an NPO is one:

“...with a gross annual income exceeding five hundred thousand dollars and who have been identified as at risk pursuant to an AML/CFT/CPF sector risk assessment or in a national risk assessment.”

So of the 307 NPOs, 12 fall within that category, and I guess will fall under the realm that the hon. Minister described as now susceptible or subject to oversight, as opposed to regulation. And of those 307:

“28 NPOs conducted cross-border transactions and...were affiliated with NPOs in other countries”—which I am presuming puts them at additional risk because of that circumstance.

“4...had one or more branches”.

And:

“202”—of the—“NPOs”—according to the FIU’s report—“performed activities which fell under FATF’s NPO definition”.

So coming out of that, my question, that I hope the hon. Minister can answer, is because we have now gone to a supervisory regime for those falling under the category of over \$500,000 gross annual income, who is doing the risk assessment? What agency for those? Because we have gone to a risk-based regime, if I understand it correctly, and of those that do not fall in the realm of above

\$500,000, how are we supervising or regulating those? Because by my understanding of when we passed the 2019 legislation—and as we know, globally, NPOs have been one of the conduits through persons seeking to launder money and/or finance terrorism, and have consistently done so, hence the regime around the world has tightened regarding them. So if the Minister could add some clarity to that, in terms of the structures for that sort of supervision. Is it the FIU, or is it some sort of competent authority, and if we could identify that?

One of the concerns I also have—I know the hon. Minister focused a lot on Recommendation 35 in the FATF's quite voluminous list of recommendations, but I have a deep concern in our environment, out of FATF's Recommendation 22, which spoke to designated non-financial businesses and professions, which means—and at (a) is listed "Casinos". And because we do not have gambling-specific legislation, I think we are at great risk, because if you pull up, again, the Financial Intelligence Unit's report——

Mr. Imbert: [*Inaudible*]

Sen. Dr. P. Richards: Please. Please, Minister.

Mr. Imbert: Thank you very much. With respect to the non-profit organizations, it is quite clear in clause 8 of the Bill that the Financial Intelligence Unit will be the oversight authority, and will be responsible for oversight and guidance to non-profit organizations, and also deals with the risk assessment. So it is the FIU. Okay?

Sen. Dr. P. Richards: Thank you. And just for clarity, and that is for only those above the \$500,000 gross threshold, or will it be for the ones that also fall under that to make sure that they do not slip under the radar and become malfeasant?

Mr. Imbert: They are the oversight authority for all. Okay?

Sen. Dr. P. Richards: Thank you, Minister.

Mr. Imbert: All right.

Sen. Dr. P. Richards: Yes. Moving on to the area of concern identified is the issue of, as Recommendation 22 indicates in FATF's list of recommendations, "Casinos". Because when you pull up the FIU's report of 2024, 950 suspicious transaction reports, or suspicious activity reports for the reporting period were received. The FIU's report indicated an:

"867% increase in submissions from Finance Companies;"

And a:

"250% increase in submissions from Private Member's Club;"

And that means a 250 per cent increase in suspicious transaction reports, or suspicious activity reports from members' clubs, and a 25 per cent increase in STRs and SARs in motor vehicle sales. Mr. Vice-President:

"a 21% decrease..."—which is good news—"...in the Banking Sector..."—which is, obviously, because of the strict regulation that goes into the financial banking sector in Trinidad and Tobago. However, a:

"55% increase...from Co-operative Societies".

Given this information, my question to you, hon. Minister, is how are we—or is this scenario regarding casinos or private members' club affecting our compliance ratings and our assessment in any significant way?

3.55 p.m.

Because I am presuming if we have an unregulated gambling sector in Trinidad and Tobago that it leads us up to all sorts of scenarios, absolutely.

Hon. C. Imbert: I thank you very much for allowing me to answer questions as they go along. We are aiming to proclaim the Gambling (Gaming and Betting) Control Act within the next month or so and that would make us compliant. Right now, we are not operational. It is currently being operationalized. Consultations

are being held, they are fleshing out the organization and we aim to proclaim by the end of December or early January. That makes us compliant.

Sen. Dr. P. Richards: That has clearly answered that question because that would have been a great concern for me in the scenario of terrorist financing opportunities and also money laundering, which unregulated casino jurisdictions or gambling jurisdictions are a big vulnerability across the world.

Finally—fortunately, the Minister has been able to answer that question for me—while that is being done and we focus intensely on NPOs in Trinidad and Tobago, which by and large have been a sector that has done so much good in the country. And I promised Sen. Vieira I would not say this, but I will say it anyway. We have a situation—and I have no empirical evidence—where it is a good thing that the Minister has indicated that the gambling regulations and laws will be fully operationalized, hopefully by the end of the year into next year.

Across the East-West Corridor, it is quite well known, anecdotally, that there are “whe-whe”, substitutes to Play Whe, et cetera. Some suggest in excess of what NLCB, the registered legal body, is exercising in this country. And if the information that is anecdotally available is true, and the amount of illegal or unauthorized gambling that is suspected to be taking place—because you can look into several establishments across the East-West Corridor, and in central and south Trinidad, and see numbers on boards with figurines and symbols that we all know what they are about.

We cannot bury our heads in the sand about it, which we know is illegal gambling, which we know in this country is a substitute for Play Whe and “whe-whe”, which we know is money laundering and which we know could be facilitating money laundering. We do not seem to be placing a lot of emphasis on that in Trinidad and Tobago. It is always like if “Well it happening, we accept it”.

And if we are placing this much emphasis on NPOs, and the gambling and gaming industry, and regulating that, I think it is a dereliction of duty for us as a Parliament, and as a state, not to deal decisively with that. Because it exists, and it is dangerous, particularly in the realm of what it can be facilitating, and the impact it can have. As Sen. Lutchmedial-Ramdial said, it is one thing to pass laws and amend laws and it is another thing to make sure you look at the environment and you see where there are gaps, which may be facilitating the very things that we are trying to circumvent in these Bills.

So I am hoping that the Government take a look at that, and deal with it decisively either in the operationalization of the Gambling (Gaming and Betting) Control Act of Trinidad and Tobago, or through some other mechanism. Because I think while we plug one hole, we may be allowing a sluice gate to open on the other side. So I am hoping that can be dealt with decisively, and the Minister can give us some information as he wraps up this debate today.

If you can also identify, finally—there is a lot of emphasis placed on high risk. You also identified—fortunately, thank you, Minister, that the FIU is the designated authority to do the risk assessment. If you could give us a sense of what kind of parameters will indicate what entails a high risk NPO, that falls within the category or not. And with these few words, Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr. Vice-President for the opportunity to speak on this very important Bill, the Bill before us, entitled the 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. A Bill, Mr. Vice-President, which amends eight pieces of existing legislation with 10 clauses and was passed with amendments in the other place on Friday, 15th November, 2024.

Mr. Vice-President, my contribution today will serve to emphasize the pilot of the hon. Minister of Finance, whose remarks I commend. I will today highlight key aspects of the Bill to underscore the importance, and in particular, in relation to Trinidad and Tobago's obligations for implementing the Financial Action Task Force international standards. As this Chamber is aware, those standards are a global benchmark for preventing, detecting, investigating, and prosecuting financial crimes, in particular, money laundering and the financing of terrorism, and the proliferation of weapons of mass destruction. These eight pieces of legislation which we seek to amend today, Mr. Vice-President, include those mentioned in the very title to the Bill already named by the hon. Minister of Finance, and I am not going to repeat those names seriatim.

Mr. Vice-President, by way of introduction, the FATF is the global AML, Anti-Money Laundering, CFT, Counter-Financing Terrorism, standard-setting body, which develops and promotes worldwide standards for combating money laundering and terrorist financing. I need not elaborate, given the comprehensive remarks already given to this august Chamber by the hon. Minister of Finance.

Complying with FATF recommendations, Mr. Vice-President, is crucial for maintaining a safe, secure and transparent international and national financial system, strengthening our economy, protecting our citizens and contributing to global efforts to combat financial crime and terrorism. This piece of legislation in

the form of the Bill before the House, Mr. Vice-President, is a result of an ongoing hands-on technical assistance effort between our national organizations and with assistance from international bodies such as the Global Forum on Tax Transparency, the European Union, the Organization for Economic Co-operation and Development and the FATF.

Mr. Vice-President, it should be noted that in addition to adhering to the FATF obligations, the EU list of non-cooperative jurisdictions for tax purposes underscores the ongoing efforts to mitigate risks associated with jurisdictions that present significant challenges in their regulatory frameworks. By maintaining and updating such a list, the EU and its partners aim to promote transparency, accountability, and compliance with international standards, thereby protecting the integrities of their financial institutions and ensuring a safer international economic environment. Countries included in this list may lack robust anti-money laundering and counter terrorist financing measures, posing risks not only to their own economies but also to the global financial system. So that being in compliance with FATF Recommendation 35 serves as a critical tool to demonstrate Trinidad and Tobago's commitment against financial crime, enhancing cooperation and vigilance among nations within the international sphere.

Mr. Vice President, the Bill before us today will go a long way—as the hon. Minister of Finance has already pointed out—in ensuring that Trinidad and Tobago is compliant, and in particular, compliant with FATF Recommendation 8: Non-profit organizations; FATF Recommendation 22: Designated non-financial business and professional customer due diligence; Recommendation 26: Regulation and supervision of financial institutions; Regulation 27: Powers of supervisors, and Regulation 35: Sanctions.

We are particularly concerned, as I will demonstrate shortly, with

Recommendation 35 on sanctions. Mr. Vice-President, as mentioned in the other House, Trinidad and Tobago is currently preparing for its 5th Round Mutual Evaluations process by the Caribbean Financial Action Task Force, commencing in 2025, a matter of mere weeks, with an on-site visit in March 2026. The CFATF Secretariat has confirmed that Trinidad and Tobago will be the first country to enter the 5th Round Mutual Evaluations process and present its mutual evaluation report no later than the 31st of December 2026.

This process, Mr. Vice-President, will assess the effectiveness of Trinidad and Tobago's AML/CFT measures and evaluate its technical compliance with FATF's 40 recommendations and 11 immediate outcomes. Mr. Vice-President, I have the honour to lead a very strong Trinidad and Tobago CFATF team for the important 4th round, 59th Plenary, taking place in Jamaica next week, attended by CFATF countries, and where we will be welcoming the United States of America to CFATF membership for the first time.

This assessment process, Mr. Vice-President, will be an extremely rigorous, more result-oriented process focusing on specific actions to tackle money laundering, terrorist financing, and the financing of weapons of mass destruction. Sen. Lutchmedial-Ramdial spoke to the implementation of the legislative suite that this composite Miscellaneous Provisions Bill is seeking to introduce and questioned with legitimacy, the extent to which Trinidad and Tobago is building out its implementation.

I would advise this Chamber, Mr. Vice-President, earlier this year my office held a workshop, an all-day workshop in Maracas, St. Joseph, where we brought together all of the regulatory agencies and bodies in Trinidad and Tobago who are concerned with the implementation of our CFATF and indeed our Global Forum implementation. It was a very educational process.

One of the flags—I will not say it is a red flag, but it certainly was a red flag—that that process reminded us of, and it is a reality in Trinidad and Tobago today, so this is not a criticism that can just be levelled against the Government. This is a reality about our day-to-day life and our day-to-day regulation of our working experiences. That workshop highlighted for us, the extent to which in Trinidad and Tobago, our institutions operate in silos.

What came out of that workshop was a eureka experience by everyone to recognize the degree to which in the system that we are building out for CFATF's implementation of the financial regulatory system that we are subscribing to by this Bill, the legislative suite that already exists and future legislative measures that we will be coming back to this Parliament with, the extent to which all of us have to work together and not operate in silos.

And that is perhaps one of the most important lessons coming out of the work in progress that is taking place right now as we build out the implementation of our regulatory system with CFATF. That rigorous, more results-oriented process a shorter cycle, greater scrutiny, strong follow-up mechanisms will ensure that our government and our institutions 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.

It is, Mr. Vice-President, a work in progress. That is the most important part of what we are talking about now as we bring this Miscellaneous Provisions Bill to this Parliament and as we continue to work through our preparation for the 5th Round Mutual Evaluations. And so the passage, Mr. Vice-President, of this piece of legislation is a crucial step in our preparation and demonstrates Trinidad and Tobago's commitment to complying with FATF's 40 Recommendations. The crux of this Bill is primarily, as I mentioned earlier, to address Recommendation 35, for

which Trinidad and Tobago is presently rated as partially compliant, and we are working towards becoming largely compliant. Significant threshold improvements in the tiered assessment by which FATF measures nations' compliance.

4.10 p.m.

According to the FATF standards, Mr. Vice-President, Recommendation 35 mandates that:

“Countries should 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 covered by Recommendations 6, and 8 to 23, that fail to comply with AML/CFT requirements. Sanctions should be applicable not only to financial institutions...but also to their directors and senior management.”

Mr. Vice-President, Trinidad and Tobago's technical compliance, under the previous fourth round process, pointed to a technical deficiency in the existing legislative regime then for the availability of civil and administrative sanctions. Although our criminal sanctions appear to be proportionate, the civil and administrative sanctions are not. Trinidad and Tobago was noted, in the fourth round evaluation, as having a deficiency related to the lack of administrative monetary penalties for the breach of AML/CFT/CPF laws. So currently, the AML/CFT legislation makes provision for criminal sanctions to be imposed against financial institutions and listed businesses for breaches of the AML/CFT laws.

Provision is also made to empower the supervisory authorities, the Central Bank of Trinidad and Tobago, the Financial Institutions Union of Trinidad and Tobago, and the TTSEC, Trinidad and Tobago Securities Exchange Commission, to enforce a wide range of dissuasive and proportionate administrative penalties for

breaches of 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, Mr. Vice-President, the criminal penalties include terms of imprisonment and monetary penalties. The terms of imprisonment are contained within the offences created for breach of the respective regulations in section 57(1), Proceeds of Crime Act; section 42(1), Anti-Terrorism Act; section 27(4), Financial Intelligence Unit of Trinidad and Tobago Act. Currently, the supervisory authorities—the supervisors—have the power to impose criminal penalties in a wide range of dissuasive and proportionate administrative penalties for breaches of the 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 compendiously refer to as the Regulations.

As part of the regulatory process proposed in this Bill, Mr. Vice-President, if the financial institutions or listed businesses fail to pay the fine and remedy or discontinue—fail to remedy or discontinue, the breach in compliance with the notice issued by the supervisory authority under the new proposed section, and those sections are 50(1)(c), Proceeds of Crime; 42(1)(b) Anti-Terrorism; and section 27(5), Financial Intelligence and the hon. Minister already referred us to the clauses in the Bill.

In the event that those financial institutions fail to pay the fine and/or remedy or discontinue the breaches, the supervisory authorities will be authorized to refer the matter of the breach committed by the financial institution or the listed business to the Commissioner of Police to consider commencing an investigation into a criminal offence created by section 57(1), Proceeds of Crime Act; section

42(1) Anti-Terrorism Act; and section 27(4) Financial Intelligence Unit of Trinidad and Tobago Act.

Mr. Vice-President, the intention is to ensure that those financial institutions or listed businesses who fail or refuse to comply with the instructions of the supervisory authority, will remain liable to the criminal penalties under the Acts which I have referred to, and this is consistent with existing regulatory approach under the Financial Institutions Act, Chap. 79:09, and the Insurance Act. Chap. 84:01.

The most recent legislative amendments, which engaged the supervisory working group under NAMLAC, was the introduction of an administrative fine regime for compliance with Recommendation 35. The process for legislating for this regime was initiated through the introduction of a Miscellaneous Provisions (FATF Compliance) Act 2020, which was assented to December 18th, 2020, in particular, and amended by the following pieces of legislation. The Mutual Legal Assistance in Criminal Matters Act, Chap. 11, No. 24; the Proceeds of Crime Act, Chap. 11, No. 27; the Anti-Terrorism Act, Chap. 12, No. 7; the Interception of Communications Act, Chap. 15:08; the Financial Institutions Unit of Trinidad and Tobago Act, Chap. 72:01; the Income Tax Act, Chap. 75:01; the Central Bank Act, Chap. 79:02; the Financial Institutions Act, Chap. 79:09; the Companies Act, Chap. 81:01; the Securities Act, Chap. 83:02 ;and the Non-Profit Organisations Act, No. 7 of 2019.

The Act, Mr. Vice-President, made initial amendments to those substantive Acts for each 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. This working group, the supervisory working group, previously collaborated on an introduction of

administrative monetary fines for the AML/CFT/CPF breaches policy paper in 2021, for the amendment of regulations to facilitate the penalties introduced in the substantive legislation.

Extensive consultation took place, extensive feedback was 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 Trinidad and Tobago Act, and the regulations to provide for greater proportionality in the application of those administrative fines, as well as to ensure that aggrieved persons are able to access due process before our courts.

Mr. Vice-President, the supervisors do not have the power at the moment to levy monetary penalties for breaches of those regulations, the AML/CFT Regulations. The Bill before us is therefore intended to provide the foundation in law for all three supervisors to have the power to levy proportionate and dissuasive monetary penalties. This is addressing the deficiencies that were identified in the fourth round evaluation process and which we are seeking to correct and improve as we go into the fifth round. It is intended to set out the procedure for all three supervisors to follow when imposing the administrative monetary penalty, as well as, sufficient access to due process before the courts by any aggrieved party. The specific regulations will be subject to a monetary penalty, which will be set out in the schedules to the respective regulations with the applicable monetary penalty for breaches of this specific regulation.

In addition, Mr. Vice-President, to Recommendation 35, this Bill seeks to address FATF Recommendations numbers 26 and 27. Recommendation number 26 states that:

“Countries should ensure that financial institutions are subject to adequate regulation and supervision and are effectively implementing the FATF Recommendations. Competent authorities or financial supervisors should take the necessary legal or regulatory measures to prevent criminals or their associates from holding, or being the beneficial owner of, a significant or controlling interest, or holding a management function in, a financial institution. Countries should not approve the establishment or the continued operation of shell banks.”

Recommendation 27 states that:

“Supervisors should have adequate powers to supervise or monitor and ensure compliance by, financial institutions with requirements to combat money laundering and terrorist financing, including the authority to conduct inspections. They should be authorized to compel production of any information from financial institutions that is relevant to monitoring such compliance, and to impose sanctions, in line with Recommendation 35, for failure to comply with such requirements. Supervisors must have the power to impose a range of disciplinary and financial sanctions, including the power to withdraw, restrict or suspend the financial institution’s licence, where applicable.”

Mr. Vice-President, according to Recommendations 26 and 27, the FIUTT should be able to demonstrate that it has the ability to conduct off site compliance examinations as part of a risk-based approach to AML/CFT supervision.

The FIUTT Act currently does not permit such off-site compliance examinations. Clause 5(d), Mr. Vice-President, of this Bill, is intended to provide the FIUTT with the power to compel the production of books, records, documents, or other information, which is relevant to assess compliance with AML/CFT laws

without first commencing an actual on site examination. The FIUTT will also be provided with the power to compel the production of such information that is relevant to assess compliance with AML/CFT laws. This approach is consistent with the supervisory powers of the Central Bank of Trinidad and Tobago and the Trinidad and Tobago Securities Exchange Commission for off-site supervision. So, we are not creating something out of the blue, we are implementing measures that are already endowed in other regulatory institutions to ensure that we have a harmony of administrative regulations across Trinidad and Tobago.

Mr. Vice-President, in accordance with FATF Recommendation 22(1)(d), clause 3(e) III of this Bill is proposed to ensure a clear and concise understanding of the functions by lawyers, notaries, other independent legal professionals and accountants, who are covered as a listed business and are subject to AML/CFT controls in this jurisdiction. The performance of these professional functions must be consistent with the Recommendation 22 formula and alleviate any misrepresentations of the terms and the 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, fifth round mutual evaluation.

Mr. President, this Bill also adheres to the outcomes of the National Risk Assessment on the non-profit organization sector, recommendations made by the World Bank and the EU Global Facility, as well as, FATF Recommendation 8, which aims to protect NPOs, non-profit organizations from terrorist financing abuse.

Clause 5 of the Bill amends the FIUTTA and serves to introduce a new term into that Act called and hon. Minister of Finance rose to assist hon. Sen. Dr. Richards with reference to the oversight authority. The FIUTT will perform the

function of this oversight authority over non-profit organizations, as defined in section 4(1)(a) of the Non-Profit Organisations Act, using the powers outlined in the new proposed section 18G, of the FIUTT Act. Subsequently, Mr. Vice-President, clause 8 of the Bill, also amends the NPO Act, in order to give effect to these changes.

It has been noted, Mr. Vice-President, that quite often non-profit organizations, or listed businesses, put inaccurate or false information on their documentation as they submit to the FIUTT. In seeking to rectify this, clause 5 of the Bill was further amended in the other place to introduce a new section, section 18K. It is now an offence for non-regulated financial institutions, listed businesses or non-profit organizations, to knowingly make a misrepresentation in the documents to the FIUTT, and they will be liable on summary conviction to a fine of \$250,000 and to imprisonment for two years.

4.25 p.m.

In addition, Mr. Vice-President, clause 9 of this Bill proposes to amend the Civil Asset Recovery and Management and Unexplained Wealth Act, (CARMUA) the acronym, to address a concern which was raised by the Judiciary in July this year, during one of the several asset recovery workshops hosted jointly by the Office of the Attorney General and Ministry of Legal Affairs and Gentium UK, who were retained by the British High Commission to assist Trinidad and Tobago with strengthening its assets recovery regime.

The issue identified by members of the Judiciary in the collaborative working association that is ongoing in developing our FATF compliance, was in respect of the disjunctive or conjunctive application of section 31(2) of CARMUA, as it is currently silent. The Provision provides for matters to be referred where a person has been acquitted of an offence relative to recoverably 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. And one of the important parts of the civil asset recovery piece of legislation that is now law in this country and has been successfully defended by my office as being fully constitutionally compliant—it is now on its way to the Privy Council—that is under that piece of legislation, you do not need to identify and convict an individual in managing corruption anymore in this country. You can identify what is known as the recoverable property and seize the recoverable property, and then those persons who are associated with that property, will have to come to the courts to justify how it is, with their track record of such disposable income, as they are transparently able to account for, they have a financial interest in this recoverable property. And unless they can justify how they come to have such an interest in this recoverable property, the property remains seized and forfeited to the State.

So, that is an area in which the DPP is being given power on issues clarified by the Judiciary, and the provision provides for matters to be referred where a person has been acquitted of an offence relative to recoverable property for the Director of Public Prosecutions still to refer the matter to the Civil Asset Recovery and Management Agency. It gives me great pleasure to say that Cabinet has approved the creation and operationalization of the Civil Asset Recovery and Management Agency, and it is expected, Mr. Vice-President, that that agency will be fully functional during the first quarter of 2025.

In the other place, Mr. Vice-President, this Bill underwent additional minor amendments which simply corrected typographical errors which were raised during the committee stage. As I conclude, Mr. Vice-President, I would like to applaud the hard work and diligence over the past years from three competent authorities of

the supervisory working group, the Financial Intelligence Unit of Trinidad and Tobago: Mr. Nigel Stoddard, Director;—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Ms. Mary Martinez-Campbell, Deputy Director; Mr. Kevin Radix, Director, Compliance and Outreach Division; Mrs. Kylene Dowden, Director, Legal Services; Ms. Shivana Sharma, Legal Counsel II. The Central Bank of Trinidad and Tobago: Ms. Nadira Rahamatula, Manager, AML Unit; Financial Institution Supervision Department and Ms. Sabrina Lee-John, Assistant Manager, Legal. And the Trinidad and Tobago Securities and Exchange Commission: Ms. Rosalind King, Director, Compliance and Inspections; Ms. Leslie Ann Browne, Lead Counsel Advisory; and Ms. Keisha Celestine, Senior Legal Counsel, under the leadership of Ms. Vyana Sharma, Director of the Anti-Terrorism Unit and Chairman, NAMLC, for their work; ably supported by the Legislative Drafting Department of the Attorney General's Office: Ms. Ida Eversley SC, Deputy Chief Parliamentary Counsel; Ms. Lorraine John, Deputy Chief Parliamentary Counsel (Acting); and Mr. Aneil Joseph of the Chief Parliamentary Counsel's Department.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Mr. Vice-President in conclusion, I would again like to underscore the importance of Trinidad and Tobago's preparation for the Fifth Round Mutual Evaluation process. We are undertaking on a daily basis the improvement of the systems and processes that are being worked through for the implementation of the legislative regime which we have so far passed, which we have before this Chamber, asking this Chamber to pass. And it is imperative, Mr. Vice-President, that this Bill is passed today. This legislation will not only strengthen this country's financial system, it would promote global cooperation,

protect the economy from the negative effects of financial crime, help avoid sanctions and reputational damage, and strengthen national and global security, and will ensure that Trinidad and Tobago complies with its international obligations. I look forward to being able to announce next week, in Jamaica at the 59th plenary session of CFATF, that Trinidad and Tobago has passed this Bill into law, and we are well on our way.

Hon. Senator: Yes.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And with that, I thank you, Mr. Vice-President.

Mr. Vice President: Sen. Wade Mark.

Sen. Wade Mark: Thank you, Mr. Vice-President. I rise to make a contribution to the miscellaneous provisions consisting, of a number of Bills—a number of Acts, I should say, inclusive of the Proceeds of Crime Act, the Anti-Terrorism Act, the Financial Intelligence Unit of Trinidad and Tobago Act—and of course, Mr. Vice-President, you have the Non-Profit Organisations, Insurance, Securities, and there are two others. Now, what is the purpose of us going through this process? I heard the Attorney General said that he is going to Jamaica next week and he wants announce that this Bill has been passed. But we have been passing several Bills over the last nine years and almost three months. But as the hon. Minister of Finance told us in his contribution—that is inadequate, it is not enough. We have to go from technical compliance to the full operationalization and implementation and enforcement of these laws that we are passing. Because we have passed, and passed, and passed, and for nine years that have passed, we are still not clearly out of the woods. The Minister of Finance, told us some time ago—even with the signing of the multilateral agreements that he mentioned earlier in Brussels, recently, Global Forum—FATF monitoring us, very, very, very closely.

So, whilst this Bill will obviously be passed because the United National Congress, when it comes to money laundering, the financing of terrorism and the proliferation of weapons of mass destruction, Mr. Vice-President, we are on board. We want to strengthen and we want to translate these pieces of legislation that will give effect to these particular areas that I have outlined, to ensure that Trinidad and Tobago is compliant—that we get off the grey and the black lists.

4.35 p.m.

That is what we are committed to. But for almost 10 years, we have been unable, Mr. Vice-President, to get off that list in the way that we would have liked.

So the Government has brought a number of measures in this omnibus Bill, again, to satisfy requirements of this Financial Action Task Force, and everyone is telling us there is a Fifth Round of Mutual Evaluations coming up in 2025, and no later than the 31st of December, 2026. One of the things—I listened carefully to the Attorney General when he was speaking earlier. He made mention of the assessment. There is an assessment process that we have to pay attention to.

They are not coming only to see about how many laws we have passed, which is important and which we have to do, but they are coming to see how we have effectively translated these laws through enforcement, Mr. Vice-President. I think it was the FIU report, 2023/2024, which revealed that we had some 950 suspicious transactions and suspicious activities, amounting to close to \$6 billion in 2023, into 2024. But I think what FATF and the other players that are monitoring money laundering, countering and financing of terrorism, what would they be looking for, Mr. Vice-President, is what has Trinidad and Tobago done in ensuring that the billion of dollars in suspicious activities, how have they been translated into some kind of action to get at those who have been engaged in those activities. I think, Mr. Vice-President, that is the major challenge that we are faced

with, and we are going to be very happy when we get off that list and we are able to breathe once again.

Now, given the pieces of legislation that we are seeking to amend, to bring Trinidad and Tobago up to a certain standard and a certain level, I want to ask—and I want to pay attention to clause 5 of the Bill that is before us. In this context, we are seeing where more responsibilities are being given to this particular body called, the FIUTT, but the question that we have to raise, Mr. Vice-President, is whether this FIUTT has the capacity and the ability to implement, to effect, in a very efficient, objective and professional way, the responsibilities that are being given to that entity in this piece of legislation that is before us.

Mr. Vice-President, I look at page 108—look at page 108 of the report of the FIU, and there is something called, “Challenges”. I think the Minister of Finance ought to be aware of these challenges that this particular organization is facing. For example, if we go to clause 5 of the Bill, we are being told in this clause that this entity is going to have some new responsibilities for these non-profit organizations, non-financial listed organizations, and they are going to be requesting from these organizations certain material to ensure that these organizations are not involved in money laundering, in the financing of terrorism. Therefore, these organizations, under its oversight range, would now have to produce documents, they have to produce records, they have to produce books, and if they fail to produce those, Mr. Vice-President, they are going to face sanctions and penalties.

Of course, the hon. Minister indicated to us that one of the things that is the centrepiece of this omnibus legislation is to give all these entities the power to impose administrative fines. So instead of just criminalizing, which is there already, there is another tool that is being used globally in an effort, Mr.

Vice-President, to ensure that persons, and bodies, and institutions, and entities who violate and breach these laws and regulations, they can be fined. The Minister drew examples of what took place in Canada and in the United States of America. So that is a tool that is available. But, Mr. Vice-President, we are told on page 108, this same FIUTT is having some difficulty in retaining staff. So on page 108, it tells us that staff retention continues to be a challenge for the FIUTT based on the unique nature of AML/CFT/CPF. So there are challenges facing this organization and they have outlined them in their report on page 108.

They have also appealed to the Minister, the Government, and through the Government, the Parliament, that they need additional accommodation to carry out their responsibilities, Mr. Vice-President. So those are areas, I believe, that the Parliament would need to pay attention to, and the Government that is seeking to almost appropriate and allocate more functions, more duties, more responsibilities for the FIUTT, has to ensure that this entity has the capacity, the ability, the talent, resource pool to execute those responsibilities, otherwise, Mr. Vice-President, we are going to be spinning top in mud, as we say.

Now, one of the areas I would like to advance here is this. We have to ensure that when we allocate more functions, more duties, more responsibilities to these entities, that they do not abuse their power—they do not misuse their authority. I would have thought the hon. Minister of Finance would have taken the opportunity, in these amendments, to address the concerns that were expressed in this court judgement involving Gary Griffith and involving Brent Thomas, where the court has ruled the actions taken by the FIUTT were unlawful, illegal and unconstitutional.

Sen. Lyder: Yes.

Hon. Senators: [*Desk thumping*]

Sen. Armour SC: Mr. Vice-President, on a point of order, that matter is sub judice.

Sen. W. Mark: “You talking about sub judice”?

Sen. Armour SC: It is under appeal—[*Inaudible*]

Sen. W. Mark: You come here and you talked about—[*Inaudible*]

Sen. Mitchell: Mr. President—

Mr. Vice-President: Sen. Mark. Sen. Mark. Sen. Mark, when a Standing Order is being raised, you are supposed to take your seat. That is first. Okay? Attorney General.

Sen. Armour SC: Thank you very much, Mr. Vice-President. As I have just said, that matter is sub judice. It was determined in the High Court. It was appealed in August of this year and the court has reserved directions for the progress of the appeal. The sub judice rule, therefore, applies.

Mr. Vice-President: Sen. Mark, based upon that—

Sen. W. Mark: Mr. President—

Mr. Vice-President: Based upon that by the Attorney General, I ask you to move on from that point.

Sen. W. Mark: Mr. President, may I ask your ruling on something?

Mr. Vice-President: Sen. Mark, you are going to ask me—

Sen. W. Mark: So not because the Attorney General says something—[*Inaudible*]

Mr. Vice-President: Sen. Mark, I am on my legs.

Sen. W. Mark: [*Inaudible*]

Mr. Vice-President: Sen. Mark, I am on my legs. Sen. Mark—

Sen. W. Mark: [*Inaudible*]

Mr. Vice-President: Sen. Mark, I ask that you move on from that point, please.

4.50 p.m.

Sen. W. Mark: Alright. Mr. Vice-President—you go ahead. “You fix up.” It is only a matter of time, you know.

Sen. Lyder: Yes.

Sen. W. Mark: “All dis here is a matter ah time.”

Sen. Lyder: Yes.

Hon. Senators: [*Desk thumping*]

Sen. Lyder: A matter of time.

Sen. W. Mark: What I am saying, Mr. Vice-President, it is simple. It is simple.

Sen. Lyder:—Hinds.

Sen. W. Mark: It is simple—“ah cah say Hinds.”

Sen. Lyder: “De rest ah dem will follow.”

Sen. W. Mark: Mr. Vice-President, all I can say is this, there must be accountability. You cannot give power to an entity and that entity is not accountable. You cannot give power and responsibilities to “de man with de books” and records of an NPO or a nonfinancial listed company or business, be it a credit union, Mr. Vice-President, and then when you give these entities that are responsible for that kind of power and you “doh” have systems in place to ensure that rights—we have rights. We have a Constitution. There is a section called Section 4 and I dare say, Section 5, that protects us, protects our rights, from abuse, from any entity.

Sen. Lyder: Including this Government.

Sen. W. Mark: Right. The Government is famous for abusing its authority.

Sen. Lyder: All the time. Every week.

Sen. W. Mark: So, we need strong and effective institutions, if you want to have a real ramping up, in terms of quality of life. In any nation, you need strong

institutions—

Sen. Lyder: Correct.

Sen. W. Mark:—and that is where we are failing. So, I await—you see, some people “doh” remember that I was in that chair and I know what the rules are, you know? I know when a matter is before a judge and jury, you could influence the ordinary man but when it is before me—

Mr. Vice-President: Sen. Mark.

Sen. W. Mark:—as a judge—

Mr. Vice-President: Sen. Mark.

Sen. W. Mark:—I know that—

Mr. Vice-President: Sen. Mark.

Sen. W. Mark: Yes, Sir.

Mr. Vice-President: It is not a matter of belabouring what your thoughts are on the matter. Please move on from the sub judice point, please.

Sen. W. Mark: Yeah, yeah,—No, no, no, “who talkin’ about sub judice? I pass dat.”

Hon. Senators: [*Laughter*]

Sen. W. Mark: “You resurrecting something dat dead.”

Sen. Lyder: Well bring it up again. Let him say it.

Sen. W. Mark: Yeah, so, anyway, Mr. Vice-President, I abide by your ruling.

Sen. Mitchell: “Ah why yuh accept the pre-action protocol letter.”

Sen. W. Mark: What pre-action protocol letter?

Sen. Mitchell: “Why yuh stop de debate.”

Sen. W. Mark: Me? “Me eh stop no debate, is de Government stop de debate. Who stop de debate?”

Mr. Vice-President: Sen. Mark, just remember to just pass the comments through

the Chair.

Sen. W. Mark: Yeah, well—

Sen. Lyder: Through you, Mr. Vice-President.

Sen. W. Mark:—Mr. Vice-President, through you—telling me about pre-action protocol, what protocol? “You eh no lawyer, why you askin’ me about protocol?” Talk to Reggie. Reggie will tell you about protocol.

Sen. Lyder: [*Laughs*]

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: “He askin’ me about protocol.”

Hon. Senators: [*Desk thumping and laughter*]

Sen. W. Mark: “Eh? Yeah. I stop? I stop what? Me eh stop nothing.”

Sen. Lyder: Through you, Mr. Vice-President.

Sen. W. Mark: The records will show a debate ensued.

Sen. Lyder: Yes

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Yeah.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: The record is there. “So, doh tell me dat because ah know meh rights.”

Anyway, Mr. Vice-President, let me address you. So, Mr. Vice-President, listen, we would like and we are committed to strengthening the legislation that is before us. We would like the Government to ensure that you balance that power that we are giving to this entity in clause 5. You balance that, Mr. Vice-President, with the rights of the people. “Yuh just cah go and demand tings”, there must be some judicial arrangement. So, as my colleague said earlier, if you are going into a business and you are demanding their books and their records, Mr. Vice-President,

you just “cah” go in as ordinary FIU, you have to go with a judge, otherwise, Mr. Vice-President, you know what is going to happen? These laws that we are passing, citizens are going to challenge them in the courts. If we do not tighten this legislation, we will make a mockery of the whole process.

Sen. Lyder: Yes. Correct.

Sen. Lutchmedial-Ramdial: Correct.

Sen. Lyder: Yes.

Sen. W. Mark: So, that is why we are seeking to advise the Government that they want to, actually, you know, address—

Mr. Imbert: [*Interruption*]

Sen. W. Mark: No. I—hon. Finance Minister, “nobody eh rough meh up”, only you and I—

Mr. Imbert: [*Continuous interruption*]

Sen. W. Mark:—because—

Sen. Lyder: Through you, Mr. Vice- President—

Sen. W. Mark:—I am leaving shortly and you too are leaving. So, only you and I know how to rough up each other.

Hon. Senators: [*Laughter*]

Mr. Imbert: I only leaving if yuh finish [*Inaudible*]

Hon. Senators: [*Laughter*]

Sen. W. Mark: “Ah know yuh eh goin’ back Diego Martin North/East like Hinds in Laventille West. I know dey cut yuh throat already.”

Hon. Senators: [*Desk thumping and laughter*]

Sen. W. Mark: I know they have a fella called—the seat—[*Interruption*]—oh no, well, you going up for Barataria/San Juan.

Mr. Vice-President: Sen. Mark—

Hon. Senators: [*Crosstalk*]

Mr. Vice-President:—Sen. Mark.

Hon. Senators: [*Continuous crosstalk*]

Mr. Vice-President: Sen. Mark.

Sen. W. Mark: [*Interruption*]

Mr. Vice-President: Sen. Mark.

Mr. Imbert: [*Inaudible*]

Sen. W. Mark: No, no, no, no; “I eh joining Hinds.”

Mr. Vice-President: Sen. Mark.

Sen. W. Mark: Yes, Sir.

Mr. Vice-President: Stick to your points at hand and get back to what you were trying to say, although it is becoming repetitive.

Sen. W. Mark: No, I am saying—

Mr. Vice-President: You have a few more minutes remaining, go ahead.

Sen. W. Mark: No, no, no, no, no—

Sen. W. Mark: You have gone off track. Continue.

Sen. W. Mark: No, I am listening to you, Sir. I am just saying that my colleague here, my good friend—

Mr. Imbert: We are not friends.

Hon. Senators: [*Laughter*]

Sen. W. Mark: No, no, he is my friend.

Sen. Lyder: “All de Manning-ites gone.”

Sen. W. Mark: He is my friend. He is my friend—no, no, no; fake friend. You are my fake friend.

Sen. Mitchell: Mr. Vice-President, on a point of order, please, 46(1). He is rambling. He has nothing further to add.

Mr. Vice-President: Sen. Mark, in your few minutes that you have, I just ask that you stick to the points and wind up your contribution accordingly.

Sen. W. Mark: Mr. Vice-President, I am not fighting Barataria/San Juan.

Hon. Senators: [*Laughter*]

Sen. Mitchell: Stop attacking the Vice-President.

Sen. W. Mark: I am not attacking anybody. All I am saying, I am not fighting Barataria/San Juan.

Sen. Mithcell: You are attacking the Vice-President.

Sen. W. Mark: No. I am not fighting Diego Martin North/East.

Sen. Lyder: [*Laughs*]

Sen. Mitchell: Mr. Vice-President, on point of order, please. I have to repeat 46(1).

Mr. Vice-President: Sen. Mark—

Sen. W. Mark: Sir?

Mr. Vice-President:—kindly get back to the debate or summate. Thank you.

Sen. Lyder: “Yuh rhymin’ nice boy.”

Sen. Wade Mark: I like your rhyme. “Yuh rhymin’.”

Sen. Lyder: [*Laughs*]

Mr. Imbert: No respect.

Sen. W. Mark: Mr. Vice-President, listen, my intervention is limited today. We just wanted to get to rise and make certain observations, which I think we have done. I look forward and turn to the hon. Minister of Finance when he is going through at the Committee stage level and when he is winding up, to take into account the very serious observations that we made to clause 5 and to see what he can put in place to refine clause 5 to avoid “smart alecs” from taking the Government and the people to court on constitutional issues, if we can get it right

now because we want the law to work. We want culprits who are involved in money laundering—we want them to be charged, arrested and put away, Mr. Vice-President. That is all. We want justice and fairness. We want the law to work. We want to get off the grey list. We want investors to come here from Europe, from North America and different parts of the world but to come here, we have to be off these lists. That is why the Minister has brought the legislation and we are hoping in this journey, we will be able to reach that ultimate point where we will not have to be the subject of any further sanctions or attempted sanctions by the Global Forum or FATF.

So, Mr. Vice-President, I want to thank you for giving me the opportunity to say a few words on this matter. We look forward to the Minister engaging us at the level of the Committee stage. In particular, to see how we can work to strengthen certain provisions of the legislation to make it more powerful in the interest of this State and in the interest of the people. And protect us against the money launderers, the criminals who are involved in financing of terrorism and those who are engaged in the proliferation of weapons of mass destruction.

Sen. Lyder: Address him properly.

Sen. W. Mark: I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Sunity Maharaj.

Sen. Sunity Maharaj: Thank you very much, Mr. Vice-president. Notwithstanding my deep reservations about the G7 countries' attempt to corral the rest of the world into, you know, systems and processes in their own changing and often hypocritical interest. I join the rest, I think, of this Chamber in being anxious to get Trinidad and Tobago off the grey list and get past that hurdle but as has been pointed out, these lists are based on a moving goalpost and once we get past, we

get on to the list of compliant countries, the challenge is going to be staying on that list. That is when we are going to see the goalpost move even more. There are some elements however, that we should do and we should accept, that are going to be critical to not only staying on the good side of the international financial system but transforming the financial climate and environment of Trinidad and Tobago in the interest of the people of Trinidad and Tobago.

The Attorney General mentioned his “eureka moment”, when he brought different government entities together and discovered the silo-esque nature of Government, not just Government, I would think the entire institutional framework of the country. I will suggest to him that it would take a lot more than one workshop to address that problem, which is a deep-seated problem that has afflicted our governance and the public sector for decades. It is a challenge to governance and it harks back to our need and recognition of the need for genuine transformation of the public service.

So, there is going to be the challenge of changing the culture of the public sector, which is no easy task, for us to be able to get all these moving parts moving in the direction that we need to be, in order to be to stay off these lists. The question was raised about implementation, I think Sen. Lutchmedial-Ramdial spoke about that, that the implementation, of course, can only be successful if we identify the resource requirements in every single case, in every institution. What are the implications for each institution to be able to carry the mandate forward efficiently and effectively? We know that is a challenge.

We know that all the commissions work hard. We know all the institutions that have been set up for dealing with corruption, dealing with, you know, financial transparency and so on, they are often hamstrung by the lack of expertise, the lack of manpower, the unarticulated architecture that is required to drill down deep and

to make and sustain a process of change. So, that is a task that is beyond the passing of legislation, as we will do today, as I expect. The real work will come. So, we have that task.

5.05 p.m.

The other challenge is the public. So much of what we do here makes no sense to the public, because there is no conversation that helps the public to understand what is their place and how is this going to affect them. We know from anecdotal evidence that people are encountering no end of challenges in their interfaces with the commercial banking system, for example, based on the need for various financial requirements for compliance and so on. I see in this legislation that there is going to be an even more stringent time factor for banks to, you know, to report red flags.

I will be surprised if that happens without an additional increase in fees. The banking sector is taking none of these costs on its own shoulders. It is passing it on to the public and therefore that may be one small element. But the implications of all of these for the public for them to try to make sense of why they go to the Office of the Attorney General and Ministry of Legal Affairs to register something and so on and they do not understand why they are being told that you have to bring more documentation, you have not done this. That information, that communication with the public to keep them in this conversation about Trinidad and Tobago, the country which is theirs, that its need to comply to certain international standards is rolling back on them. The waves of change are rolling back on them and burying some of them.

I am really happy to see the ease up that the non-profits have got, because our non-profit organizations are a long, long way from where they need to be. If only to a level of governance that can hold them together and help them to account

for basic income. We have so many of them, and I dare say, they are critical to keeping this country together. I think our non-profits are a critical social and safety net for so many people. They provide tremendous value to the society, and they have been terrified since they came into the legislative net about their survival. I do not know what the level of compliance there is, is in terms of, you know, them being registered and so on, but I heard that that fine on even non-profits is \$250,000. If most of them have anything even as much as that or \$50,000 in the bank they have a lot.

So on the one hand, it is the state agencies that have to review the way they relate to each other and their function, and what is required for this financial world order that we are becoming part of and being drawn into and will be drawn deeper and deeper into it. The technology is there to drag us into it and make us comply even in language. The other half of it is the public. How is the public understanding its own role in that? Its rights, the law, what is required, that is a huge job. And then there are the other issues I think Sen. Dr. Richards raised, the gambling, the many different ways in which the economy is distorted, and you cannot get a true picture. Those are the things that sooner or later that is going to come. I am here referring to what he talked about illegal gambling which by some estimates are, you know, 400 million-something, I saw reported once. All the illegal goods, the human trafficking, the drugs, the arms, the underground economy on which the rest of the economy seems to be floating.

The watering down of the procurement legislation, that is one that is likely to come back to haunt us. And then there is political party election financing, which is another big elephant in the room. Cash transactions in the millions that is let loose around election time with no trace. So that is one I imagine that will be dealt with under campaign finance reform. But I flag those things merely to point

out some key areas in the economy that are not under the ambit of any particular regulation and therefore will distort the economy and will draw attention that those are the things we have to start to address and of all of them the importance of bringing the public into this conversation in a way that makes sense to them. And with that, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Minister of Finance.

Hon. Senators: [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Thank you very much. Mr. Vice-President, I will deal with contributions in reverse order. I suspect Sen. Maharaj when the Senator spoke about reservations about the legislation the Senator probably meant resentment.

Sen. Maharaj: Yes.

Hon. C. Imbert: That is probably the word you meant. But I mean, it is what it is, that is the world today. If you want to operate in the global environment, you have to comply. Otherwise, they are going to shut down your correspondent banks, which they are doing. They are going to blacklist you, which they are doing, they are going to prevent foreign investors from investing in Trinidad, which they are doing and that is just the way the world is. Until we in the developing world control the world, we just have to comply unfortunately. We could quarrel about it, we could complain, we could lobby, we could make noise, this is what we do. But there is nothing we can do about it from a practical perspective.

Turning now to Sen. Mark, I think my staff has asked me to invest in artificial intelligence to analyse Sen. Mark's contributions because they have told me as humans it is very difficult and tedious to analyse Sen. Mark's contributions.

But they try. [*Member laughs*]. They came up with three points that he made, which are, he spoke about clause 5 and he spoke about whether the FIU had the capacity to deal with these additional responsibilities.

Now, staff retention is a challenge experienced by all public sector organizations. The FIU is a department of the Ministry of Finance, a special department, and we in Finance have the responsibility to arrange for the recruitment of staff and so on. We do not get involved, we just facilitate. The FIU has excellent staff with AML and CFT skills and knowledge and we continue, at the request of the FIU, to advertise and to ensure that the FIU has the staff that it requires, although the pool of AML skills in Trinidad and Tobago is quite small. But, I can tell you that every other week I am asked to approve recruitment to a position within the FIU and I have never not approved what has been presented to me, because it is presented with integrity.

With respect to abuse of power, that judgment is sub judice. Brent Thomas v the AG and FIU is currently before the Court of Appeal so really there is not much we can say about it. But on a general topic, there is a Chinese wall approach within the FIU where the two functions of the FIU are kept separate and apart. There is the intelligence function, and then with respect to anti-money laundering and counter-financing of terrorism, there is a supervisory function. These two distinct and separate functions are kept apart in the FIU.

With respect to the EU, the EU has two lists of what they call to be non-compliant or non-cooperative jurisdictions. One is dealing with tax and the other is dealing with anti-money laundering and countering of terrorist financing. So they have these two distinct lists. Both lists as far as they are concerned protect the EU's financial integrity but they target very different issues as I indicated, tax compliance and AML/CFT deficiencies. So while we would be off one list we

could be on another list and one of the issues that we are trying to correct is the EU having determined that we are partially compliant with respect to Recommendation 35 of FATF, which is where we are trying to move ourselves off of that list.

With respect to Sen. Dr. Richards, while going forward, the FIU will have the oversight function with respect to NPOs. I can tell you that in preparation for this there was quite a lot of work done by NAMLAC with technical assistance from the World Bank, and that was to do the initial risk assessment of NPOs. The FIU will now conduct periodic risk assessments of NPOs. There is also a working group with respect to risk assessment of non-profit organizations and that working group comprises the Office of the Attorney General and Ministry of Legal Affairs, the FIU of Trinidad and Tobago, and it also includes representatives from the non-profit organization sector. So it is one of those groups that I think Sen. Maharaj might find attractive because it has representation from the NPO sector in the working group to deal with risk assessment of NPOs in terms of compliance.

Now, FATF Recommendation 8, in its original form, had unintended consequences for non-profit organizations, over-regulation of financial inclusion and unnecessary targeting of non-profit organizations and this did negatively impact the operational environment of civil society, it hampered legitimate charitable organizations, it prevented some charities from doing good work and these amendments are designed to deal with that problem.

[MR. PRESIDENT *in the Chair*]

So FATF has since, let us say, come to its senses and has retreated and has come up with a thorough risk-based approach and as I indicated going forward the FIU will deal with that.

Now, by far the best contribution from the Opposition came from Sen. Lutchmedial-Ramdial, double-barrelled name now. [*Member laughs*] I do not

know why Sen. Mark bothered to speak after Sen. Lutchmedial-Ramdial spoke. And Sen. Lutchmedial-Ramdial, I was interested to learn, had some involvement I guess under the UNC Administration with respect to this matter dealing FATF compliance and that sort of the thing. Now, again I cannot speak about the judgment involving Brent Thomas, I cannot, it is before the Court of Appeal. And, as you would have correctly indicated, it deals with constitutionality; but let us leave that. The matter came up in October, last month the matters are being consolidated. There is another matter, the matter is currently sub judice, it is awaiting directions from the court. So just let us just leave that and see with what comes out of that.

5.20 p.m.

With respect to money laundering convictions, Sen. Lutchmedial-Ramdial asked about money laundering convictions to date. I am told there are six. The value of the six is TT \$99.4 million plus US \$1.3 million. There are 104 ongoing money laundering prosecutions, but six have been completed with six convictions.

With respect to implementation by the supervisory authorities, what this Bill seeks to do is to strengthen the enforcement powers of the supervisory authorities allowing them to impose monetary finds. Now, we all know that our court matters take a very, very long time and can take 20 years. I myself have been in a matter now for 25 years and I am still in the process of recovering costs. That may take another five, so that is 30 years. So, I mean, this whole concept of administrative fines is a worldwide thing where it is recognized that going through the court system can be long and drawn out and really might achieve nothing at the end of the day. So they have brought in this concept of administrative fines so you could instantly deal with the problem.

Now, the intention is not to impose administrative fines immediately.

Instead, the focus is on encouraging compliance first, and if somebody is uncooperative, if an entity is uncooperative, refuses to correct deficiencies and so on, that is when the fine kicks in, and in determining whether to impose a fine or not, the various authorities will consider the following: the nature and the seriousness of the breach; the conduct of the supervised entity after becoming aware or made aware of the breach; the entity's compliance history; and the degree of cooperation and willingness to comply. So that based on all of this, a decision will then be made whether to impose a fine or not. So if the person indicates willingness to comply and actually does comply, then the fine may not be imposed.

In addition, before the imposition of a fine there would be a number of intervention measures such as, requiring the institution to take remedial action with specific time frames, issuing directives to refrain from specific actions or to take specific action and warning letters. The whole point of these—well, let us call it, ladders of intervention, would be to ensure we do not get to the point of having to impose a fine.

With respect to the national money laundering and financing of terrorism risk assessment and the proliferation financing—just one second please. The proliferation financing risk assessment, this is nearing completion and is expected to be submitted to Cabinet within the next four months or so, so we cannot share these findings at this time. Okay? It will be submitted by the AG's office in the next three to four months and then we can deal with that.

With respect to shortening the time frame, under the Proceeds of Crime Act to file a suspicious report from 14 days to five days, Members will be surprised to learn what the time frame is in other countries. In the Bahamas, they say as soon as practical. Antigua says with 48 hours. Turks and Caicos says within 24 hours. So this is when the authority has determined that there is a suspicious transaction

report. In the Turks and Caicos you have 24 hours to submit it. Antigua, 48 hours. St. Vincent is 14 days. Cayman Islands is, as soon as practical. Aruba, five days. Grenada, seven days. Malta, no later than the next working day. Australia, three business days. So, we are well within this global framework here with our five days, and there is diversity, but the vast majority of jurisdictions have very short time frames for submission of suspicion transaction reports and suspicious activity reports.

With respect to the FIU and due process. As I indicate before, there are a number of steps before the fine kicks in, and there should be no concern that supervised entities will not be afforded adequate due process. Once the FIU determines that it wishes to proceed with issuing an administrative fine, the entity will be served a notification of intention to issue a notice for payment of the fine. This gives the entity an opportunity to present any relevant information that may be pertinent to a decision. This may take the form of representations with respect to the efforts to come into compliance, problems they may be facing in implementing compliance or clarification to avoid compliance. So that when they get the notice they are made aware of the breach, and the FIU's intention. One expects that by this time they already would have been in communication with the FIU.

So, I venture to say that a fine would only be imposed if the entity just fails to cooperate. So, I think we will have to wait and let it work, but there is a lot of due process provisions inside of here. So basically that is a summary of the contributions of Sen. Lutchmedial-Ramdial. I have responded to Sen. Richards. I have responded to Sen. Mark, probably to his astonishment, and I have responded to Sen. Maharaj, and with those few words, I beg to move.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: Hon. Senators, the Bill before us has 10 clauses. I have not seen any circulated amendments throughout the debate or otherwise, so I take it that we shall proceed as we usually do, if such happens.

Sen. Dr. Dillion-Remy: Chair, I have one question to ask about clause 8 of the Bill.

Mr. Chairman: Just clause 8?

Sen. Dr. Dillion-Remy: A question. Yes.

Sen. Mark: Yeah. Mr. Chair, I did not circulate any amendments. I agree with you, but in clause 5 I just want to get the thinking.

Mr. Chairman: Clause 5 and clause 8. Clerk, we will take it as such.

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

Clause 5.

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

Mr. Chairman: Sen. Mark.

Sen. Mark: Yeah. Mr. Chairman, through you to the hon. Minister, because, hon. Minister, FIUTT is a unique structured body headed by a director who is in charge of the staff, you do not have a board of directors, you do not have a management. The concern that we have here is that if you are going to institute, that is, administrative fines after making all the efforts to deal with it otherwise, it could become very personal because of the fact you only have one person dealing with this particular matter in terms of the decision.

We were thinking whether that could not be the subject of some court action

which would defeat the purpose of what we are trying to accomplish. Therefore, I do not have the answer, but I am just thinking about a mechanism that can at least provide some degree of—like an arm's length relationship so that you have some kind of justice. Somebody that will be able to look at the issue before a decision is finally taken to impose, let us say, fines, administrative, that is, and the quantum of fines rather than to leave it just to one individual who is in charge of the actual department.

So it was a concern expressed by Sen. Lutchmedial-Ramdial and I support that, and I just wanted to get your thinking on that matter, because at the end of the day we want the law to succeed, and we do not want any challenges being placed in its pathway that could defeat its ultimate objective. So that is why I am seeking some clarification from the Minister.

Mr. Chairman: Minister of Finance.

Mr. Imbert: Sure. The fact of the matter is the FIU is the oversight authority or the supervisory authority as the case may be, so they have to issue the administrative fine. The whole point of the administrative fine is recognition all over the world that court action can take a very, very long time and therefore is ineffective in many instances in dealing with corruption and white-collar crime and so on. There is an appeal provision. If you go to—what clause will this be? Is that clause 8? The appeal is in clause 10?

[Minister confers with technocrat]

Mr. Imbert: Just hold on. So if we go to page 46 of the Bill.

[Minister confers with technocrat]

Mr. Imbert: So, I am being told that NPOs are not subject to administrative fines, but clause 5 does deal with a number of different things. It is not just non-profit.

[Minister confers with technocrat]

Mr. Imbert: Right. So if you go to page 46 of—I do not know what version you have, but if you go to the end of the Bill and that will be clause 10. Right? That is clause 10(14). Are you seeing it, Sen. Mark? Right.

5.35 p.m.

“...a non-regulated financial institution or listed business to whom a Notice has been issued...”

And this is the notice I spoke about in my wrapping up. You are getting a notice, a notification, and look, we plan to impose on an administrative fine. They can appeal to the High Court. Okay? Then there is a process that you use the Civil Proceedings Rules and so on, and it just goes straight to the High Court. I cannot see any better way to deal with this. The FIU is the one that must impose the fine. As I indicated, a lot of due process provisions. Before they impose it, they give the entity an opportunity to comply, they could give them a warning, they do not have to do a fine, they look at their conduct, they look at their history and so on.

So I see a lot of natural justice and due process provisions in the law. I see this appeal process. I do not want to say, “unfortunately”, but issue is that the supervising or oversight authority is the FIU. Nobody else could impose the fine. Okay?

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clauses 6 and 7 ordered to stand part of the Bill.

Clause 8.

Question proposed: That clause 8 stand part of the Bill.

Mr. Chairman: Sen. Dillion-Remy.

Sen. Dr. Dillon-Remy: Yes, Chair. Minister, clause 8 says:

“The Non-Profit Organisations Act is amended –

(a) in section 3(1)

(i) in the definition of the phrase ‘AML/CFT/PF...’—et cetera.

When you look another the Non-Profit Organisations Act, section 3(1), it does have a definition of:

“‘AML/CFT/PF’ means...”—and it gives an explanation for it.

But now you have this “AML/CTF/CPF”, but there is no explanation as to what they mean. I am asking whether that is just an oversight or whether there should be a definition. Minister?

Mr. Imbert: Dr. Dillion-Remy, you have me a little confuse there.

Sen. Dr. Dillon-Remy: I am in clause 8.

Mr. Imbert: No, no, not that. I thought I read out the long title of AML/CFT/CPF about 19 times in my address, but I will do it again. “AML” is anti-money laundering, “CTF” is counter terrorism financing, and “CPF” is counter proliferation financing. Anti-money laundering, obviously, that is clear what that is. Terrorist financing is if you are found in some way of financing a terrorist group, and counter proliferation financing is whether assisting in proliferation of weapons of mass destruction. So that is what “CPF” is, that is what “CTF” is, and that is what “AML” is.

Sen. Dr. Dillon-Remy: Okay. I was just thinking, based on the fact that came out of the parent Bill, and it was now being put in here, there was no definition section particularly. So, yes, you may have—

Mr. Imbert: In this Miscellaneous Bill or in the parent Bill?

Sen. Dr. Dillon-Remy: Well, in the parent Bill, there is a definition for what was there, but it is now being replaced by this. I am just asking for my non-legal—

Mr. Imbert: Okay. No problem. I am being shown the parent law—

Sen. Dr. Dillon-Remy: Yeah.

Mr. Imbert:—and I am being shown the marked up copy of the parent law, which it is what it would look like when these amendments are approved.

Sen. Dr. Dillon-Remy: Put in.

Mr. Imbert: And instead of reading:

“AML/CFT/PF”—which goes on to say—

Sen. Dr. Dillon-Remy: Yeah.

Mr. Imbert:

“means Anti-Money Laundering/Counteracting the Financing of Terrorism/Financing the Proliferation of weapons of mass destruction;”
—the “CFT” is now being replaced with “CTF”.

Sen. Dr. Dillon-Remy: Right. So it is the same thing.

Mr. Imbert: It is the same thing.

Sen. Dr. Dillon-Remy: Okay, fine.

Mr. Imbert: All right?

Sen. Dr. Dillon-Remy: All right. Thank you.

Question put and agreed to.

Clause 8 ordered to stand part of the Bill.

Clauses 9 and 10 ordered to stand part of the Bill.

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

Senate resumed.

Mr. President: Minister of Finance.

Hon. Imbert: Mr. President, 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 without amendments. I now beg to move that the Senate agree with the committee's report.

Bill reported, without amendment.

Mr. President: Minister of Finance.

Hon. Imbert: Thank you, Mr. President. Next time, I will ask the AG to see if he could shorten this to three words.

Hon. Senators: [*Laughter*]

Bill accordingly read the third time and passed.

Mr. President: Minister of Finance.

FINANCE BILL, 2024

Order for second reading read.

The Minister of Finance (Hon. Colm Imbert): Thank you, Mr. President, I beg to move:

That a Bill to make provisions of a financial nature and other related matters, be now read a second time.

Before you today, Mr. President, is the Finance Bill, 2024, which is aimed at addressing the tax and national insurance amnesties, first announced in the House of Representatives on the 30 September, 2024, as part of my budget statement. I announced at that time that the amnesties, tax and national insurance were to take effect on October 01, 2024. Although that date has passed, I want to make it abundantly clear that the Bill is effective from October 01, 2024, the reason being it confers a benefit, and you can make retroactive legislation if it confers a benefit.

And just as an aside, I am always amazed, after having made a statement in the budget, after passing legislation in the House of Representatives, I still get so many questions from attorneys-at-law and accountants, as to whether there is an

amnesty in the year 2024; every single year. Trinidad is really an interesting country. So I have to tell everybody, “Yes, I did announce it in the budget statement, it requires legislation.” And let me explain why.

Under the Income Tax Act and other associated revenue laws, such as the Customs Act, the Cabinet has the power to waive taxes and duties, but the Cabinet does not have the power to waive penalties and interest. I am not sure we would ever want any Cabinet to have that power. I believe that that is always something that should be discussed, the question of waiver of penalties and interest, and especially since these penalties and interest are often, more often than not, far more than the principal amount of the tax or the NIS contribution itself.

So the rationale for the tax amnesty and the national insurance amnesty is twofold: One, we are still suffering from the after effects of COVID-19. There are still some businesses who are struggling to put their house in order, and during COVID, a lot of businesses had to make decisions because you had no activity taking place. There was a particular period when everything was shut down, and then there were public health restrictions after that, and there were travel restrictions. So businesses had no income, so they had to make a choice as to what they would spend their savings on because they were not generating any revenue, so they had to rely on their savings. They had to decide whether to pay salaries or partial salaries; whether they pay rent or they do not pay rent; whether they pay their electricity bill or not; whether they pay their phone bill or not; and whether they pay their NIS contributions, if they kept their employees on, or not; or whether they cleared off their tax liabilities.

Many businesses, especially small and medium businesses, and micro enterprises as well who fell within in the tax net, those that did, chose or had no choice but to kind of spread it around. So they might pay some salaries, they

might some of the rent, they might pay some of the taxes owed and so on, and there are still some businesses that are struggling to recover from that, and still owe income tax and still owe NIS contributions. So that is one reason why we have decided to have amnesties for both tax and NIS at this time.

The other one is, we are moving full speed ahead with the Revenue Authority.

5.50 p.m.

I am advised that they should be fully operational by the end of March, if all goes according to plan, but I am reasonably confident they will be operational in 2025, and therefore at that time we expect to see a vast improvement in enforcement and compliance. We expect to be able to deal with the tax gap, which people estimate at all kinds of numbers, some of them are quite small, some of them are enormous, so you would hear definitions of the tax gap. Now the tax gap is the amount of money that is the difference between the amount of money that should be collected and the amount of money that is actually collected. Some people say it is \$2 billion, some people say it is \$15 billion, whatever it is, is billions. Okay? And if we can get that, the revenue authority has estimated that in its first year it should be able to collect at least an additional billion dollars, in the second year, \$2 billion; in the third year, \$3 billion and so on.

So years ago, I think it was about five or six years ago, I asked the IMF to send an expert on Value Added Tax to examine what was happening in Trinidad and Tobago, and to estimate the tax cap with respect to Value Added Tax. And the method the expert used was to look at all of the sales that were taking place in Trinidad and Tobago, using a variety of databases, determine how much was being sold in terms of goods and services, then working out how much the VAT should be on that. Because, of course, you know how many VAT registered businesses

there are, and determining what was the difference between what should be collected in terms of Value Added Tax and what was being collected. The difference is \$5 billion. But the expert then divided it into two sections: a VAT gap due to policy decisions. Because we had exempted a number of things for VAT, basic foods and so on; and evasion, and he was able to tell us that the tax evasion in terms of Value Added Tax alone is somewhere between \$2 billion and \$3 billion a year.

So, from the time the revenue authority gets going, because they are designed to be able to attract the most qualified staff to pay salaries that would attract the most qualified and motivated staff, they are designed to use the most sophisticated techniques, the most modern computerized techniques, the most modern digital techniques and so on, and also the most modern taxpayer authority relationship techniques that exist in the market, because we all know there are issues with Inland Revenue Division in all sorts of areas. Efficiency in terms of their relationship with their customers and so on; in terms of access to the Inland Revenue Division in terms of the online system, we know there are all sorts of issues there. So we expect that when the revenue authority comes in they are also aware of all these deficiencies.

There is a regional IMF institution called CARTAC. The IMF has technical support offices throughout the world—about six or seven of them—and CARTAC is the Caribbean Regional Technical Assistance Centre office for the IMF, and they provide technical assistance, and they did a diagnostic assessment of the Inland Revenue Division in 2017, did a follow-up assessment in 2019, and they just finished one last week, and in 2017 if there were 28 categories the inland revenue failed in 27. Okay. And these were those scores, they probably got about 25 Ds, A is the highest score. I think they got one A, one B, no Cs and 25 Ds, from what I

remember. When they came back in 2019, there was no improvement. They have come back and determined it is worse, so that underscores the need for pushing ahead very rapidly with the revenue authority. And the things where the inland revenue is not up to standard are things that we all experience:

- Communication with the taxpayer;
- accessibility;
- the ability to go online and file your taxes and pay your taxes online;
- information—

—that is one of the deficiencies identified to me by the CARTAC team two weeks ago.

One of the biggest problems, especially for small businesses, is accessing information on what allowances and deductions are available for small businesses. It is like Greek, when you go and try to figure out what it is, you have to hire an accountant. You must. And even accountants struggle in determining what is available in terms of allowable expenses, allowable deductions, and that is why so many small businesses get into trouble.

I heard Sen. Maharaj in the previous debate talking about imposing restrictions on small businesses, but one of the problems with small businesses is they are totally indiscipline. If anybody has had any time to look at the behaviour of small businesses in Trinidad; they do not keep accounts, they do not have audited accounts, they do not follow any known industrial relations or human resource strategy, they live from day to day. Everything is operated on the basis of what—how much money came in today and what bills they could pay today. That is one of the biggest problems. And to take a business that operates like that, on a cash basis, no bank account, because you cannot qualify for a bank account,

because they do not have financials, because they cannot present even the basic information to the bank to qualify to get a bank account. So they cannot get a business bank account, they cannot get a business loan, and it is all because of indiscipline. It is just a societal thing and we have to keep trying with them, trying to explain to them that if you acquire the necessary discipline and become compliant, it is going to be so much easier for you to grow your business.

One of the things that amazes me, I have seen small business struggling to become compliant in terms of accounts and in terms of audited accounts and so on, and yet I have seen little NGOs in my own constituency, as an MP—fella off the street, he has audited accounts, eh. Because in order to get a grant from the Ministry of Sport and Community Development or somewhere, you have to have audited accounts. They do get it, you know. They go by an accountant and get it. So it is all very, very interesting. So this is one of the reasons why we are doing the tax amnesty to give people an opportunity before the TTRA comes in. Now, I want to make it clear as well, the amnesties do not forego in anyway the actual tax liability or the actual national insurance liability owed to either the Inland Revenue Division or the National Insurance Board.

It is only penalties and interest we are talking about, so the tax liability remains, and this is why we encourage people to take advantage of these opportunities. Because if you do not, when December 31st arrives the penalties and interest are restored and then they start to run again. As I have told hon. Members, when I look at the people who find themselves in trouble they might have started out with a tax liability of a million dollars—let us use that as a number—but by the time you get around to dealing with it, five years later, the penalties and interest might be \$5 million. That is the nature of the situation, so a lot of people find themselves in a lot of trouble.

Now, over the years amnesties have proven to be a very valuable source of revenue to the State, they have generated billions of dollars in payments over the years. During the last tax amnesty, from November 22 to August 23, we collected a total of \$1.6 billion from almost 19,000 taxpayers; 18,873, and it was almost dead on in terms of what the Inland Revenue had estimated. They had estimated they would collect just over a billion, and we would get about 15,000 taxpayers to take advantage of the amnesty. In this case, for this amnesty, again, we estimate collections of about \$1.5 billion, and we estimate about 20,000 taxpayers will take advantage of the amnesty.

Now the problem with an amnesty is that it can create a dependency by taxpayers where they become complacent because they expect that at some point in time there will be another amnesty. It is a fact. I mean it is nothing you need to run away from. These are facts. And it can eventually give rise to tax avoidance, and that is why I am saying that we believe that when the revenue authority comes in the compliance and enforcement will be so much better that there will be no need to have an amnesty again in the future. So unless everything falls apart, this is really the last opportunity people will have with respect to an amnesty for income tax.

Speaking about other taxes, just let me give an update, as I did in the other place on property tax, because of the long lines that we had I am very pleased to let taxpayers know they can make payments online now with FCB—this is effective since October—and Republic Bank from the 11th of November.

Hon. Senators: [*Desk thumping*]

Hon. C. Imbert: In addition, for those who do not want to walk with cash, with effect from the 01st November, 2024, we have expanded the ability to taxpayers to make Linx payments at all district revenue offices all throughout Trinidad and

Tobago, there are about 13 of these offices.

Hon. Senators: [*Desk thumping*]

Hon. C. Imbert: Previously, this facility was only available at the two, let us call them head offices, Port of Spain and San Fernando, now it is at all district revenue offices, you can pay by Linx.

Let me also say that what this tax amnesty does is it effectively extends the deadline for the payment of property tax to December 31st, because property tax is a tax. So you will see when you look in the provisions we are amending all of the revenue laws that deal with tax. So even though there was an extension of time for payment of property tax to an earlier date in December, when we pass this law, the property tax amnesty or the waiver of the imposition of penalties and interest for late payment of property tax goes to December 31st. Just want to clear that up, because the current deadline in the amendment to the Property Tax Act, December 20th, but with this law it would become December 31st.

With respect to national insurance, I spoke about this before, the last amnesty for national insurance, a total of 4,739 employers remitted arrears of contributions to the National Insurance Board. It is quite likely that without an amnesty, it would have been quite difficult for the National Insurance Board to recover money from these 4,739 employers. The total received by NIB for the last national insurance amnesty, which ran from July 22 to March 23 was \$124 million. Sorry, not the last, the second to last, and then for the period December 23 to January 24, approximately 1,552 employers remitted \$82 million in arrears to NIB. So those are the two national insurance amnesties, one much shorter than the other.

With respect to the registration of clubs, as I indicated in an earlier debate, we intend in the very near future to fully proclaim the Gambling (Gaming and Betting) Control Act. This will repeal the gaming tax payable under the current

Registration of Clubs Act. This, therefore, is the last chance. With this amnesty for people operating under the Registration of Clubs Act to pay their taxes, their outstanding taxes before we transition to the provisions of the Gambling (Gaming and Betting) Control Act. Let me repeat that, when we proclaim the Gambling (Gaming and Betting) Control Act, we will be repealing the gaming tax payable under the Registration of Clubs Act. Therefore, there will be no opportunity after this for anybody to get an amnesty in terms of penalties and interest due on gambling tax under registration of clubs. Because there will be no law, the law will be gone. So there is no amendment we could make to the repealed law. I just want all those who operate gaming operations under the Registration of Clubs Act, and owe taxes, pay up, because after December 31st that will be the end of it.

6.05 p.m.

We have given relief to this sector. We knew it was heavily affected by COVID, we knew that gambling houses were shut down. Gambling was stopped in clubs because it was deemed to be a public gathering which was prohibited by the public health restrictions. Therefore the gambling community came to us, asked for relief and we gave a reduction, a refund, of 42 per cent of the gaming taxes payable for the year ended December 31, 2020, in the Finance Act of 2021. And, just to give an update on what is going on with the Gambling (Gaming and Betting) Commission, that Commission invited public comments during July of this year on proposed licensing regulations, amusement machine control regulations, conduct of betting regulations, electronic betting regulations, and responsible gaming regulations.

In October last month, October 21st to 24th, the Commission held a strategic dialogue with stakeholders in the gaming and betting sector on these regulations with a view to receiving even further input. And again, we fully expect, either by

the end of December or I would say by the end of January we will proclaim the Gambling (Gaming and Betting) Control Act, and as I indicated that would be the last chance for anybody to pay gaming tax without occurring additional penalties.

Another reason why we are giving an amnesty, is under the new public procurement and disposal of public property law, there is a legal requirement that did not exist before, and that is under section 29(1)(d) of the Public Procurement and Disposal of Public Property Act. Under that particular section, section 29(1) (d), public bodies are required to:

“...ensure that their suppliers and contractors—

- (d) have fulfilled...”—all of—“their obligations to pay all required taxes and contributions in Trinidad and Tobago...”

And many small and medium enterprises, in particular, not so much the big ones, but small ones, are delinquent in terms of their income tax obligations and in terms of their national insurance obligations, and are therefore disqualified from tendering to provide goods and services to public authorities in Trinidad and Tobago.

So, these two amnesties will give small and medium enterprises, in particular, another opportunity, last opportunity one would think, to pay up the principle amount of taxes owed, the principle amount of national insurance contributions owed, and therefore become eligible to tender, to provide goods and services to public authorities in Trinidad and Tobago. Public bodies as we know, a public body is all Ministries, all state enterprises, all statutory authorities and so on. And in fact quite a few small and medium enterprises found themselves outside and out in the cold because they could not produce a tax clearance certificate, they could not produce a national insurance clearance certificate, and simply cannot qualify to tender to provide goods and services to public bodies.

Now, this Bill contains eight clauses. They are all very similar, so I would not go into great detail on all of them. The Bill touches—the eight clauses concern 11 pieces of legislation, namely: the Income Tax Act; the Value Added Tax Act; the Stamp Duty Act; the Corporation Tax Act; the Unemployment Levy Act; the Health Surcharge Act; the Petroleum Taxes Act; Tourism Development Act; parts 9, 11, 13, 14 and 15 of the Miscellaneous Taxes Act; the Property Tax Act and the Registration of Clubs Act. There is no explicit reference to the Corporation Tax Act, the Unemployment Levy Act and so on, but the tax amnesty is applicable to all of these laws because of the respective incorporation of section 103 (a) of the Income Tax Act or the Income Tax Act itself.

Clause 1 is the usual title. Clause 2 deals with the registration of clubs. It waives applicable interest and penalties and this is an important part, in respect of outstanding taxes due and owing for the years up to and including the year ending December 31, 2023. It applies to taxpayers who pay their outstanding tax before October 01 of this year and during the prescribed period, October 01 to December 31. Let me explain that. All taxes owed up to the end of 2023, the penalties and interest that apply to outstanding taxes owed up to December 31, 2023, if these taxes are paid before October 31 or between—sorry, before October 01 or between October 01 and December 31, the amnesty is applicable.

Previously, in previous amnesties there were some glitches and you had to pay before the amnesty period came into effect. Now, you could pay before or you could pay during, okay. So, that is what is going to happen with respect to penalties and interest owed on outstanding taxes under the Registration of Clubs Act. As I said, we will be repealing that Act very soon and therefore this is one where people should take advantage of these amnesties immediately.

Clause 3 deals with national insurance, very similar to other amendments.

Again it would be applicable to contributions paid prior to October 01, 2024, and during the period October 01, 2024, and December 31, 2024, and it waives all interest and penalties due on these outstanding contributions paid during this year, that is during this year. The other features of clause 3 is that the waiver is only applicable to employers who are registered with the National Insurance Board prior to October 01, 2024. Again, penalties and interest will be revived if contributions remain outstanding after December 31, 2024.

Clause 4 deals with the Income Tax Act in more or less exactly the same way. The waiver does not apply to any interest or penalty already paid, so you do not get a refund, there is no refund provision inside of here. It does not affect the liability to pay tax, so people must pay the principle amount of tax that they owe, but once they pay it within this year, 2024, they will be exempted or waived, the penalties and interest will be waived. Again, the interest and penalty will be revived if they do not pay by December 31.

Clause 5 deals with value added tax, virtually identical to the clause 4 that deals with income tax. Clause 6 deals with stamp duty. It mirrors the provisions of the previous amnesties, it provides for a waiver of penalties and interest and on stamp duty owed and payable up to December 31, 2023. Once the tax is paid prior to October 01 or during the period up to December 31, the amnesty for stamp duty is applicable. Again, it does not waive the stamp duty itself and the penalties and interest would be revived after December 31 if people “doh” pay property tax, identical provisions.

Clause 8 is the commencement clause. It establishes October 01, 2024, as the date on which the Bill and by extension the date upon which the tax and national insurance amnesty has become effective. That is it basically. As far as I am concerned it is a very straight forward piece of legislation and therefore I look

forward to the support of hon. Senators. I beg to move.

Hon. Senators: [*Desk thumping*]

Question proposed.

Mr. President: Sen. Mark.

Hon. Senators: [*Desk thumping*]

Sen. Wade Mark: Thank you, Mr. President. Mr. President, we have this Finance Bill before us which seeks to amend a number of pieces of legislation in order to provide, as the Minister stated, amnesties, both in terms of tax and NIS. Before I get into this debate I want to ask the Minister of Finance when he is winding up, because I heard some time ago the Minister saying, and if I am wrong, correct me, that there will be a second Finance Bill later on in the month of December. And, Mr. President, as I understand it, when you introduce a Finance Bill it is a tool that is used to capture legislatively fiscal measures that were promulgated or that were announced I should say in the fiscal package, in the budget statement.

So, in September, October, the Minister made a number of announcements, and I have the budget speech here with me, to introduce a number of fiscal measures, some exemptions or some incentives for people who engage, who want to buy hybrid electric vehicles, people who engage in sporting activities, value add tax are going to be exempted, et cetera. So, if what I am saying is correct, Mr. President, what would have motivated the Minister of Finance to introduce this Finance Bill dealing with what was outlined in the budget speech on page 165, where in the budget speech on page 165 is there a section dealing with tax and NIS amnesties? And, of Course, it is very lengthy. And, the Minister indicated in his budget speech that, and I want to quote:

“...Tax amnesties over the years have proven to be a valuable source of

additional revenue and have generated billions of dollars...”

And he went on further, on page 166 to indicate:

“We do not expect to give any further tax amnesties after the TTRA is fully up and running...”

And he repeated that a short while ago.

6.20 p.m.

Mr. President, Trinidad and Tobago is facing extremely, dangerous, troubling, concerning economic challenges, and as we look into the future we are seeing more and more difficulties, more and more challenges, and I therefore would want to indicate that whilst the Minister may not want to have more tax amnesties, and whilst he is saying this might be the last one, the Minister will be coming back to this Parliament in the not too distant future as hard times grip Trinidad and Tobago for more amnesties. And the reason for it, Mr. President, is that the Government’s policies over the last nine years and three months have been unable to diversify and transform the national economy to generate new revenue streams for Trinidad and Tobago.

So when we are talking about tax amnesties, it has to be located in a context. It is not coming by accident. The country is broke.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: The Minister has indicated elsewhere he expects to get \$1.5 billion from these tax amnesties. And the reason he has not come with one omnibus finance Bill, and is coming with two, which is a new thing to us in the Parliament, is because like—

Mr. Imbert: Point of order. Relevance.

Sen. W. Mark: Relevant? I am now starting.

Mr. Imbert: Point of order.

Mr. President: One second. So reference to—

Mr. Imbert: I made no mention of a second finance Bill.

Mr. President: The reference to a second finance Bill is pre-empting, Sen. Mark. So whereas it may not be the Standing Order on relevance, there is a Standing Order on pre-empting any debate. We do not know if there is a finance No. 2 as of yet. So we ask you to keep your comments on this one which is before us, Finance No. 1.

Sen. W. Mark: Mr. President, may I ask you if I can ask the Minister to indicate whether he is on public record as saying that a second finance Bill is coming and it will come before the end of December of 2024? Can I ask the Minister to clear the air for us on that matter? Would I be—Minister, could you tell me?

Mr. Imbert: If you look at the *Hansard* record, I have not mentioned that in this debate.

Sen. W. Mark: Okay.

Mr. Imbert: In this debate.

Sen. W. Mark: No, I am asking you if you have ever—

Mr. Imbert: Mr. President, Standing Order 48(1).

Sen. W. Mark: You see, the Minister is playing smart. He “cyah” answer because he knows he said—

Mr. President.: Okay. Okay. Okay. Okay. So it is 46(1). We are dealing with Finance Bill No. 1 before us. Okay, Sen. Mark?

Sen. W. Mark: Mr. President, okay. Mr. President, what I am saying, in Finance Bill No. 1 that is before us, I am saying that the reason why we are dealing with amnesties today is because it is my considered view based on the data, based on the economic reality facing Trinidad and Tobago, the Government’s economic policies have failed and the Minister of Finance has failed the nation.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So that is why we are being asked to look at a number of Bills, to amend a number of Acts, I should say, in this Finance Bill in order to do what, Mr. President? Generate revenues. May I again remind you what the Minister said in his budget speech and he just repeated it, it has proven to be a valuable source of additional revenue.

So, Mr. President, where are we? Where are we? The Minister has brought a Bill to amend, as I said, several pieces of legislation, and what are these pieces of legislation that the Minister is seeking to amend, Mr. President? He is seeking to amend the National Insurance Act, the Income Tax Act, the Value Added Tax Act, the Stamp Duty Act, the Property Tax Act and, of course, Registration of Clubs Act. Now, why is he seeking to amend these Acts? He is seeking to amend these Acts in order to do the following. For example, we look at the National Insurance Act. You go to clause 2—Mr. President, go to clause 3 of this Bill, and what you are seeing is the following:

“The National Insurance Act is amended by repealing section 39C and substituting the following...”

And we are told, Mr. President:

“(1) Notwithstanding any written law to the contrary, there is a waiver of all penalties and interest due and payable under section 39B...”

So we are seeking to encourage, as the Minister says, business whether it be large, Mr. President, medium, small or micro. The Minister talked about 4,000 businesses, or companies, or business organizations that he is hoping that will be attracted to this amnesty and therefore, assist him and the Government in meeting their outstanding commitments to the NIB and no penalties. He is waiving penalties. He is waiving interest in an effect to encourage businesses to pay their

outstanding NIS to the NIB, but you go to clause 3, further. Go to new section 39C(1)(a), it states and I quote:

- “(a) any contribution paid by an employer under this Act prior to 1st October, 2024; and
- (b) any contribution outstanding as at 30th September, 2024, by...”—any—“...employer under this Act, where the contribution is paid during the period 1st October...to 31st December...”

—no penalties, no interest, Mr. President.

It goes on to say, Mr. President, as the Minister emphasized, if you did not pay for the last 10 years, this is applicable to you. It is up to and including, and he emphasized that. And he also said he does not understand how people are confused. Attorneys-at-law, policymakers, come to him and say, “When this thing is going to end”? So what the Minister of Finance and the Government is doing, Mr. President, is taking institutions like the NIB in clause 3, and whatever outstanding moneys that are owed by these 4,000 employers who have not been able to meet their obligations to the NIB, I am assuming, the hon. Minister is saying that with this amnesty he is hoping that they will be able to come forward and do so.

Mr. President, look at the state of this economy. Look at the state of our economy. Mr. President, maybe some years ago the Minister was lucky to get a lot of businessmen meeting hundreds of million and even over a billion, or billions of dollars, but in this guava season I wish the Minister luck. I hope that the Minister gets his 1.5. I hope that he gets it easy like queasy, you understand. I hope he gets it. But you know, Mr. President, the Minister is saying that he does not want to engage in tax avoidance. Because it was in 2022, you would recall, we were debating a measure brought by the Minister in order to deal not only with an

amnesty, but to deal with no registrants and to deal with falsification of information and to increase penalties as it relates to summary conviction.

So whilst we have to be hoping that we will get moneys from these businesses under the NIB, Trinidad and Tobago lost, Mr. President, billions, upon billions, upon billions of dollars that we could have had in our Consolidated Fund, we could have had in the Heritage and Stabilisation Fund, we could have had as reserves over the years. You know why? Because of the failure of the Government to deal with something as simple as legislation for transfer pricing—transfer pricing.

Hon. Senator: [*Desk thumping*]

Sen. W. Mark: And here it is, Mr. President, we have to eke out from small businessmen who “ketchin” their royal and their “nennen” to meet their obligations because of the Government’s policies in T&T. They cannot meet their obligations. They cannot meet their commitments and the Government is saying, okay, you cannot meet ordinarily, rather than pay penalties, rather than impose penalties and impose interest on the penalties, Mr. President, “I am giving you a ‘bligh’”.

6.35 p.m.

I am telling you, “Come, make your payment, no penalties, no interest,” and hoping that he would be able to scrape the bottom of the barrel to get a little couple of hundreds of millions in to pay public servants’ wages and salaries in the month of December, probably. Maybe that is what the Minister is attempting to do without telling us.

But I blame the Government for allowing the multinational corporations in this country, in the energy sector, to rob this country of tens of billions of US dollars.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: They owe us, according to research, over US \$16 million because of transfer pricing. And I want to remind you, Mr. President, as we deal with amnesties, ECLAC indicated in 2018, under the watch of this Government, they allowed the multinational, like BP and Shell and BHP and all of them, to do what? To deny us the right, through transfer pricing, of close to US \$2.3 billion in 2018. Now, had we done our work, were we vigilant in looking after the people's interest in the energy sector, do you think these multinational corporations would have been able to thief and to rob this country, right—

Sen. Mitchell: Mr. President—

Sen. W. Mark:—of that kind of money?

Sen. Mitchell: Excuse me, Mr. President, I rise on 46(1), relevance, please.

Mr. President: So, Sen. Mark, whereas I understand, to a certain degree, the argument you are trying to make, it is a bit of a stretch. You have started off your argument in relation to the economy and the ability of these employers to pay, in relation to some of the taxes as outlined in the Bill, and you have linked that to the reason for the amnesty. You have now gone off into the energy sector, which crosses that line of relevance because you are essentially trying to say that money could have come elsewhere, instead of giving these amnesties, and that is where the vague relevance is but it is teetering over that line of irrelevance as you try to deliver that point. So I would ask you come off that point with the energy sector and move forward to another one.

Sen. W. Mark: Yeah, Mr. President, let us go back to clause 3 of the Bill, the National Insurance Act that is amended, and let us determine from the Minister—the Minister has not told us in his presentation—he takes this Parliament for granted. If you are going to raise moneys through amnesties, I have to bring to your attention, \$1.5 billion. Nowhere in his presentation did the Minister tell this

Parliament that his anticipated number or quantum is 1.5.

Further, I would like the Minister to tell us, when he is winding up, how much money he expects to deal, to extract from the NIS—because he is waiving penalties, he is waiving interest. How much money does the Minister expect to gain, and what impact these waiving of penalties will be having on the NIS—the NIB as an institution and the NIS as a social insurance system in Trinidad and Tobago?

I read—and it came from the Minister of Finance’s contribution in the Parliament, where—in the Trinidad *Guardian* on Saturday, November 23, 2024, on page 15, I read where the National Insurance Board of Trinidad and Tobago pays out \$1.75 billion more than it collects; close to \$2 billion. You know why, Mr. President? Because it is collecting—it is paying out \$6.5 billion whilst collecting only 4.74, and it is this very National Insurance System that the Minister is now saying, “Let us amend the Act, let us waive penalties, let us waive interest for some 4,000 employers.” But the Minister is telling us that you know what happened? They have to dip into their investment portfolio to take out close to \$2 billion.

Mr. Imbert: Point of order, 46(1). I never said any such thing during this—in this debate.

Sen. W. Mark: No, you did not introduce it but we are—

Mr. Imbert: Point of order, Mr. President, point of order.

Sen. W. Mark: [*Inaudible*]

Mr. President: Okay, okay. Sen Mark, have a seat.

Mr. Imbert: I did not refer to contributions, benefits or any such thing with respect to the National Insurance Board. Nothing like what Sen. Mark is alleging I referred to; 46(1).

Mr. President: So, Sen. Mark, just be careful when you are trying to make inferences as to the reason for the amnesty, in relation to the entities that find themselves in the Bill. Continue.

Sen. W. Mark: I want to indicate to you, Mr. President, I never said that the Minister said this in the Parliament.

Hon. Senator: Yes.

Sen. W. Mark: I never said that he said it in this Parliament. I never said that. That is twisting the truth. I was making reference to an article, which I quoted the page and the date and was bringing to your attention, we are amending, in clause 3, the National Insurance Act to waive penalties and interests in order to encourage employers to meet their obligations to the NIB, and all I brought to your attention is that the NIB is in crisis. That is all that I am doing.

Hon. Senator: Yes.

Sen. W. Mark: I never referred to the Minister.

Sen. Lyder: And that is why “dey doing amnesty”, to come out of the crisis.

Sen. W. Mark: I am saying, Mr. President, that why should we, as legislators, be contributing to the social security system and safety net in this country that is under serious challenge, from what we have read in the newspapers, where they have to dip into their investment portfolio to extract a certain amount of money?

Mr. Imbert: Mr. President, point of order, 43(1), 43(2), tedious repetition.

Mr. President: So the point that Sen. Mark is trying to make—I am having an issue, Sen. Mark. Like I said, I am trying to connect it to what is before us. What is before us is relatively simple, in terms of what it is asking the Senate to do. What you are trying to do in your contribution is connecting it to something else, which is vague, in terms of that connection because the simplicity of it is, it is not—I mean, it is there for everybody to see. So what I will ask you to do is unless

you have the skill set to properly navigate what you are trying to do, do not make the attempt.

[Sen. Mark rises]

Mr. President: Sen. Mark, have a seat. Have a seat, Sen. Mark. Because I am allowing you to talk and I am waiting for it to come out, and I am not getting it. It is not connecting for me. Leave the contributions part alone, right. It is an amnesty, the purpose of which has been put forward by the Minister of Finance, and really and truly, what I am looking for is either you agree with the amnesty or you do not agree with the amnesty. Try again, Sen. Mark.

Sen. W. Mark: Mr. President, as I understand it, I am doing the general principles, you know, and policy of the Bill before us, you know, and I have a right under the Standing Orders to do that.

Mr. President: Yes, you have a right under the Standing Orders but the Bill before us asks for something specific. It does not go further, it does not talk about contributions, it does not talk about the dire constraints of an institution. It literally speaks to giving an amnesty to a group of individuals under a particular entity and lays out exactly the time period in which that must occur. In the context of a debate in a legislature, it can only be that you agree with the amnesty or you do not agree with the amnesty, and the reasoning for that. Trying to go into the entity itself, whether it is in dire constraints or not in dire constraints, or contributions, or how the entity operates does not find itself in the Bill. As a matter of fact, it did not even find itself in the piloting of the Bill. That is why I am saying, I am listening to you and I am waiting for it to become more than vaguely connected. Continue, Sen. Mark.

Sen. W. Mark: Sometimes I wonder if my freedom of speech in this Parliament is being threatened, you know. *[Member “steups”]*

Hon. Senators: *[Interruption]*

Sen. W. Mark: Anyway, let me just continue. So I will ask questions and maybe that might be helpful. Right? Right? We are being asked to give support to an amnesty that is going to result in—

Hon. Senator: Helping people.

Sen. W. Mark: Well—anyway. I am happy to help people, Mr. President. I have no problem with helping people. I am trying to—who has a problem with helping the small man?

Hon. Senator: Some people.

Sen. W. Mark: You are against the small man, we know that.

Hon. Senators: *[Desk thumping]*

Sen. W. Mark: But we are for the small people. We are for the working class and that is why we are going to cut your—*[Member gestures with hand]*—in the next election.

Hon. Senators: *[Desk thumping and laughter]*

Mr. Imbert: Point of order—

Sen. W. Mark: We are going to cut it.

Mr. Imbert: Point of order, 46(1) and 53(1) too. “Ah tired hear dat”. Tedious repetition.

Hon. Senators: *[Laughter]*

Mr. President: We are happy for the little light moments. Sen. Mark, you know what you need to do. Continue.

Sen. W. Mark: So, Mr. President, all I am saying is that—you know, it is nice to have this. So, Mr. President, whether it is stamp duty, the Minister must explain to us what is the quantum he expects from this particular measure. Right?

Hon. Senators: *[Interruption]*

Sen. W. Mark: No, I never—I am asking the Minister, when he is winding up under—I think I have to quote the clause too, otherwise—I might be in trouble too if I quote the clause.

6.50 p.m.

Mr. President, let me start from the start. I was trying to go before but let me start from the start. Let us go to clause 2, the Registration of Clubs Act, right? Now, we are being told that under clause 2, the Minister is giving an amnesty to private members clubs. They will not be called upon under this clause to neither any of obligations that they are supposed to meet if they are late in their payments to the Minister of Finance, not the Minister of Finance, to the Board of Inland Revenue.

Mr. President: Senator, you have five more minutes.

Sen. W. Mark: So, Mr. President, I want to ask the Minister of Finance, why is he allocating on to himself a power to extend the period of time? If you go to this Bill that is before us, you will see where the Minister is giving to himself the power to extend the period of time for anyone to take advantage of this amnesty. So the period is up to the 31st of December, but in the legislation, the Minister has given himself the following power, may I quote for you?

“The Minister with responsibility for finance may by Order, prescribe a later date to extend the prescribed period.”

I want to ask the Minister, why do you want that power? We know it is a money Bill, Mr. President, and we know we do not have the power to make amendments to money Bills. Had we been given that power, we would have made an amendment to this to ensure that the Parliament has supervision and oversight over that period and not leave it to, and only up to, a Minister to determine that. And the Parliament—I am so sorry that the Parliament has given that authority to the

Minister to legislate when only we should be having that power to legislate. So, he could extend the period. What is the rationale for that? Why is the Minister seeking to get that power, Mr. President? To support his friends, his families and the financiers of the PNM?

Hon. Senators: [*Desk thumping*]

Sen. Mitchell: Mr. President—

Sen. W. Mark: That is the reason?

Sen. Mitchell:—point of order—

Mr. Imbert: Point of order—

Sen. W. Mark: What is the reason? Where is the reason—

Sen. Mitchell: 46(6)—

Mr. President: Have a seat. Have a seat.

Sen. W. Mark: What is the reason?

Mr. Imbert: Withdraw and apologize—

Sen. W. Mark: What is the reason?

Mr. Imbert: Withdraw and apologize—

Sen. W. Mark: What is the reason?

Mr. President: I am on my legs. Only one Member can raise a point of order at a time. Again, either Leader of Government Business or the Minister of Finance.

Sen. Mitchell: On a point of order, 46(6), and we ask that he withdraws that comment.

Sen. W. Mark: I cannot withdraw a question.

Mr. President: So—no, Sen. Mark, Sen. Mark. We have spoken about imputation of improper motives. That one was a blatant imputation—

Sen. W. Mark: But I asked a question, Sir.

Mr. Imbert: You did not.

Sen. W. Mark: I asked a question. Is it for—

Mr. President: So, again—first and foremost, you are speaking through me, both of you, and I “doh like” being screamed at. Again, Sen. Mark, I have indicated that that was a blatant imputation, without the attempt to mask as anything else, even if it is in question form. So, I would ask you to refrain from making such an imputation as you go forward.

Sen. W. Mark: So, Mr. President, we—

Mr. Imbert: Mr. President, Standing Order 46(6), I ask that the Senator be asked to withdraw that statement.

Sen. Nakhid: But the President ruled on that.

Sen. Lyder: The President ruled, I “doh understand”.

Mr. President: Again, Minister, I have spoken to the Senator in relation to his imputation, and I have indicated that it is just that, an imputation of improper motive, and I have asked the Senator to refrain from doing such a thing going forward.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: Mr. President, we are saying in my closing few moments here—

Sen. Mitchell: Few seconds—

Sen. W. Mark: Few seconds. The Minister needs to properly justify these amnesties. The hon. Minister has come over and over with these amnesties, and they have not delivered in the interest of these institutions, and we call on the Minister, in his winding up to give justification for these amnesties, both NIS—and thanks, Mr. President. I thank you.

Mr. President: Sen. Lyder.

Hon. Senators: [*Desk thumping*]

Sen. Damian Lyder: Thank you, Mr. President. And, Mr. President, I thank you for the opportunity here to engage, for a short period, on a Friday afternoon—

Hon. Senator: Evening.

Sen. D. Lyder:—on a Friday afternoon, when some Members on the other side are considering their future endeavours outside of politics. So, I “doh” want to belabour any others inside of here who may have been 25 years and also making their exit soon. But, Mr. President, I am grateful for the opportunity to contribute to this Finance Bill, 2024.

Mr. President, in this Finance Bill I will like the opportunity to take a different angle than Sen. Mark. I would like to set my context, and I would like to put a frame of questions that maybe look a bit deeper into the reasons and the rationale behind these levels of amnesty. Because I have heard some reasons today, which I will like to respond to the hon. Minister of Finance. But, Mr. President, in setting the context, what we are seeing here is a Bill that seeks, between clause 2 to 6, to bring an amnesty. Again, to waive penalties and interest on various bits of tax, whether it is VAT, whether it is the income tax, business levy, and so forth, a couple of these taxes that were actually increased in the tenure of this Government, the PNM, which has been famous for raising taxes.

But, we are seeing this amnesty, and I think in clause 7 we are seeing a bit of extension on the time to be able to pay yet another new tax brought to this country to put further pain on the citizens of this nation. So, that is why we are here today. We are being asked essentially, in nutshell, to agree all, as Senators on the Government side, the Opposition, and in the Independent, to agree to forego a certain amount of revenue. In fact, from what I heard today, a significant amount of revenue, we are being asked to forgo. And if we, as country, or as a Parliament,

sorry, are being asked to make that decision, we have to understand what are implications of forgoing this level of revenue.

Nobody is questioning the fact that there are businesses that are struggling today. Nobody is questioning the fact that there are businesses that are happy for this amnesty today. In fact, you can categorize certain businesses into three areas when it comes to this amnesty. There are those who are simply delinquent, who simply refuse to pay their taxes, not that they cannot do it, you know, but they are evading it intentionally. Especially when it comes to the NIS and health surcharge, unethically, withholding funds from workers putting them in a problem. It is one thing to evade tax for your own profits, but it is another thing to evade taxes when it comes to workers' benefits.

Mr. President, there are those who simply may have made mistakes in their books, as the hon. Minister stated earlier, many SMEs had their books in a disarray. So, they are taking opportunity to catch up on any mistakes they have made. And then there is that category, Mr. President, that has fallen into delinquency because exactly what the Minister of Finance has said, they have reached a point where they have to make a decision. Do I pay rent? Do I pay health surcharge? Do I pay staff? Do I pay NIS? And, in listening to the Minister say these things and give the reasons, I thought about these three categories. I listen to Sen. Mark speak about what he felt was one of the reasons why. He skimmed over it. I like to go into a little more detail because it is important for us to know if there is a deeper problem when it comes to the non-paying of taxes that the Government, and us as the Government coming in, needs to understand. We need to know if there is deeper problem.

If you are telling me that you have come to nation, the People's National Movement has come to the nation in 2019, 2021, 2022, 2023, and now in 2024,

with tax exceptions to help people, there is something wrong. There is a bigger problem, Mr. President. If a Government is now resorting to having to come every single year with tax exemptions to fill a hole in their pockets that is causing them to end up in these massive deficits.

So, Mr. President, I have to ask myself the question, “What is the reason?” And I listen to Minister of Finance attentively. I listened to him present in the other place. I heard him responding to MP Tancoo, saying, “Who would not want an amnesty, especially after the COVID pandemic.” That COVID pandemic playbook has been the excuse for every failure in this Government today, but the Minister, once more, has indicated the reason why these companies are looking, or happy for the exemption is because of the COVID Pandemic, yes? Companies, most certainly, were impacted in the COVID pandemic, but we have moved on in the world. When we see the economies like Mexico booming today. When we see economies like little Antigua, in our backyard, booming today, double digit growth in GDP.

Mr. Imbert: Point of order 46(1).

Mr. President: I will allow the Senator to continue from a context standpoint now mind you—

Sen. D. Lyder: Yes, yes, I am almost moving on to the context—

Mr. President: I am are waiting for the connection.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: Right, so, thank you, Mr. President. The excuse used was COVID. That is rationale used. It is always COVID. Then he went on to say that it is because of the Revenue Authority coming on board, coming full steam ahead, so we give them an amnesty. I “doh” see that as any real justification for an amnesty. If the Revenue Authority comes on you either pay your tax or not

And then he goes on to say, that the amnesty—this was, a very, very vague, very quickly—pass this one quickly. This is the one I want to focus on, “Ah” coming to it. But he said that amnesty has generated valuable contributions to the State, \$1.5 billion, et cetera, over 4,000 people.

But he was right when he said that companies build this dependency every year. They almost expect every year that the Government is going to come with an amnesty. And then he goes on to say that under the new Procurement and Disposal of Public Property Act, companies have to be compliant with taxation, all valid reasons. But, if we want to understand what is the real reason, I have to ask myself three questions, which leads to a fourth. So, the question I ask myself is, “Is the Government really being genuine and sincere when they come to us to tell us what the rationale is for this tax amnesty that we must forgo all this revenue for?”

Mr. Imbert: Point of order, 53(1), 53(2), Sen. Mark asked exactly the same question, tedious repetition.

Mr. President: So, Senator, gloss over that question. You said you had four, three, and then it leads to a fourth. I am hoping the second and third is different from what Sen. Mark would have asked. So, I will allow you to continue in that frame.

Sen. D. Lyder: I am setting a frame, you know because I came coming with details to back up these things. Sen. Mark never went into any details. He never discussed details of the economy. He never discussed—

Sen. Mitchell: He never does—

Sen. D. Lyder: No, he never did, right? I am—

7.05 p.m.

Sen. D. Lyder: Yes, yes, yes. Mr. President, thank you. Yes, Mr. President.

You see it is “rell” difficult in an election year for the truth to be told you

see, Mr. President. It is very difficult for them to hear it because they know how difficult it is, they know how their polls are running with the businesses today.

Hon. Senators: [*Desk thumping*]

Mr. Imbert: Point of order.

Sen. D. Lyder: They know how it is running—

Mr. Imbert: Point of order.

Hon. Senators: [*Continuous desk thumping*]

Sen. D. Lyder:—so they do not want this truth to come out. But I do not care I said it.

Mr. Imbert: Point of order.

Mr. President: A point of order is not—

Mr. Imbert: 46—

Mr. President: One second. A point of order is not a reason to get louder, to try and talk over the point of order being raised. Point of order.

Sen. D. Lyder: Thank you.

Mr. President: Get to the question, get to the question Senator.

Sen. D. Lyder: Thank you, Mr. President. My second question is, how? When I heard the Minister speak about over 4,000 delinquents or taxpayers coming forward to pay in an amnesty, I asked myself that second question. How did all these thousands of businesses end up in this situation? It cannot be that there are thousands of unethical people in this country like that. It cannot be, Mr. President. So, I am asking the question as to how did they end up there in the first place. To benefit from this? Because for us to not end up back in this amnesty situation, we need to understand what is carrying all of these companies into this position, and putting them in this position where they need the amnesty.

The third question I have to ask is, how many companies, in the thousands,

especially in the SMEs, even with the amnesty today, how many of these companies are going to be in a position at this stage now given their circumstances to actually take part in this amnesty and what happens to them after? What happens to these small companies after the fact? Has the Government taken the time through the Minister of Finance, through the Ministry of Trade and Industry, the Ministry of Planning and Development, to do an assessment to understand how many of these SMEs can actually take part in this amnesty? And how many of them are going to end up in January in the same khaki pants with the same problem and we have not found a solution for these SMEs. So we come every year with amnesty, after amnesty, after amnesty, but how many of them can really partake in it? Or is it just the “big boys” who could partake in it? Is it just the big companies? I cast no aspersions on this Government you know? But it seems to be the same companies, same companies who might be friends and financiers.

Mr. President: So, I warned Sen. Mark about that, okay.

Sen. D. Lyder: Yes, yes, yes, Mr. President.

Mr. President: No, no, no, do not do it again.

Sen. D. Lyder: Thank you, Mr. President. But, Mr. President, to me it just feels like this is the elitist nature.

Sen. Nakhid: That is a good word.

Mr. Imbert: Point of order.

Sen. D. Lyder: That is why I think that is an okay word—

Mr. Imbert: Point of order.

Sen. D. Lyder: No, no, no—

Mr. Imbert: Point of order.

Sen. D. Lyder:—there is nothing offensive about this.

Mr. Imbert: Point of order.

Mr. President: What did I say about allowing a point of order to be raised? Point of order.

Mr. Imbert: Point of order 53(1)(b), tedious repetition.

Mr. President: Okay so I spoke—

Sen. D. Lyder: What? What am I repeating?

Mr. President: I spoke to that. Continue Sen. Lyder, just get to the point.

Sen. D. Lyder: Yes, yes, yeah. Mr. President, you know they want the real me today, they want the real me. I go keep on going man, I keep on pushing through.

Sen. Nakhid: Keep on going “nah”.

Hon. Senators: [*Desk thumping*]

Sen. Mark: Yeah, yeah, yeah.

Sen. D. Lyder: I keep on pushing through. I keep on pushing through. So, Mr. President, it leads me to the fourth question. I want to know is there a deeper issue, a deeper problem? Not the COVID pandemic, Mr. President, and I will tell you why it cannot be the COVID pandemic by itself and why the COVID pandemic continues to be used as an excuse every time.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: Every time. Is there a deeper problem since this Government has come into power in 2016? Mr. President, no, I am going to tell you here now, I have the information. I will tell you why. Let me tell you why, Mr. President. You see Sen. Mark did not go into any details, I am telling you why there is a problem in this economy today, why companies, 4,000 companies, cannot pay their taxes. Let me tell you why.

Mr. Imbert: Point of order.

Sen. D. Lyder: Oh!

Mr. Imbert: Point of order 46(1).

Sen. Mark: [*Inaudible*]

Mr. President: Okay. Develop the point, Senator.

Sen. D. Lyder: Yes, thank you, thank you, Mr. President. Mr. President, I am saying to you, when you exist in an economy that has declined by 20 per cent between 2015 and now, that puts local companies in problems. It is a 20 per cent shrink in our economy.

Hon. Senators: [*Desk thumping*]

Mr. Imbert: Point of order.

Sen. D. Lyder: That is why they are having problems to pay—

Mr. Imbert: Point of order.

Sen. D. Lyder:—taxes today, Mr. President.

Mr. Imbert: There is no part of this Bill that refers to that. That is totally irrelevant, 46(1).

Sen. Mark: [*Interruption*]

Sen. D. Lyder: Well, my word.

Sen. Mark: They do understand how taxes work.

Mr. President: Okay, so, two things. One, the argument about the economy has already been made by Sen. Mark. You are indicating that you are trying to go deeper in relation to that argument but understand, as I have stated before, we are dealing with an amnesty.

Sen. D. Lyder: Yes.

Mr. President: Correct?

Sen. D. Lyder: Yes.

Mr. President: And you are either arguing for the amnesty or against the amnesty. Do you understand? Sen. Mark tried, did not quite work out. You are trying to go deeper, which means it is even worse. Get the point I am making? So

it is either you agree with the amnesty or you do not agree with the amnesty. Understand?

Sen. D. Lyder: Thank you, Mr. President. You know, Mr. President, I am in the middle of a debate and right now I myself trying to figure out if I agree or do not agree with it. So, as I make my points and I develop my points, and then when my points are developed, if the Minister responds or cares to respond to the valid points I am giving him, that could be the cause of the problem that is leading to five amnesties—four in a row. The hon. Minister may be able to respond to me, which will then guide me on my decision.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: It will guide me on my decision, Mr. President, because I am not sure if I agree with it. I am not sure if this is just a plaster for a sore, or if there is a deeper problem. If the Minister is coming to say that, “Look, this is the last amnesty, we have the revenue authority coming on and the Government has put plans in place to ensure that companies are supported, and will not end up in this morass,” Mr. President, then I will be inclined to want vote have in favour of giving up hundreds of millions, if not billions, of money that could be used to pay for drugs in the hospital, that could be used to pay for goods and services in this country. I have to vote. I have to vote, if I want to give that up. So, I must be able to understand why companies are in this position and if the Minister is going to do anything about the points I am making.

So he has given reasons. For example, he said because of the COVID pandemic. But, Mr. President, let us be real with each other, even before the COVID pandemic in 2019, the economy had already contracted by 13 per cent. It was in a downward spiral. The economy was under pressure before the COVID pandemic.

Mr. Imbert: Point of order.

Sen. D. Lyder: So he uses the COVID—haaaa.

Mr. Imbert: Mr. President, this is now the fourth time he has repeated himself about the downward spiral of the economy, the fourth time. It is totally irrelevant. Tedious repetition, irrelevance.

Sen. D. Lyder: I am responding to the COVID pandemic. He made a statement about the COVID pandemic, I am responding to the COVID pandemic statement.

Mr. Imbert: Would you calm down, please?

Mr. President: I have no idea what the purpose of that was.

Hon. Senators: [*Laughter*]

Sen. D. Lyder: It was because of a frivolous [*Inaudible*]

Mr. President: No, it does not mean you continue, okay? So, I have indicated, if you are using the points of the economy, to answer the Minister of Finance, you will run into tedious repetition because the amnesty is throughout the Bill for various entities, and various clauses. So if we were to start with clause 3 and speak about the economy, clause 4 speaks about the economy, clause 5 speaks about the economy, you get the point as to what would start to occur, why tedious repetition is being raised repeatedly.

Mr. Imbert: Yeah.

Mr. President: Understood?

Sen. D. Lyder: Yes.

Mr. President: Saying you are going deeper does not make it correct, it makes it worse. Understood? There is an amnesty, you started along the lines of saying you do not know if to agree or disagree with it because you want to know why, which was kind of okay, but then you went back to the economy because you cannot develop that much further for eight clauses. So you understand the problem

that we are having.

Sen. D. Lyder: Thank you, Mr. President. So, Mr. President, I will move on from the state of the economy because boy if I only had a chance to say the other seven factors, our economic indicators, they will be so damned. They will be so damned, they will be so damned. But you know something, it is alright Mr. President. The whole country already knows they damned, the country know it is problems, the economy is in a mess. Alright I will move on.

Sen. Mark: And “dey” gone.

Sen. D. Lyder: And “dey” gone and they will move on as well.

But to my second question, Mr. President, we are moving on from the economy now, and we are getting down to why are businesses in this morass that they cannot pay? So we are getting down—

Mr. Imbert: Point of order.

Sen. D. Lyder:—to the business—not the economy, I am moving on from the economy!

Mr. Imbert: Why are you yelling?

Sen. D. Lyder: Well, what is this boy?

Mr. Imbert: This is now the fifth time.

Mr. President: Alright, enough, enough. Have a seat.

Sen. D. Lyder: I am moving on from the economy.

Mr. President: I understand.

Mr. Imbert: Fifth time.

Sen. D. Lyder: I moved on from the economy.

Mr. President: Enough. Enough is enough. Sen. Lyder you are moving off to the economy and you went back to question number two when you have gotten to question number four.

Sen. D. Lyder: [*Inaudible*]

Mr. Imbert: This is the fifth time.

Mr. President: No, no, no I am listening you know.

Sen. D. Lyder: Yes.

Mr. President: I am listening to you intently, trust me on that, to try and make sense of what is being said. You cannot go to question four. So you originally indicated you have three questions which leads you to a fourth. You got through the first, which was a repeat of what Sen. Mark indicated. You got to the second question, then the third question, you go to the fourth question, which came from the first three. Once I indicated you could not go back to the economy, you went back to the second question. All of it is concentric circles of a same argument which puts you in breach of Standing Order 53(1)(b). Understand what I am saying? If it is you cannot navigate the confines of this particular debate, you might as well just start to wrap up. Understood? The points have been made, everybody understands that. Repeating them over and over again is not going to make it more effective. As a matter of fact, it makes it less effective.

Sen. D. Lyder: Mr. President, the Minister of Finance stood here and I heard him clearly speaking about companies having to make a choice. That is what he said, I heard him say that. I want to respond to that, specifically to that. Companies having to make a choice and why they have to make a choice. They have a choice to either pay rent or they have a choice to pay tax. They have a choice to pay staff, they have a choice to pay NIS. They have a choice to be able to purchase goods for sale in their businesses so they can survive or they have a choice to pay their VAT.

The Minister did not say it in those exact words, but that is the gist of what he said. And what I am trying to explain and what the business community, many

of who I speak to in the business community now, forget about the economy, I am talking about the challenges of the business community now to be able to pay both their running expenditure as well as their statutory obligations. And they have cried out, cried out in pain to be able to meet that. That is why I said how many of these companies are in a position to be able to pay this.

Mr. Imbert: Point of order. That is now the third time he has said that. Tedious repetition, irrelevance.

Mr. President: Okay. So I will explain it one more time. You are trying to say the same thing in many different ways, but essentially it amounts to the exact same thing. The confusion lies, like I said in whether you are arguing for the amnesty or against the amnesty. What you are arguing for is the ability to pay. Do you get it? If you think about it for a second, the amnesty assists with that. Now, I do not want to get into the debate that is not my role. But I am trying to guide you as best as possible in relation to the arguments that you are trying to make. So, I will ask you to come off the point completely. I am going to listen for something completely new.

Sen. D. Lyder: Alright, I have something new, Mr. President.

Mr. President: You are sure?

Mr. Imbert: Oh yes!

7.20 p.m.

Sen. D. Lyder: Mr. President, I have something new.

Sen. Nakhid: He has something new.

Sen. D. Lyder: I have something new.

Sen. Nakhid: He has something new.

Sen. D. Lyder: You see, there is a word, and I do not know if it is unparliamentary or not, it is called hypocrisy.

Sen. Mark: “Ay yai yai!”

Sen. D. Lyder: Is it unparliamentary? I do not know, it is called hypocrisy. I think I have heard the hon. Minister use that many times in the Parliament, so I think it could be used today.

Sen. Mark: Yeah. [*Laughter*]

Sen. D. Lyder: And when we look at clause 5.

Sen. Mark: Political hypocrisy.

Sen. D. Lyder: When we look at clause 5, which seeks here to give an amnesty for VAT payments, we understand that after you are late, the VAT period goes for two months, after you are late, you incur a penalty, and you incur interest. So, two months after you are one day late, it is a penalty of interest starting on you. This Bill seeks to give an amnesty on that. And why I say the hypocrisy, Mr. President, is because businesses work on liquidity. They manage their liquidity to be able to pay all the expenditure, including their taxes, including VAT. VAT is a part of their liquidity, and when you as a Government, and I am saying hypocrisy, when you as a Government come to the nation demanding that you pay your VAT, telling the nation that you—

Sen. Nakhid: I like this.

Sen. D. Lyder:—will end up getting penalties and interest after December, but yet you as the Government—

Sen. Nakhid: Bring it in.

Sen. D. Lyder:—fail to pay VAT refunds back to those same people—

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder:—to those same companies who you want them to pay. You are taking away the liquidity from them to be able to pay you back your VAT. So, even after the amnesty, you are in trouble. That is the truth.

Mr. Imbert: Point of order.

Sen. D. Lyder: That is the truth about it. It is important. I must raise this. I have to raise this. It is important. This is clause 5.

Mr. Imbert: Point of order. There is no relevance to VAT refunds in this Bill. It is not mentioned. Standing Order 46(1).

Sen. D. Lyder: I tied it to liquidity, Mr. President.

Mr. President: Okay, okay.

Sen. D. Lyder: Tied it to liquidity.

Mr. President: Okay.

Sen. D. Lyder: Yes.

Mr. President: I get the point that you are trying to make there in relation to VAT, and the amnesty. You have made that point. Do not repeat it. Move on.

Sen. D. Lyder: Mr. President, I am sorry. I have to ask you for your patience with me on this. All right. I have to ask you for your patience on this.

Mr. President: Sen. Lyder, I have allowed you to make the point. Have a seat. Have a seat. I have allowed you to make the point. I have gotten the point because you are talking to me. Correct?

Sen. D. Lyder: Yes.

Mr. President: You have made the point. I have said it. You have made the point.

Sen. D. Lyder: Right.

Mr. President: You do not have to repeat it. You do not have to expand upon it. You do not have to go further.

Sen. D. Lyder: Yes.

Mr. President: Continue.

Sen. Mark: No, no, no, Mr. President—these fellas are having fun, you know,

Mr. President, they are abusing—

Sen. D. Lyder: I thank you for allowing me to make the point. Especially the fact that over \$7.8 billion in VAT refunds were pulled out of the liquidity of the system.

Mr. Imbert: Point of order. Point of order.

Sen. D. Lyder: They are complicit in that!

Mr. Imbert: Mr. President, he is doing exactly what you told him not to do.

Hon. Senators: [*Desk thumping*]

Mr. Imbert: Point of Order. Point of order. Mr. President, I ask you to invoke 53(2).

Mr. President: Okay. So again this is now becoming tedious for me to be on my legs repeatedly.

Sen. Mark: [*Inaudible*]

Mr. President: No, Sen. Mark. Sen. Mark. Okay, so I ruled in relation to all of the points of order raised. I have indicated, Sen. Lyder, that the point was made. It is not an invitation for you to shout, to try and get a small point in, none of that is part of it. So you have made the point, I have gotten it, it is recorded, move on.

Sen. D. Lyder: Thank you, Mr. President. Mr. President, I am always guided by you, and you know, you have always been very fair, and because of how fair you are as a President, Mr. President, I will deal with them on the platform on this. I will bring all of this information to the platform, and I will put it out there, because I am not afraid to put it on the platform. It is okay. It is okay. They could try to silence me here today, but I will put it on the platform. I will follow up.

So, Mr. President, I move on to clause 7 now in the Bill, which seeks to give some injury time for our injured Government, some injury time to the people of Trinidad and Tobago, for an injured Government, who clearly, after nine years,

and threatened to come with property tax in nine years, could not get their act together—

Mr. Imbert: Point of order. Point of order.

Sen. D. Lyder:—to have people pay on time.

Mr. Imbert: Point of order.

Sen. D. Lyder: So what we hear this—this is completely relevant.

Mr. Imbert: Mr. President, I would like you to invoke the Standing Order, where the Member is engaging in tedious repetition, having been warned multiple times for him to wrap up and take his seat.

Hon. Senator: 53(2).

Mr. Imbert: 53(2).

Mr. President: Okay, so the Senator has indicated that he has moved on to clause 7, and so he has to be allowed to develop that particular point in order for me—

Sen. Mark: [*Inaudible*]

Mr. President: Again, Sen. Mark, please, I am on my legs. I do not understand why you all are talking over me, when I am trying to guide Sen. Lyder, and all that is happening is his time is being eaten up. You all are better than this. Okay, Sen. Lyder, develop the point, so that I can listen.

Sen. D. Lyder: Thank you, Mr. President, thank you. I have a new point, brand new point, clause 7, not an amnesty. This is not an amnesty. We are not talking about the economy, although we know that they need the property tax, “bad”. They need property tax, “bad”, because they need—

Mr. President: Sen. Lyder, sit, sit, sit. Sen. Lyder, you are not being very smart. You notice that I am allowing you to develop your points. Trying to go back in a smart way is not going to work with me.

Sen. D. Lyder: All right. Done. So, Mr. President, when we look at the situation

where we are being asked here today to give, as I said, extra time, injury time, you have to ask yourself the reason why, why are we in this position. We are in this position today simply because what I consider to be the absolute incompetence of this Government to be able to roll out any programme, and I will not go into all the hundreds of programmes they have failed, but this just speaks towards another programme once more, that they failed to roll out in an efficient manner. They have had a lot of time to deal with this. The Opposition has been vehemently against property tax at this time, and I do not want to say why, because you would tell me I am talking about economic reasons. But we have been against property tax at this given time, and no matter how much we have been against it, the Government continued on their quest to bring hardship through property tax to the citizens. So—

Mr. Imbert: Point of order.

Sen. D. Lyder:—we were supposed to have collection—

Mr. Imbert: “Still talking, yuh know.”

Mr. President: Sen. Lyder.

Mr. Imbert: Mr. President, this Bill seeks to waive penalties and interest on property tax. It has nothing to do with the principles of property tax. It does not go into the theory of property tax. It is simply a waiver of interest and penalties on that particular tax. I therefore put to you, Mr. President, Sen. Lyder is irrelevant, and is in breach of 46(1).

Mr. President: So, Sen. Lyder, it is a waiver through the amnesty, as proposed in the Bill. You were right before your final point in relation to that, and I am waiting on that to see where you are in terms of the Standing Order. Just finish that point, let me hear it.

Sen. D. Lyder: Okay. So, Mr. President, I am going to wrap up now, right,

because at the end of the day, I have said what I had to say, we are against the property tax. We are against anything to do with property tax. So if you ask me the question, am I for or against anything to do with property tax? We are against property tax in total. Nothing to do with property tax, we are not in favour.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: So, I am giving you the answer, Mr. President, that you asked me about, I am giving you the answer. We are against anything to do with property tax at this given time. There should be no conversation of a waiver today about property tax because we are totally against it.

So, Mr. President—and when a UNC Government comes back next year, or if sooner, because there might be an election soon—

Mr. Imbert: Point of order.

Sen. D. Lyder: I am wrapping up.

Mr. President: Continue.

Sen. D. Lyder: Mr. President, when it comes, we will not have to come back here to discuss about a waiver on interest or penalties on property tax, because there will be no property tax, Mr. President. We will axe that property tax, Mr. President.

Hon. Senator: [*Desk thumping*]

Sen. D. Lyder: We will do that. We will do that. That might be Cabinet Note 1.

Mr. President, so as I wrap up, unfortunately, I was not given the opportunity to answer a lot of the concerns of the business people in this country. I was not given the opportunity to do that. A lot of information I had here. A lot of information I had here, right? Whereas there are businesses in this country who are indeed—I do not think any business would not want to be happy—

Mr. Imbert: Mr. President, point of order.

Sen. D. Lyder: I am wrapping up!

Mr. Imbert: You are not wrapping up. Mr. President—

Sen. D. Lyder: I am wrapping up!

Mr. Imbert: Point of order, 46(1).

Sen. D. Lyder: I am wrapping up! This is a dictatorship—

Mr. President: Sen. Lyder, Sen. Lyder, Sen. Lyder.

Sen. D. Lyder: This is a dictatorship now!

Mr. President: Sen. Lyder, Sen. Lyder, I have spoken to you about how point of orders are raised. I have spoken to you about the content of the debate. I have tried to allow you to wrap up, but somehow you continue to end up right back where I do not want you to. So I will wrap up for you. Your contribution has ended. Minister of Finance.

7.30 p.m.

Hon. Senators: [*Desk thumping*]

Mr. President: Okay, Sen. Smith.

Mr. Imbert: Go ahead. Go ahead.

Hon. Senators: [*Desk thumping*]

Sen. Dominic Smith: Good day, or good afternoon, hon. colleagues. It is indeed an honour to be here today, as it is every time I set foot in this very august House. And it is indeed a place of national pride and I can see, based on the wonderful discussions and the vibrancy of the current Senate, how proactive we are in engaging in debates. So I wish to thank God, first, for the opportunity to speak and contribute to this Bill, and I would also like to convey my gratitude to the Leader of the Opposition for allowing me the opportunity to have this conversation.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: But colleagues, I would ask Members on the other side to give the

grace for the Opposition to have its say, because the citizens of the country deserve the Opposition to have their say, because we represent the citizens of Trinidad and Tobago as well.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: And I would even take a step further to respectfully ask the President of this wonderful Chamber to start afresh as I make my contribution, and allow me the privilege to speak and to make some relevant points as it relates to this Bill.

So, colleagues, there is a concept of good governance, which I think this Bill has really brought to my attention. And good governance, as we know, is really the act of balancing ambition with accountability, vision with vigilance, and power with purpose. And these words actually came from a very well-renowned gentleman by the name of Kofi Annan in his address to the World Economic Forum in 2005. And I want to repeat the quote so that we understand the basis of this Bill: It is a matter of good governance and a balancing act of ambition versus accountability, vision with vigilance, and power with purpose.

You see, Mr. President, it takes quite a bit of manoeuvring when one is tasked with the duties and responsibilities to govern and to rule. Too strong a hand, Mr. President, on the proverbial reins of society leads to rejection from the people, and too soft an approach leads to unlawful behaviour and often clandestine practices.

And so, Mr. President, as I took a step further to analyze the Bill before us, I want us to understand that as we gather here today to discuss matters that are extremely important to, one, both strengthening our resolve as a nation, but also has the potential to destroy the trust that the people have in trusting us as parliamentarians—and this Bill—and might I say, the Bill previous, are really Bills

that expose us to the global community, because the global community is watching the steps that we take in this sacred House, and they are guided by the actions performed in this sacred House. And so, it is critically important when we analyze this Bill—

Hon. Senators: [*Interruption*]

Sen. D. Smith: I would ask those across the Floor to allow me the opportunity to speak without chatter. And so, one would think that this Bill speaks to, yes, an amnesty. The Minister has made that very clear. Members on the other side have made that very clear. But on the backdrop of an amnesty, one has to consider that there are matters of transparency, inclusivity, equity and accountability, which are not stated directly in the Finance Bill, which are not stated directly in the money Bill, but they are alluded to. And if you want us to come here and say, “Yes, we agree,” or “No, we disagree,” well then, why have a debate? Let us all just pack up and go home.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: You say, “Yea,” we say, “Nay,” and we pack up and go home.

Sen. Lyder: Dictatorship is what they want.

Sen. D. Smith: Fortunately, we live in a democracy—

Sen. Lyder: “We by Maduro now”.

Sen. D. Smith: And fortunately, yes, there is a process, and so, by God, allow the process to take place.

Hon. Senators: [*Desk thumping*]

Sen. Lyder: “Dey feel dey is” Maduro? Delcy Rodríguez? Maduro?

Sen. D. Smith: I would argue that the Government indeed has had difficulty in performing a balancing act, because governance in itself is a balancing act. You give with one hand and you take with the next in many regards, but this

Government has proven to be taking too much.

Sen. Nakhid: Only take, only take.

Sen. D. Smith: Taking, taking, taking.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: And unfortunately, for them—

Mr. Imbert: Point of order.

Mr. President: Unfortunately, for them—

Sen. Lyder: Here we go again.

Mr. President: Sen. Lyder, I am not going to call you to order again. I think you are old enough, I think you are big enough—

Hon. Senators: [*Laughter*]

Mr. President:—to understand exactly what I am saying and what is required of you in this Chamber. I cannot understand how you shouting is going to help your own speaker. I am at a loss. I am certain Sen. Smith can handle himself without the assistance of back-up singers. That being said, I expect silence for the rest of this proceedings. Point of order, Minister.

Mr. Imbert: Actually, I have two. The first one is 46(1), with respect to Sen. Smith. The second one is that I am asking you to invoke Standing Order 53(4) and (5), with respect to Sen. Lyder.

Mr. President: I have already spoken to Sen. Lyder and I expect compliance. Sen. Smith is in the early stages of his contribution and as such, he must be allowed the breadth to develop the context in and making his points. Continue, Sen. Smith.

Hon. Senators: [*Desk thumping*]

Sen D. Smith: Mr. President, I am ever grateful for your wisdom. And so, as I continue to—as you rightly stated, Mr. President, develop my point, I want to

make it abundantly clear that, yes, this is a matter of amnesty; yes, it may be perceived as superficial and very cosmetic, but at its centre is an issue of good governance and the way in which things are managed, operationalized in a country that, unfortunately, for many citizens, have been seen to be crumbling and falling apart.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: And I would argue in my contribution, Mr. President, that this Government—and we do not say this with pride, we do not take great pleasure in stating the things that we must say on behalf of the people of Trinidad and Tobago, but unfortunately, for this Government, they have failed to address root causes.

Hon. Senators: [*Desk thumping*]

Mr. Imbert: Point of order. It appears that I will have to invoke 46(1) repeatedly because Sen. Smith is not referring to a single clause in this Bill, or the principles of the Bill, or anything to do with the Bill before the House; 46(1).

Mr. President: So, Sen. Smith, you are developing your argument, but your last sentence, if I am to extrapolate forward, you have already spoken to root causes, attempts have been made in relation to that. We already know that you cannot go down the economic route, so I am not entirely sure what root causes you could be talking about, but you have been here, you have been listening to the debate so far, you understand the parameters of the debate and the confines thereof. Move forward with that understanding. I am listening intently. Acting Leader of Government Business.

PROCEDURAL MOTION

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Mr. President. In accordance with Standing Order 14(5), I beg to move that this Senate continue to sit until the completion of

the business at hand, inclusive of the matters on the adjournment.

Question put and agreed to.

FINANCE BILL, 2024

Mr. President: Sen. Smith, continue.

Sen. D. Smith: Thank you, Mr. President, and I am indeed guided by your counsel. I want to suggest to, with respect, the hon. Minister, that my speech has an introduction, a body and a conclusion. I am almost at the end of my introduction, so if you would allow me to get to the body, I would quite appreciate it.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: And so, Mr. President, we need to address root causes of items that are related to this amnesty, and the root causes of, one, non-compliance. There is an issue of non-compliance. I would use the latter of the word, “stagnation”, but the former of the word has been used many times in this Sitting, but I dare not mention it. It ends with stagnation, it begins with an “E”. And so, there is a third element as well, public distrust. And the fourth important point is that we have an issue where, as a country and as a government, we are looking at short-run, short-term, cosmetic fixes for long-term and medium-term problems that carry on into the future.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: And so, Mr. President, yes, it is a “yea” or a “nay”, but there are also root causes, there are also systemic issues, there are also challenges that we, as a nation, have to realize and come to terms with, and that is the importance of this money Bill. That is the importance of the Finance Bill. That is the importance of anything related to an amnesty or a non-compliance issue. The fact of the matter is that Trinidad and Tobago has been going down a road—

Mr. Imbert: Point of order, 46(1).

Mr. President: So I see the attempts. It does not matter if you do not say the word. The general meaning of what you are trying to say remains the same. I will try my best to guide. This is about amnesties. I have said it repeatedly throughout the course of this debate, it is either you are for it or you are against it. Other arguments would be the benefits of amnesties or the lack thereof, which would keep you within the rubric of relevance. Understand?

Sen. D. Smith: Thank you, Mr. President. So, I will speak to the exact frame of this Finance Bill, 2024, and I will be sure to list the six pieces of legislation within the Bill: The Registration of Clubs Act, Chap. 21:01; National Insurance Act, Chap. 32:01; Income Tax Act, Chap. 75:01; Value Added Tax Act, Chap. 75:06; Stamp Duty Act; Property Tax Act, et cetera. I have now come into the body of my arguments, Mr. President.

7.45 p.m.

And so, the Finance Bill seeks to introduce along these pieces of legislation and focuses on waivers, amnesties, and penalties. And as I said prior, while these measures may alleviate some pain to the business community and to other stakeholders involved, it ignores the long-term systemic issues. And one of those issues—

Mr. Imbert: Point of order 46(1).

Mr. President: Yeah, we keep going back to the same place with all my attempts to guide and even give examples of what a debate like this is supposed to generate. I have asked if you have understood what it is I am trying to guide you to, but no matter my attempts, all I get is a reframing of the same argument. I will give you one more chance.

Sen. D Smith: Thank you, Mr. President. I am guided by, again, your wisdom. I want to speak to, again, the Finance Bill, 2024, and I want to speak to the *Trinidad Guardian* editorial in November 2024, where it states:

According to the Ministry of Finance, the last amnesty collected around \$1.5 billion. However, the unpaid taxes still amounted to around TT \$4 billion.

In an article, and I title:

Minister of Finance—“...announces tax amnesties, online payment for property tax”

That article goes on to speak of the tax amnesties over the years being something that has been valuable and sources of additional revenue to the citizens of Trinidad and Tobago, and has generated billions of dollars in payments. The Minister went on to state:

“We do not wish to encourage tax avoidance but now that the Privy Council has ruled in the Government’s favour, with respect to the constitutionality of the Trinidad and Tobago Revenue Authority, which now allows us to move apace to populate and operationalize this new authority, we will give taxpayers one last opportunity...”

Always with this one last opportunity, always.

“...to put their house in order and pay up their outstanding taxes before the TTRA...”—the bully, the big bad wolf, the TTRA—“...is in full operation.”

And much ado in the Minister’s representations here, this is consistent with the type of behaviour that we see on the opposite side. Either you get in line—

Hon. Senators: [*Desk thumping*]

Sen. D. Smith:—or you are railroaded to the end of the street. And so, he added further comments as it relates to the Finance Act and as it relates to the amnesties that were pending. Once the TTRA is fully operationalized, better compliance is

expected and all taxpayers by that time would have become compliant. The article goes on to say:

“Imbert rejected the claims by the Opposition UNC that the government will use the TTRA to ‘go after little people...’”

Mr. Imbert: Point of order, relevance. That is not this debate,

Mr. President: Sen. Smith, the TTRA is not in question here. As much as it was mentioned in the debate, vaguely so, the reading of the article seems to speak a lot about the TTRA. Understood? The TTRA is not what the focal point is. The amnesty is.

Sen. D. Smith: Thank you, Mr. President. The two have been jointly correlated in the Minister’s speech—

Sen. Nakhid: That is true.

Sen. D. Smith:—several times. I do not see how that is irrelevant. The amnesty is tied to the fact that when the TTRA comes into effect in March 2025, it is directly related because there will be no more amnesty.

Hon. Senators: [*Desk thumping*]

Sen. D. Smith: Respectfully, Mr. President, that is how I am addressing the point as it relates to this particular issue. The second point I want to issue is that amnesties, unfortunately, in recent times have become Band-Aids for systemic failures—

Sen. Nakhid: That is the point.

Sen. D. Smith:—and that is the point; that the amnesty is highlighting fiscal relief but often reveals deeper structural issues within our country’s tax system.

Mr. Imbert: 46(1), 53(1) and 53(2). Tedious repetition of everything Lyder said.

Hon. Members: [*Crosstalk*]

Mr. Imbert: Irrelevant.

Mr. President: Okay, okay, enough. Systemic issues, root causes, economy, and the reasons the businesses cannot pay, are all repetitive. You started off with systemic issues in the first ten minutes of the debate. We are back at systemic issues again. Do you understand where the tedious repetition is coming from? If systemic issues are the basis of your argument, then you might as well stop now. If you have something new in relation to, as I have guided, the benefits of amnesties or the lack thereof, you will remain within the rubric of relevance.

Sen. Mark: Mr. President [*Inaudible*]

Mr. President: Sen. Mark—have a seat Sen. Smith. My role is to ensure the standing orders are adhered to. If everybody adheres to the standing orders, everybody will be protected. And I am giving guidance for the entirety of this debate. Sen. Smith, you are so guided.

Sen. Smith: Thank you, Mr. President. I am guided by your ruling. And I would say, in terms of this debate, whether you agree or disagree, there needs to be room for a maneuvering of one's points.

Mr. Imbert: Point of order, 53(1) and (2). He has said that three times and he is also irrelevant, 46(1). And he is challenging your ruling.

Mr. President: Again, to Sen. Smith, Just bring your points forward, please.

Sen. D. Smith: Mr. President, with respect, I am neither challenging your ruling, nor am I—

Mr. Imbert: [*Inaudible*]

Mr. President: Minister of Finance. After I have spoken, you just continue because that is the end of that. So just continue. Focus on your contribution and continue.

Sen. D. Smith: Mr. President, thank you. I am guided. I would just say as I continue, that let those who have an ear, let them hear, and let those who have

eyes, let them see. Because it is very obvious to me and to many politicians on this side, that clearly, obstruction is the modus operandi.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Smith, that is not allowed. Okay? Do you have any other points in relation to this debate?

Sen. D. Smith: Mr. President, I am guided by your instructions, and I will, if permitted, continue. Mr. President, as it relates to the Finance Bill and the amnesties, I paused to look and consider other countries that have had similar issues like we have had, as it relates to compliance and as it relates to amnesties of this nature.

And so, one example of this, as cited by the Caribbean Development Bank, in 2021, they referenced Barbados as an example. And Barbados, evidently, initiated what they call their digital tax system. This was also meant to streamline revenue collections, and within a two-year period, Barbados has witnessed an improved 30 per cent increase in compliance rates as it relates to the amnesties. And so, Trinidad and Tobago can learn from similar initiatives. We can take pattern in the successes of our neighbours.

We can also—Mr. President, if we look behind the legislation, and we look at the operationalization of the legislation, which is the most critical aspect of any legislation—because you can bring matters to the Parliament, you can sign off, you can dictate, you can speak eloquently, or you can simply say “yay” or “nay”. At the end of the day, it is the responsibility of the institutions to operationalize those changes and to make them work, and in this case, to work for our country.

And so, Mr. President, it often dawns on me that the Minister in his contribution, the Hon. Minister of Finance, he mentioned that there are issues as it relates to the Board of Inland Revenue, and he cited issues with collection, et

cetera. One point I want to make is that he suggested again that the body to come will sort out these issues. And I had a challenge with that concept, because what it said to me is that—

Mr. President: Okay, Senator, you started off the point and you were doing quite fine when you started there, when you spoke to Barbados and the methodology they used in order to ensure there was compliance. That was within the rubric of relevance because it spoke to the essence of what an amnesty is supposed to do. You are veering back towards the TTRA. It does not matter if you call the name, or you do not call the name. We know what you are talking about. Right?

Sen. D. Smith: Yes, Mr. President. Thank you. I am guided by your timely intervention. If I may tie and wrap that in what we call a Christmas wrapping, my suggestion was that as a nation we have this affinity of renewing, reshaping, revamping, rejuvenating, reengineering, and reevaluating institutions. We do not solve the inherent problems.

Mr. Imbert: Point of order. The Senator has gone back to the whole thing about institutional strengthening, systemic problems, et cetera. Point of order 46(1) and 53(1).

Mr. President: Okay, Sen. Smith. Come off the point of the reason behind why these entities do not pay. Stay away from it completely. Any point that you have in relation to an institution, an entity, as to why they cannot pay again speaks to economy, which we have already dealt with, and all of that. Okay?

Sen. D. Smith: Thank you, Mr. President. Once again, I am guided. I am guided by your instruction and I want you to know that it is not my intention to meander away from the main essence of the Bill, but in developing one's arguments, sometimes it takes time to overcome the bumps in the road. Alright? So thank you for your indulgence.

One point I wanted to make as it relates to the amnesties. In particular, I want to touch on two things. One, as it relates to the Bill, is the National Insurance Act, Chapter 32:01 and then there is the whole question of reversals of taxation and items as it relates to that.

8.00 p.m.

I would speak to the point I brought up earlier, which is given with one hand and taken from the next. If we have to have laws that work inherently for the good of people, we cannot have so strict a measure as outlined by the Bill. You see, Mr. President, on one hand, we are saying that we are allowing businesses, individuals, to have some form of relief. But then, on the other hand, there is a very direct and sharp connotation that if you do not fall within this parameter, you are somehow sidelined, you are somehow left behind, you are somehow treated as scum. So I want to put on record that the intention of legislation is to support the people. It is to assist persons. It is not meant to chastise. Is not meant to be hard-handed—

Mr. Imbert: Point of order.

Sen. D. Smith:—and so as relates to—

Mr. Imbert: Point of order. In my opinion, Mr. President, Sen. Smith is being wholly irrelevant and ignoring all of your guidance deliberately. 46 (1).

Mr. President: I would not go as far as to say it is deliberate. At best, it might be a communication problem. But Sen. Smith, I do not think in my experience, I have been so hard-pressed to explain what the parameters of a particular Bill is and where the Standing Orders come into that and not have it understood to allow Senators to complete a contribution. I am going to have to let this be the final warning. Try your best, as a matter of fact, start to wrap up, because I do not think you are able to get within the parameters of this debate in terms of relevance. You

keep veering back to what it is you have prepared and your understanding of what is before us. So I would just ask you to start to wrap up your contribution now.

Sen. D. Smith: Mr. President, I think—

Sen. Mark: No, no, listen let us wrap up.

[Opposition Senators leave Chamber]

Mr. President: Minister of Finance.

Hon. Senators: *[Desk thumping]*

The Minister of Finance (Hon. Colm Imbert): Mr. President, although the Members of the Opposition have left, I think for the viewing public, I should read out Standing Order 46(1):

“...debate upon any motion, Bill or amendment, shall be relevant to such motion, Bill or amendment, and a Senator shall confine his observations to the subject under discussion.”

Mr. President: Minister, there is really no need to read out the Standing Order. Just continue your contribution to wrap up the debate.

Hon. C. Imbert: Thank you very much. Mr. President, the statements made by Members opposite were wholly irrelevant, vexatious, frivolous, irrelevant, tedious, irrational, grievous, absurd, nonsensical, not pertinent in any way to the debate. Would not assist anyone viewing this live broadcast to understand what we are about. Would not help to educate the persons that this amnesty or these amnesties are intended to help. Will not help a small businessman to understand that the amnesties cover all taxes, value added tax, income tax, corporation tax, stamp duty, gaming tax in the Registration of Clubs Act.

The contributions of the Opposition would not help anyone to understand what their obligations are, what the law states, what is the purpose of this Bill. It would defeat that purpose entirely. It is clear that the Members opposite came here

today with one purpose, to filibuster, to cause confusion, to disobey the Presiding Officer, to pretend that they did not understand what they were being told, to pretend that they were accepting guidance from the President. That was not their intention. Their intention was to come in the usual manner, scream and shout, be totally irrelevant, carry on, rant, rave and misbehave.

There was one point, one, made by Sen. Mark that requires an answer. In 2010, the then UNC Government, of which Sen. Mark was a part, created a tax amnesty by way of the Finance Bill, of 2010. In that Finance Bill, Finance No. 2 Bill, of 2010, there was more or less the identical waiver, the same provisions that are in this Bill, except they were for a particular period of time. Later on, the then Minister of Finance, the UNC Minister of Finance, visited the Inland Revenue department in May of 2011 because the amnesty was initially due to end on the 30th of May. I am seeing a notice here 31st but it was due to end on the 30th of May, 2011. Mr. Dookeran, Minister Dookeran at the time, visited the Inland Revenue Division to thank the staff of the Inland Revenue Division for their efforts during the amnesty period, which began in September of 2010 and was initially due to end in May 2011.

I am reading from a media advisory published by the Ministry of Finance on the 31st, of May 2011. It says that the Minister of Finance, Mr. Dookeran, after being brought up to date by officers during his visit, took a decision to extend the deadline in light of the overwhelming response by citizens, and also to allow persons who had not previously met the deadline an opportunity to comply with the amnesty requirements. As a result, the then UNC Government extended the amnesty by one month to June 30th, 2011.

I heard some talk here about hypocrisy, but those six Senators are masters of hypocrisy. Because, if the UNC Government could enact legislation to create a tax

amnesty and then extend it because they felt it was necessary to do so—They felt it is because we are a last minute society. They felt because there was a big rush at the Inland Revenue office, and it was obvious within the last two or three days of the amnesty that people had eventually got their house in order and were able to pay up their principal amounts owed of tax. UNC extended the amnesty. So if the UNC could do it, why I cannot do it?

It is just nonsense. This is a standard clause in legislation of this type. You always want to give the relevant Minister the flexibility to extend something of this nature and you do not want to have a parliamentary debate to extend the time for an amnesty. With respect to the law, the other important thing is the law, because what I find with Members opposite, they always pretend not to understand the law. But, there is absolutely no doubt that Sen. Mark's noise about the provision to allow the Minister to extend, is based on either on a complete misunderstanding of the law or deliberate distortion of the facts.

The power for the Minister of Finance to extend amnesties of this nature is granted to the Minister, if Parliament approves the Bill. It is not a power that the Minister of Finance seeks to grant to himself. It is delegated by Parliament. That is factual. There is nothing extraordinary about this, because that delegation to the Minister cannot derogate from what Parliament has passed. What we are talking about today is the actual amnesty itself. It is the waiver of penalties and interests with respect to outstanding stamp duty, outstanding value added tax and so on. That is the essence of what we are debating today, a waiver, also called an amnesty, and Parliament is not giving the Minister any power to extend the confines of this Bill, or the limits of this Bill, to any other matter or any other interpretation of the tax laws.

All the Parliament is being asked to do is to delegate to the Minister of Finance the power to extend the time for the effectiveness of the substance of the Bill. The substance of the Bill is to grant an amnesty. All that clause does is give the Minister the power to extend the time, that is all. Does not give the Minister the power to change the amnesty, to change the type of taxes that it applies to. Does not give him the power to take out stamp duty or to put in another tax that maybe he forgot about. Parliament is not being asked to do that, and that is where I have to call it the deliberate distortion of the UNC, typical and deliberate hypocrisy of the UNC with respect to the power to the Minister to extend. There is nothing sinister in it. There is nothing frightening in it. We are all Trinidadians, and to begin as we live here.

We know that whenever there is a deadline to do anything, you saw it most recently with property tax, anytime there is a deadline to do anything, we are a last-minute society. If anybody denies that, then they are living in outer space and you can be autocratic, you can be dogmatic, you can behave like a dictator and say, there will be no extension, and therefore, this Bill does the opposite of what the UNC Senators were accusing us of.

It is the essence of the opposite of dictatorship, where the Minister is asking for power to extend. It is the opposite of autocracy. It is the complete flexibility to cater for the nature of our society and everybody understands that. Every time there has been an amnesty, whether it is a UNC Minister, whether it is a PNM Minister. Let me read an article for you, Mr. President.

I looked at an article that I found from 2012 because UNC had two amnesties “eh”. All the noise they making there, you would think they never had an amnesty. Apparently, an amnesty is evil. It is a creation of the devil, if you

listen to them. But they had an amnesty in 2010—2011 and they had an amnesty in 2012.

8.15 p.m.

Let me read an article from the Trinidad *Guardian*, Christmas Eve, 24th of December, 2012 headlined:

“Attorney pleads for six-month extension of T&T tax amnesty
Attorney-at-law Ramesh Persad-Maharaj is calling on government and Finance Minister Larry Howai to extend the tax amnesty for at least six more months after...”—describing—“...an ordeal in attempting to process his documents as the Registrar General’s office on Friday before Christmas.

‘I want to ask government to be good enough to extend this time to at least six months to enable all the defaulters to put in their papers in order.

‘We must remember it is...part of the culture of T&T for people to wait until the last minute to get things done.’ He said people who went to see about their paperwork at the Registrar General’s office...are sometimes turned away when a certain number is called because no one else is allowed entry into the department as it cannot accommodate any more people.”

Now, this is real life. This is not the fantasy of Wade Mark, or the screaming of Lyder, the misbehaviour of Sen. Nakhid. This is real. And therefore, it is a benefit for the Parliament to give the Minister of Finance the power to extend the time. That is a benefit for the people of Trinidad and Tobago. And I ask the same question that I asked in the other place, why is the UNC so fond of oppressive behaviour? Because they do not want that to happen.

And for an extension to be granted by a legislative amendment, it would mean I have to go to the other place, debate that, then I have to come here and wait the various period of notice, the number of days, seek permission to have the Bill to be taken to all its stages and come here. So, you are talking about a week, two weeks. And that means I would have to come two weeks before the end of the amnesty, to debate an extension to the amnesty. It is absurd. I reject everything said by the UNC. They are just ridiculous, and they are oppressive. And they actually do not care about poor people, and they do not care about small people, and they do not care about educating anybody about what we do in this Chamber to help the people of Trinidad and Tobago. They just do not care. They are selfish, they are heartless, and they are ridiculous. And with those words, I beg to move.

Hon. Senators: [*Desk thumping*]

Question put.

Bill accordingly read a second time.

Mr. President: Minister of Finance.

Hon. C. Imbert: Thank you very much, Mr. President. In accordance with Standing Order 57(2), I beg to move that a Bill entitled an Act to make Provisions of a financial nature and other related matters, not be committed to a committee of the whole Senate.

Question put and agreed to.

Bill accordingly read the third time and passed.

Mr. President: Acting Leader of Government Business.

ADJOURNMENT

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much, Mr. President. I beg to move that this Senate do now adjourn to a date to be fixed.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.19 p.m.