

**HOUSE OF REPRESENTATIVES***Friday, November 02, 2018*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**VISITORS****National Youth Parliamentarians 2018**

**Madam Speaker:** Hon. Members, I wish to draw to your attention the presence of the National Youth Parliamentarians 2018 in the Chamber, and I wish to welcome them on our collective part. [*Desk thumping*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, Mr. Esmond Forde, MP, Member for Tunapuna, has requested leave of absence from sittings of this House from October 31 to November 07, 2018. Dr. Fuad Khan, MP, Member for Barataria/San Juan and Mrs. Glenda Jennings-Smith, MP, Member for Toco/Sangre Grande have both requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**SESSIONAL SELECT COMMITTEES****(APPOINTMENT OF)**

**Madam Speaker:** Hon. Members, pursuant to Standing Order 89(2), the following Members were appointed to serve on the Sessional Select Committees of the House of Representatives for the Fourth Session, Eleventh Parliament.

**Standing Orders Committee**

Mrs. Bridgid Annisette-George	Chairman
Mr. Faris Al-Rawi	Member

**UNREVISED**

Sessional Select Committees  
(Appointment of) (cont'd)

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Mr. Anthony Garcia	Member	Mrs. Glenda Jennings-
Smith	Member	
Dr. Fuad Khan	Member	
Mrs. Vidia Gayadeen-Gopeesingh	Member	

**House Committee**

Mrs. Camille Robinson-Regis	Chairman
Mr. Colm Imbert	Member
Maj. Gen. (Ret.) Edmund Dillon	Member
Mrs. Ayanna Webster-Roy	Member
Dr. Roodal Moonilal	Member
Mr. David Lee	Member

**Committee of Privileges**

Mrs. Bridgid Annisette-George	Chairman
Mrs. Camille Robinson-Regis	Member
Mr. Fitzgerald Hinds	Member
Mr. Stuart Young	Member
Mr. Rudranath Indarsingh	Member
Mr. Barry Padarath	Member

**Statutory Instruments Committee**

Mrs. Bridgid Annisette-George	Chairman
Ms. Nicole Olivierre	Member
Mr. Stuart Young	Member
Dr. Lovell Francis	Member
Mr. Rudranath Indarsingh	Member
Mr. Rushton Paray	Member

**Business Committee**

Mrs. Bridgid Annisette-George	Chairman
Mr. Colm Imbert	Member
Mrs. Camille Robinson-Regis	Member
Mrs. Cherrie-Ann Crichlow-Cockburn	Member
Mr. Barry Padarath	Member
Mr. David Lee	Member

Hon. Members, I have also received correspondence from the President of the Senate which is dated October 31, 2018 which states as follows:

“Dear Honourable Speaker,

Establishment of the Joint Select Committee

I refer to your letter dated October 05, 2018 on the subject at caption.

I wish to advise that at a sitting held on Friday October 19, 2018, the Senate concurred with the House on the establishment on the following:

- (i) A Joint Select Committee to consider and report by December 31, 2018 on the Constitution (Amendment) (Tobago Self-Government) Bill, 2018, and the following six (6) Members were appointed to serve on the Committee:

1. Mr. Nigel De Freitas
2. Mr. Clarence Rambharat
3. Mr. Foster Cummings
4. Mr. Saddam Hosein
5. Mr. Stephen Creese
6. Dr. Varma Deyalsingh

- (ii) A Joint Select Committee to consider and report by December 31,

2018 on the Cybercrime Bill, 2017, and the following six (6) Members were appointed to serve on the Committee:

1. Mr. Clarence Rambharat
2. Mrs. Paula Gopee-Scoon
3. Mr. Garvin Simonette
4. Mr. Wade Mark
5. Ms. Melissa Ramkissoon
6. Mr. Paul Richards

(iii) A Joint Select Committee to consider and report by December 31, 2018 on the Mutual Administrative Assistance in Tax Matters Bill, 2018 and the Tax Information Exchange Agreements Bill, 2018, and the following six (6) Members were appointed to serve on the Committee:

1. Mr. Clarence Rambharat
2. Mr. Daniel Dookie
3. Dr. Lester Henry
4. Mr. Saddam Hosein
5. Mr. Stephen Creese
6. Mr. Paul Richards

(iv) A Joint Select Committee to consider and report by December 31, 2018 on the Trinidad and Tobago Revenue Authority Bill, 2018, and the following six (6) Members were appointed to serve on the Committee:

1. Mr. Franklin Khan
2. Mr. Robert Le Hunte

3. Ms. Allyson West
4. Mr. Wade Mark
5. Mr. Taurel Shrikissoon
6. Ms. Jennifer Raffoul

Additionally, at a sitting held on Monday October 22, 2018, the Senate concurred with the House on the establishment of a Joint Select Committee to consider and report by December 31, 2018 on the Gambling (Gaming and Betting) Control Bill, 2016 and the following six (6) Members were appointed to serve on the Committee:

1. Ms. Allyson West
2. Mr. Robert Le Hunte
3. Mr. Foster Cummings
4. Mr. Wade Mark
5. Ms. Melissa Ramkissoon
6. Mr. Paul Richards

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

Respectfully,

Senator the Honourable Christine Kangaloo

President of the Senate”

**COMMITTEE OF PRIVILEGES**

**(MEMBER FOR OROPOUCHE EAST)**

**Madam Speaker:** Hon. Members, I am now ready to rule on the matter of privilege raised by the Member for Arouca/Maloney and Leader of the House. It is well accepted that Parliament is a place of strong opinions and emotions, and when

tempers flare Members can get carried away. However, I am consoled that generally our House is more orderly and decorous than many others.

On October 10, 2018, the Member for Oropouche East and Member for Laventille West engaged in a heated exchange. As I advised on that day, I did not hear the exchange. However, I have since viewed the video footage and listened to the audio recorded during the sitting. I have also read the *Hansard* of the proceeding. The words attributed to the Member for Oropouche East in the matter raised by the Member for Arouca/Maloney were in fact uttered. I am also satisfied that several other Members heard the comment.

Hon. Members, the matter raised by the Member for Arouca/Maloney is a serious one as there is absolutely no place for violent or threatening language in this House. The statement made, when placed in context as presented by the Member for Arouca/Maloney, clearly falls below the esteem and dignity of the Parliament. Therefore, having considered the submission made by the Member for Arouca/Maloney and in accordance with my duty under Standing Order 32(4), I rule that a prima facie case of breach of privilege has been made out and that the incident requires further consideration by the Committee of Privileges. I so rule.

#### **PAPERS LAID**

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Trinidad and Tobago Racing Authority for the year ended July 31, 2009. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Trinidad and Tobago Racing Authority for the year ended July 31, 2010. [*Hon. C. Imbert*]

3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2009. [*Hon. C. Imbert*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Public Transport Service Corporation for the year ended September 30, 2010. [*Hon. C. Imbert*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Statement of Recovery of Expenses of the Ministry of Energy and Energy Industries for the year ended December 31, 2017. [*Hon. C. Imbert*]
6. Special Report of the Auditor General of the Republic of Trinidad and Tobago on the Audit of Compliance with Procurement Practices for the Shore of Peace Stabilisation Project of the Ministry of Works and Transport. [*Hon. C. Imbert*]

*Papers 1 to 6 to be referred to the Public Accounts Committee.*

7. Audited Financial Statements of the Trinidad and Tobago Solid Waste Management Company Limited for the financial year ended September 30, 2016. [*Hon. C. Imbert*]
8. Audited Financial Statements of Export Import Bank of Trinidad and Tobago Limited for the financial year ended December 31, 2017. [*Hon. C. Imbert*]
9. Audited Financial Statements of Palo Seco Agricultural Enterprises Limited for the financial year ended September 30, 2017. [*Hon. C. Imbert*]
10. Audited Financial Statements of Taurus Services Limited for the financial year ended September 30, 2016. [*Hon. C. Imbert*]
11. Annual Report and Audited Financial Statements of National Enterprises Limited for the financial year ended March 31, 2018. [*Hon. C. Imbert*]

12. Audited Financial Statements of National Quarries Company Limited for the financial year ended September 30, 2012. [*Hon. C. Imbert*]  
*Papers 7 to 12 to be referred to the Public Accounts (Enterprises) Committee.*
13. Policy-based Loan Agreement between the Corporación Andina De Fomento and the Republic of Trinidad and Tobago in the amount of US \$300 million and executed on July 21, 2017. [*Hon. C. Imbert*]
14. Policy-based Loan Agreement between the Corporación Andina De Fomento and the Republic of Trinidad and Tobago in the amount of US \$180 million and executed on April 23, 2018. [*Hon. C. Imbert*]
15. Policy-based Loan Agreement between the Corporación Andina De Fomento and the Republic of Trinidad and Tobago in the amount of US \$120 million and executed on August 29, 2018. [*Hon. C. Imbert*]
16. Ministerial Response of the Ministry of Finance to the Fourth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Trinidad and Tobago Inter-Island Ferry Service with specific focus on the Procurement and Maintenance of Ferries. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
17. Ministerial Response of the Ministry of Health to the Fifth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the Adverse Health Effect of Fireworks. [*Hon. C. Robinson-Regis*]
18. Response of the Police Complaints Authority to the Ninth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Inquiry into the Treatment of Detainees and Conditions at Holding Cells in Trinidad and Tobago Police Stations. [*Hon. C. Robinson-Regis*]

19. Ministerial Response of the Ministry of Public Utilities to the Fifteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Water and Sewerage Authority of Trinidad and Tobago for the years 2008 to 2013. [*Hon. C. Robinson-Regis*]
20. Ministerial Response of the Ministry of Public Utilities to the Sixteenth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Electricity Commission for the years 2012 to 2015. [*Hon. C. Robinson-Regis*]
21. Annual Report of the Criminal Injuries Compensation Board for the period October 1, 2014 to September 30, 2015. [*Hon. C. Robinson-Regis*]
22. Annual Report of the Operations of the Interception of Communications Act, Chap. 15:08 for the period January to December 2016. [*Hon. C. Robinson-Regis*]
23. Administrative Report of the National Energy Skills Centre for the fiscal year 2014/2015. [*The Minister of Health and Acting Minister of Education (Hon. Terrence Deyalsingh)*]
24. Administrative Report of the former Ministry of the Arts and Multiculturalism for the period October 1, 2011 to September 30, 2012. [*The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly)*]
25. International Labour Organisation Protocol of 2014 to the Forced Labour Convention, 1930 adopted at the 103<sup>rd</sup> Session of the International Labour Conference of the ILO held in Geneva, Switzerland on June 11, 2014. [*Hon. C. Robinson-Regis*]
26. The International Labour Organisation Recommendation on Supplementary Measures for the Effective Suppression of Forced Labour (No. 203) adopted

- at the 103<sup>rd</sup> Session of the International Labour Conference of the ILO held in Geneva, Switzerland on June 11, 2014. [*Hon. C. Robinson-Regis*]
27. International Labour Organisation Recommendation concerning the Transition from the Informal to the Formal Economy (No. 204) adopted at the 104<sup>th</sup> Session of the International Labour Conference of the ILO held in Geneva, Switzerland on June 12, 2015. [*Hon. C. Robinson-Regis*]
28. International Labour Organisation Recommendation concerning Employment and Decent Work for Peace and Resilience (No. 205) adopted at the 106<sup>th</sup> Session of the International Labour Conference of the ILO held in Geneva, Switzerland on June 16, 2017. [*Hon. C. Robinson-Regis*]
29. Delegation Report on 15<sup>th</sup> ParlAmericas Plenary Assembly, Promoting Inclusive Societies for Sustainable Development held in Victoria, British Columbia, Canada from September 09 to 12, 2018. [*The Parliamentary Secretary in the Ministry of Energy and Energy Industries (Ms. Nicole Olivierre)*]
30. Draft National Environmental Policy 2018. [*Hon. C. Robinson-Regis*]

### URGENT QUESTIONS

#### Clarke Rochard Government Primary School

#### (Commencement of Urgent Work)

**Mrs. Kamla Persad-Bissessar SC** (*Siparia*): To the hon. Minister of Education: In light of the recent protest at the Clarke Rochard Government Primary School which has over 600 students, could the Minister inform this House when would urgent work commence to address the issue of a lack of power supply to the entire school as well as poor ventilation? [*Desk thumping*]

**The Minister of Health and Acting Minister of Education (Hon. Terrence Deyalsingh)**: Thank you very much, Madam Speaker. Madam Speaker, records at

the Ministry of Education show that the EFCL has already developed the scope of works to commence work on the electrical system. The tendering process is complete. It has been evaluated and a contractor selected. As we speak, hon. Member for Siparia, a letter of award is being prepared, as we speak, and works are to begin in the shortest possible time.

On the issue of ventilation, an officer has been assigned to go into the school next week, early next week, to address the issue of ventilation and it will be addressed with the same urgency and seriousness as we did with the electrical system. Thank you very much.

**Mrs. Persad-Bissessar SC:** Thank you, Minister.

**St. Croix Road, Barrackpore Landslip**

**(Action Taken to Assist Family)**

**Mr. Rodney Charles** (*Naparima*): Thank you, Madam Speaker. To the Minister of Works and Transport: Could the Minister state what action he proposes to take to assist the family of six at St. Croix Road, Barrackpore whose home is in danger of imminent collapse due to a major landslip on the road immediately in front of their home?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. Madam Speaker, the Ministry of Works and Transport will conduct piling and shoring up work in the short term until a long-term solution will be undertaken based on the availability of funding.

**Madam Speaker:** Supplemental. Member for Naparima.

**Mr. Charles:** Is the Minister aware that the house could collapse at any moment and until the road is repaired, repair works cannot be done to the house because the slippage will continue?

Urgent Questions (cont'd)

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**Sen. The Hon. R. Sinanan:** Thank you. Madam Speaker, that is why we are ensuring that immediately this work will be undertaken. Thank you.

**Madam Speaker:** Supplemental.

**Mr. Charles:** While immediate action is being taken, what is being contemplated for the family in the interim because the house could collapse tonight as we speak?

**Sen. The Hon. R. Sinanan:** Madam Speaker, the Ministry of Works and Transport does not deal with relocation of citizens, and I am sure if there is a need for relocation, the Ministry of Housing and Urban Development and the Ministry of Social Development and Family Services will undertake to investigate that matter. Thank you. [*Desk thumping*]

### **Farms in Cumuto/Access Bridge**

#### **(Repairs to)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the Minister of Works and Transport: With regard to reports that over 150,000 citrus fruits on farms in Cumuto being susceptible to loss because the access bridge to the farms was completely destroyed by the recent floods, could the Minister indicate how soon the damaged bridge will be repaired?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Madam Speaker, based on the information received by the Ministry of Works and Transport, the bridge appears to be in the Vega de Oropouche area, in Melajo to be more precise. The bridge falls under the purview of the Sangre Grande Regional Corporation. However, the Ministry has been in contact with the Sangre Grande Regional Corporation. We are offering technical support and any additional support that they may need. I spoke to the Chairman of the corporation and the corporation is paying close attention to the bridge. Thank you.

**Mrs. Gayadeen-Gopeesingh:** Is there a tentative date for the completion?

**Sen. The Hon. R. Sinanan:** Madam Speaker, this is an old wooden bridge in an agricultural area. Again, the Sangre Grande Regional Corporation are the ones who are handling this. This bridge falls under the purview of the Sangre Grande Regional Corporation. All we are doing is assisting them with technical assistance, and if they require any further assistance from the Ministry of Works and Transport. Thank you.

**DEFINITE URGENT MATTER**

**(LEAVE)**

**Caroni East Constituency**

**(Widespread Flooding)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. In accordance with Standing Order 17, I hereby request your leave to move the adjournment of the House at its sitting today, for the purpose of discussing the following definite matter of urgent public importance, namely, the unprecedented widespread devastating flooding of October 19<sup>th</sup> to the 21<sup>st</sup>, 2018, that affected Trinidad and Tobago and, specifically, the constituency of Caroni East, which was among the worst hit region by these floods.

The matter is definite because it relates to the complete devastation of nearly 2,000 homes, property, possession and the resulting damage to the mental, physical and emotional health and well-being of over 10,000 residents.

The matter is urgent because of the threats of continuous rainfall, which may bring repeat floods to this area given its geographical proximity to the Caroni River, the country's widest river, as well as its general flatland location.

The matter is of public importance because of the threat of future flooding, as we speak, and in the absence of immediate relief in the form of relevant monetary compensation and infrastructure works, the residents may face possible

Definite Urgent Matter  
Dr. Gopeesingh (cont'd)

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serious consequences if affected once more. I so move. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies under this Standing Order. I advise that the Member may pursue this matter under Standing Order 16.

## **JOINT SELECT COMMITTEE**

**(Appointment to)**

### **Human Rights, Equality and Diversity**

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

Madam Speaker, I beg to move that this House agree to the following appointment to the Joint Select Committee on Human Rights, Equality and Diversity:

Mr. Rushton Paray in lieu of Mr. Barry Padarath.

Thank you very much, Madam Speaker.

*Question put and agreed to.*

## **JOINT SELECT COMMITTEE REPORT**

### **Income Tax (Amdt.) Bill, 2018**

**(Adoption)**

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much, Madam Speaker. I beg to move the following Motion standing in my name:

*Be it resolved* that this House adopt the Report of the Joint Select Committee on the Income Tax (Amdt.) Bill, 2018.

Before us this afternoon, Madam Speaker, is the Income Tax (Amdt.) Bill, 2018 which is designed to amend the Income Tax Act, Chap. 75:01 to ensure that Trinidad and Tobago meets its international obligations under the Global Forum on Transparency and Exchange of Information for Tax Purposes. The FATF 40 recommendations and the Tax Information Exchange Agreements (United States of

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America) Act, No. 4 of 2017, also known as the FATCA Act.

When the Income Tax (Amdt.) Bill, 2018 was first read in Parliament on May 25, 2018, I gave a brief synopsis of the rationale behind the proposed amendments and the context in which the Bill was being treated as a matter of priority in the legislative agenda of this Government. Today, I propose to give a more detailed and in-depth account of the events leading up to this Government's decision to introduce amendments to the existing Income Tax Act as well as subsequent events that have shaped the approach taken since the Bill's first reading.

The proposed amendments to the Act or the proposed amendments to the Bill, we have a few amendments here which would have been circulated to Members—just three, I believe—and they are clean-up in nature. I will speak more about that in due course.

**2.00 p.m.**

This is all part of the process of ensuring that Trinidad and Tobago becomes compliant with the international standard on Exchange of Information on Request, commonly referred to as the EOIR standard as indicated by the Global Forum on Transparency and Exchange of Information for Tax Purposes. The standard provides for the exchange on request of foreseeably relevant information for the administration or enforcement of the domestic tax laws of a requesting party. The intention is that by adopting this standard which would facilitate the effective exchange of information for tax purposes, party states can mitigate against the ever increasing risk of tax avoidance and tax evasion which threatens Government revenues all over the world and every year. Under this framework it is more likely that corporations and individuals will be unable to successfully hide their assets

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from tax authorities. In order to ensure that contracting states are compliant, the Global Forum conducts in-depth monitoring and peer review of the implementation of the international standards of transparency and the exchange of information for tax purposes; the standard I referred to previously. All members of the Global Forum, as well as jurisdictions identified by the global forum as relevant, are reviewed.

This peer review is conducted in a two-phased process. The Phase 1 review assesses the quality of the jurisdiction's legal and regulatory framework for the exchange of tax information, and the Phase 2 review addresses the practical implementation of that framework. Madam Speaker, on October 04, 2011, under the previous Government, Trinidad and Tobago became a member of the Global Forum. Prior to obtaining membership, this country underwent a Phase 1 review in light of Trinidad and Tobago being identified by the Global Forum as a jurisdiction relevant in view of the proposed establishment of the International Financial Centre. The report generated by the Global Forum as a result of that Phase 1 review in 2011, prior to 2011, identified several deficiencies in Trinidad and Tobago's legal and regulatory framework system that hindered this country from effectively exchanging information in accordance with international standards. However, no progress was made during the 2011—2015 period to address the shortcomings identified in 2011 that would enable this country to progress to Phase 2 of the peer review process.

The resulting effect is that Trinidad and Tobago, now a member of the Global Forum since 2011, was given an overall rating of non-compliant at the Ninth Plenary meeting of the Global Forum in November 2016. In fact, Madam Speaker, I recall one of the first things I had to do as I came in and was appointed

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Minister of Finance, was to request an extension of the deadline for compliance with the Global Forum. If I had not done so, we would have been deemed to be non-compliant in October 2015; so short was the time available to us. In order to receive a positive rating the Global Forum required Trinidad and Tobago to take the necessary steps to bring the country into compliance with current standards and implement the new Global Forum standards by June 2017. Given this very short time frame this could not be achieved. After much hard work this Government, through the laying of three pieces of legislation and their enactment, the first of which is the Income Tax (Amdt.) Bill, 2018, [*Vibrating sound*] that is now before us—[*Interruption*]

**Madam Speaker:** There is somebody in the Chamber with a device that is disruptive, could they kindly leave and return after they have silenced it? Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. This Government proposes to correct the legislative and regulatory deficiencies identified by the Global Forum, through three pieces of legislation which were sent to a joint select committee in the last Session, one of which is now before the House. This is the most important piece of legislation from our information.

On the last occasion that I addressed the House on this Bill, the Income Tax (Amdt.) Bill, I indicated that Trinidad and Tobago was expected to undergo its second peer review in June 2018. That review was in fact initiated as indicated. Part of the review process includes the completion of an EOIR peer review questionnaire which was submitted on August 03, 2018, to peer countries of Trinidad and Tobago for comments and questions. Trinidad and Tobago responded to these comments and questions in mid-October 2018. Madam Speaker, this

questionnaire and its accompanying responses would now form the basis of which an on-site visit would be conducted by the Global Forum. This visit is expected to take place no later than January 2019. The ideal for this country or the ideal situation in order to avoid further findings by the Global Forum and possible sanctions, is to have in place enacted legislation that can be reviewed by the assessors when they visit in January. On completion of the visit, the assessors are expected to prepare a report for circulation to and consideration of each member of the peer review group. A full report with comments and objections is to be prepared for consideration at the peer review group meeting expected to occur in May 2019. At that meeting, Trinidad and Tobago will be called upon to account in respect of any inadequacies that we may not have addressed since the 2011 Phase 1 review.

The reason why I have gone into some detail to explain the process is to indicate, Madam Speaker, to Members opposite, and to the national community, the seriousness of the passage of this Bill before this House. Trinidad and Tobago will be required to appear before the assessors and the peer review group who are representatives of other countries forming the Global Forum, to explain why this country has not put systems in place to become compliant, if that is in fact the case by May 2019. There will be consequences for inaction by Trinidad and Tobago. I have said in this place on more than one occasion on the phenomenon of de-risking, which is real and potentially dangerous to Trinidad and Tobago's financial sector if this country does not put its house in order. The passage of this Bill is one essential step required to put this country on the right path, and de-risking, Madam Speaker, put simply, is the refusal of correspondent banks in other parts of the world to deal with banks in Trinidad and Tobago. Madam Speaker, when a

transaction is required that requires a wire transfer, either to, out of or into Trinidad and Tobago, it invariably requires a correspondent bank. By way of example, the correspondent bank for First Citizens Bank is Wells Fargo in the United States, Madam Speaker. [*Interruption*] Would you please be quiet? So that in order to facilitate a wire transfer of funds, Madam Speaker, from Trinidad and Tobago to say, California, one would have to pass through Wells Fargo in the United States in order for that bank to continue the transfer to the destination.

With respect to the Financial Action Task Force, because this Bill deals with not only our Global Forum commitments but also with our FATF commitments, the amendments to the Income Tax Act also address our obligations under the Financial Action Task Force 40 Recommendations, commonly referred to as FATF. As you know, Madam Speaker, FATF deals with the global international standards on combating money laundering and the financing of terrorism. During the fourth round of the mutual evaluation process, in which Trinidad and Tobago's compliance with the FATF 40 Recommendations and the level of effectiveness of this country's anti-money laundering, and countering the financing of terrorism system was analyzed, a number of deficiencies were identified as it pertains to our legislative framework. These deficiencies specifically included the restriction placed by section 4 of the Income Tax Act, as there is no effective provision for income tax officials to exchange information with their foreign counterparts in relation to money laundering, terrorist financing, predicate offences, and the tracing of the proceeds and instrumentalities of crime.

The Mutual Evaluation Report coming out of the mutual evaluation process identified that section 4 of the Income Tax Act led to deficiencies, particularly impacting on the ability of our Financial Intelligence Unit to perform its core

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functions, as well as deficiencies in the Proceeds of Crime Act, Chap. 11:27. These deficiencies can be addressed and resolved through amendment to the Income Tax Act that we are about today.

With respect to the Bill itself, Madam Speaker, I now propose to take you through the amendments which are relatively short, the amendments to the Income Tax Act. Clause 1 of the Bill is the short title, it provides the name of the Act. Clause 2 provides that the Act shall have effect even though it is inconsistent with sections 4 and 5 of the Constitution, and this is why we will require the support of Members opposite to enact this very important piece of legislation. Clause 3 is the interpretation clause which provides that reference to the term “the Act” means the Income Tax Act, Chap. 75:01.

Clause 4 proposes to amend the long title of the Act by inserting after the word “thereof” the words “and to provide for the sharing of information with certain Government entities and under certain international sharing arrangements”. The reason for this amendment is that the existing wording of the long title fails to recognize the expanded scope of the Income Tax Act, which through this Bill would now allow for the sharing of information in its possession with entities, notably the Financial Intelligence Unit of Trinidad and Tobago and the Trinidad and Tobago Police Service, once certain specific criteria have been met. As you are aware, Madam Speaker, these are standard preliminary sections in most legislative instruments. The substantive clauses of the Bill follow from clause 5. Clause 5 deals with amendments to section 4 of the Income Tax Act. It amends subsection 4(2)(a) of the Act, and proposes to insert five new subsections after subsection 4(3) of the Act, more particularly subsections (4), (5), (6), (7) and (8).

Madam Speaker, section 4 of the Income Tax Act, which is often referred to

as the official secrecy provision, prohibits the Board of Inland Revenue from disclosing taxpayer information, and in fact mandates that such information be treated as secret and confidential. As a result, section 4 of the Act makes it an offence to disclose such information, except in circumstances where the President authorizes such disclosure, and the disclosure is for the purposes of the Income Tax Act or any other written law administered by the Board of Inland Revenue. The problem with this provision, Madam Speaker, is that it is incompatible with not only the exchange of information for tax purposes, but also with the ability of law enforcement agencies, namely the Trinidad and Tobago Police Service and statutory agencies, such as the Financial Intelligence Unit whose remit requires disclosure of taxpayer information, to perform their functions under the Proceeds of Crime Act and the Financial Intelligence Unit of Trinidad and Tobago Act. Should this be left unresolved, Madam Speaker, this country's ability to comply with the global international standards on combating money laundering and the financing of terrorism, as well as the Global Forum standards will be adversely and seriously negatively impacted. The amendments therefore, Madam Speaker, seek to address these challenges by creating exceptions to their official secrecy rule.

Let me first deal with the proposed amendment to subsection 4(2) of the Income Tax Act. Clause 5(a)(i) seeks to delete subsection 4(2)(a), which is the provision which requires the President to authorize the sharing of information. This is a very cumbersome process, Madam Speaker, almost impossible to put into action, and it was flagged by the Global Forum as being contrary to this country's obligations under agreements to share tax information. This paragraph is being proposed for deletion to no longer require the President to authorize the sharing of tax information. Clause 5 also introduces exceptions by way of a new subsection

4(4). The proposed subsection (4) seeks to ensure that secrecy provisions do not apply in respect of criminal proceedings, whether on indictment or on summary conviction that have commenced by way of laying of information or preferring an indictment pursuant to the provisions of the Proceeds of Crime Act and the Anti-Terrorism Act. The new subsection (5) creates another exception to section 4(1) and (2). By virtue of the amendment, whether it is a written law authorizing the disclosure of taxpayer information to an individual or an entity, the Board of Inland Revenue is required to disclose such information to the entity within a reasonable time. The entity must, however, comply with subsection (6) as it pertains to the information disclosed. Under the proposed subsection (6), the Board of Inland Revenue will now be required to disclose taxpayer information to the Director of the Financial Intelligence Unit, solely for the purpose of enabling the FIU through its analysis under the Financial Intelligence Unit of Trinidad and Tobago Act.

The Board will also now be required to provide taxpayer information to a member of the police service of the rank of superintendent or above attached to the division or unit of the police service responsible for financial investigations or fraud. In the case of the police service this information will be provided solely for the purpose of, firstly, investigating whether an offence has been committed under the Proceeds of Crime Act and the Anti-Terrorism Act; secondly, the laying of information, or thirdly, the preferring of an indictment in specified circumstances. The amendment also makes provision for information to be disclosed upon the request of the taxpayer to whom it concerns. The insertion of a new subsection (7) seeks to ensure that any taxpayer information disclosed under section 4 which reveals an offence under section 4C of the Act, can be used as evidence in any

criminal proceedings. With respect to subsection (8) it is important to note that governments would not engage in information exchange without the assurance that the information provided would only be used for the purposes permitted under the exchange mechanism and that the confidentiality of such information would be preserved, for that reason the new subsection (8) seeks to, notwithstanding the exception set out in subsection (6), prohibit the disclosure of taxpayer information received pursuant to a tax information-sharing agreement for non-taxation purposes. This is, Madam Speaker, of course, unless the jurisdiction supplying the information has laws for and consented to such hearing.

Clause 6 of the Bill seeks to introduce four new sections to the Act: 4A, 4B, 4C and 4D. The new section 4A proposes to create another exception to section 4 of the Act in that it requires the Board of Inland Revenue to provide taxpayer information to a foreign tax administration where that information is foreseeably relevant to the administration, an enforcement of the domestic tax laws of another jurisdiction with which Trinidad and Tobago has an arrangement for double taxation relief or exchange of information in relation to taxes. Madam Speaker, the test of the term, “foreseeably relevant”, as set out in the section ensures that requests for taxpayer information by foreign tax administrations are not speculative in that they have no nexus to an open enquiry or investigation. In other words, Madam Speaker, that wording, “foreseeably relevant”, is meant to safeguard against phishing expeditions and to protect taxpayer information against speculative probes. The proposed 4B places restrictions on the use of taxpayer information provided by the Board of Inland Revenue pursuant to section 4(6) of the Act. The section is meant to ensure that the information provided would only be used for the purposes permitted and that confidentiality is preserved. A similar

approach has been adopted by the Data Protection Act in an effort to safeguard the information.

As a deterrent against non-compliance with new section 4B, which is restrictions on the use of information, new section 4C seeks to introduce offences for breaches of these restrictions with appropriate penalties for non-compliance. The seriousness of breaching this particular new section, 4B, which restricts the use of information for specific purposes, is reflected in the penalties. The penalties involve both a fine and a custodial sentence. New section 4C provides that where there is a breach of new section 4B, in other words a breach of the use of the information, a person is liable on summary conviction to a fine of \$100,000 and imprisonment for 20 years. In the case where a person has been convicted on indictment the penalty is more severe, a fine of \$150,000 and imprisonment for 30 years. That is if information is used for a different purpose for which it was obtained and intended. New section 4D is an interpretation provision, seeks to provide an interpretation to the phrases “taxpayer information” and “statistical information” which feature in the Bill.

Madam Speaker, section 93 of the Income Tax Act provides for relief from double taxation. The section provides for the declaration by the President of certain arrangements which would provide relief from being taxed in two countries while providing still for charging income arising from sources outside of Trinidad and Tobago to persons not resident in Trinidad and Tobago. The section also provides for determining income to be attributed to such persons and determining income to be attributed to persons resident in Trinidad and Tobago who have special relationships with persons outside the country. The provision did not allow for the sharing of personal information. It is proposed to amend section 93(1) of the

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Income Tax Act, to make provision for the President in the case of relief from double taxation to make arrangements with the Government of any country as specified in an order for the collection, receipt and sharing of information by the Board of Inland Revenue.

With the current global thrust aimed at reducing the occurrence of tax evasion and tax avoidance, the approach has been to make provision for the sharing of information in double taxation agreements. This is the new movement throughout the world, Madam Speaker, that in double taxation agreements you have provisions for the sharing of tax information, all aimed at dealing with tax evasion and tax avoidance. This amendment therefore seeks to streamline local legislation with current international standards. Clause 7 of the Bill proposes to amend 93(1) to make provision for the receipt and sharing of the information relative to these agreements I just mentioned. Clause 8 seeks to introduce a new section 93A to the Income Tax Act, to create exceptions to the privacy limitation set out in the Data Protection Act. The proposed 93A exists in similar fashion under our existing legislation, such as the Tax Information Exchange Agreements (United States of America) Act, Chap. 76:51, therefore the concept is not new. We also are aware, Madam Speaker, that several provisions under the Data Protection Act, are incompatible with our efforts to become compliant with our international obligations. We have therefore sought to create by virtue of the new 93A, exceptions to the provisions in the Data Protection Act which would prohibit the receiving, use and sharing of personal information in the possession of the Board of Inland Revenue without the expressed consent of the person to whom the information belongs.

The Data Protection Act also prohibits the disclosure of information outside

of Trinidad and Tobago, unless the country receiving the information has similar data protection safeguards as Trinidad and Tobago. The challenge we face with that provision is that some of the countries with which we have tax information-sharing agreements, do not have similar provisions in their legislative framework. For that reason it is necessary to allow for the sharing of information in circumstances where similar safeguards or similar provisions do not exist in foreign jurisdictions. In order to deter against the abuse of the exceptions provided, the proposed section 93A also makes it an offence for a person to use or disclose information other than for the purposes for which it was obtained. Let me repeat that, the proposed section 93A makes it an offence for a person to use or disclose information other than for the purposes for which it was obtained. The seriousness of this offence, again, warrants a fine and a custodial sentence. The new section provides that a person who commits such an offence, in other words, using information obtained under this legislation for the wrong purpose, the person is liable on conviction to a fine of \$100,000 and imprisonment for a term of three years, and conviction on indictment to a fine of \$150,000 and imprisonment for a term of five years.

Clause 9 of the Bill proposes to amend section 117(1) of the Income Tax Act by inserting after the words, “this Act”, the words, “or any other written law over which the Board has oversight”. That is just a cleaning-up provision. Section 117 of the Act deals with the information gathering powers of the Board of Inland Revenue. It states that the Board may obtain information for any purpose related to the administration and enforcement of the Income Tax Act for many persons with respect to their income, assessment or assets, or from any third party with respect to the income, assets or assessment of a taxpayer. This section, however, does not

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apply to persons engaged in professional relationships with such persons. We have therefore sought through the proposed amendment to expand the scope of the Board's information gathering powers to any other written law over which the Board has oversight. Clause 10 proposes to amend section 117A(1) of the Act by deleting all the words after the words "and other", and adding the words, "enactments for similar purposes and double taxation agreements"; again, a cleaning-up section.

The existing section 117A(1) restricts the power of the Board of Inland Revenue to gather financial information and to compel a financial institution or any of its officers to appear before it to give evidence for the purpose of the Tax Information Exchange Agreements (United States of America) Act. The proposed amendment seeks to expand the applicability of the Board's powers to other tax information-sharing agreements on double taxation agreements. Madam Speaker, in light of what I have just indicated, it is critical that the Income Tax (Amdt.) Bill, 2018, be enacted. This Bill is the foundation piece of legislation to a number of other pieces of legislation which follow this Bill, namely the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Agreements Bill, 2018, which shall soon be before this House for consideration. They were there in the last Session. The continuing non-enactment of the relevant legislation, including this Bill, will not only affect Trinidad and Tobago's progress to becoming compliant with the Global Forum and the FATF 40 Recommendations, but it will also severely damage our international reputation. Now, Madam Speaker, I laid in this Parliament before the end of the last Session, the Report of the Joint Select Committee to Consider and Report on the Income Tax (Amdt.) Bill, 2018, the Mutual Administrative Assistance in Tax Matters Bill,

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2018, and the Tax Information Exchange Agreements Bill, 2018. When we started the process of considering these three Bills it soon became clear that the most important Bill in all of this was the Income Tax (Amdt.) Bill. Without the amendment that allows the Board of Inland Revenue to share tax information with other tax authorities, the other pieces of legislation would have had little effect. The Bill itself is a short Bill, it is just 10 clauses, so we decided to focus on that Bill and get that Bill through the system. After the Joint Select Committee had completed its work and the report of the Committee was laid, we sent the Bill to the Global Forum, and we received comments from the Global Forum and they have suggested just a few amendments, Madam Speaker, which are before the House. These are the amendments that were circulated to hon. Members last night. They are really not substantial amendments. They are clean-up in nature. They have asked us to use the words, “individual or an entity”, rather than “individual”. It is just the terminology that is used in the OECD countries. So rather than “an individual”, they want “individual or an entity”. *[Interruption]* And I am being told it was done for FATF, and so on.

**2.30 p.m.**

And also, they have asked us to include the words “for an exchange of information in relation to taxes” when we refer to an agreement. Again, that is a cleaning up provision, it is not a substantive provision. It is just stylistic as far as we are concerned. The third one again deals with the question of whether it is an entity or what they call a legal arrangement. In our jurisdiction we use the word “entity”, in theirs they use “entity” or “legal arrangement”. So the Global Forum is clearly quite comfortable with the Income Tax (Amdt.) Bill because the only comments they had to make were stylistic in nature and more typographical than

anything else.

I want to say, Madam Speaker, that there was a minority report. When you look at the Minority Report submitted by Members of the Opposition who were members of the Joint Select Committee, the most substantive comment made that I could see is a question regarding judicial oversight, and I am sure that is something that we can discuss as we go along. But I want to make the point that if we do not pass this legislation, when the peer review occurs, when the visit comes in January, we will most certainly be deemed to be non-compliant with the Global Forum; we will most certainly. We are already non-compliant. We will most certainly be put on a path that would lead to de-risking of correspondent banking for this country—most certainly. And if correspondent banks decide not to do business with Trinidad and Tobago, that is going to create havoc in our financial system. I therefore urge hon. Members to understand the seriousness of what we are about.

This should have been settled in 2011. It was the former administration that applied to and asked for Trinidad and Tobago to become a member of the Global Forum. You did that; and having made us a member of the Global Forum, you then put us on the radar and put us under the microscope. And having made us a member of the Global Forum there are certain minimum requirements in order to be compliant with that organization. I want to repeat, Madam Speaker, that for one reason or another, between 2011 when the former administration made us members of the Global Forum, and 2015 when they demitted office, nothing was done to achieve compliance with the Global Forum; nothing was done. So we now find ourselves playing catch up in a very, very difficult situation. If we do not pass this Income Tax (Amdt.) Bill, 2018, it will be disastrous for Trinidad and Tobago.

As I said, I have looked at the Minority Report. I do not think there is

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anything in there that cannot be dealt with by this Parliament. I therefore beg to move that this House adopt the report. I beg to move.

*Question proposed.*

**Mr. Fazal Karim** (*Chaguanas East*): Thank you very much, Madam Speaker. I thank you for the privilege today to reply to the Minister of Finance in this most important debate, the amendment to the Income Tax Act, 2018, which may seem simple and straightforward, but which in our view has far-reaching consequences for every citizen in the Republic of Trinidad and Tobago.

It is my hope that at the end of my contribution good sense will prevail, and the Government will act right, proper, and in a responsible manner, [*Desk thumping*] and send this Bill, together with the two other Bills that were sent to the Joint Select Committee, right back to that Committee to complete its work, to complete its work as has been instructed and approved by resolution of this Parliament. [*Desk thumping*]

Madam Speaker, before I get into the material aspects of my contribution, I wish to thank the Leader of the Opposition for the guidance that she has given to each and every Member of the Opposition in preparing for this debate today. This Bill is one that has been presented by the Government as requiring a constitutional majority, and the reason for that is because it infringes on substantial and fundamental rights and freedoms that are guaranteed in the Constitution of the Republic of Trinidad and Tobago.

When this type of legislation is brought to the Parliament and the Opposition's support is required, we must be careful that we discharge our responsibility in accordance with the oath that all of us have taken as Members of Parliament to pass laws that are in the best interest of the people of Trinidad and

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Tobago. [*Desk thumping*]

Madam Speaker, the Opposition of which I am a part has demonstrated time and again that we are prepared to support good legislation. [*Desk thumping*] We are prepared to work with the Government to pass legislation that strikes the right balance between the citizen and the State. What this Opposition, led by our esteemed political leader, Mrs. Persad-Bissessar, is not prepared to do is to support legislation that infringes the rights and freedoms [*Desk thumping*] and privileges of our citizens, and also which can be deemed to be draconian and arbitrary in a manner that offends our citizens.

When FATCA legislation was brought to this Parliament, our Opposition led by Mrs. Persad-Bissessar supported, in fact, asked for amendments to ensure that that legislation was supported. Madam Speaker, you would recall that there were approximately 100 additional amendments and eventually, despite the fact that alarm bells were sounded saying that if we did not pass FATCA the sky will fall, the economy will crash, and the country, because of the amendments that we assisted in preparing, we supported the Government and it was passed. [*Desk thumping*] The point I am making is that the Opposition led by our leader is prepared to support good legislation in the interest of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, the same can be said for the anti-gang legislation. When it was brought to this Parliament we worked with the Government. We were part of a special committee that worked to get that legislation right. The Leader of the Opposition took the unprecedented step of inviting the Government to bring that legislation back to the Parliament before the parliamentary session ended. The records are there; *Hansard* is there to show. But, Madam Speaker, as we have been

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just been cautioned and warned, up to today, despite the fact that the anti-gang legislation has been passed six months after, although the Government said that they knew every gang member, not one arrest has taken place. [*Desk thumping*]

And then I want to make reference to the anti-terrorism legislation. I take a personal interest in this, being a member of the Islamic faith, that that piece of legislation was a piece of legislation that was directly, in the minds of the members of the Muslim community, directed at them. It was a piece of legislation of which I had great and grave concern, because there were provisions in that legislation which would have affected the freedom of worship and the freedom of our citizens, albeit even those in the faith and those who would have aspired to be in that faith. Madam Speaker, I want to indicate to us the examples are there and we saw an example very live around Carnival earlier this year.

Madam Speaker, what we want to make sure again, looking at this legislation, this Bill today, is that we must be convinced that not only these things are being targeted at people, but they must be safeguarding the interest, the rights, the privileges and property of all citizens. [*Desk thumping*]

Madam Speaker, I want to make it clear that we on this side, and we have been guided by our political leader, we will support, again, good legislation. But in its current form as has been presented in that report, we did not and will not support it, hence the reason why our three Members have included in that report and attached to it a minority report [*Desk thumping*] which I am going to read now. I am going to read into that.

But for those who are here and those who are listening, I want to pose the question: How did we get here? We have heard just now about a blame—again a blame game going back to 2011. But let me answer that one time. Minister Howai,

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who was the Minister of Finance in 2014, indicated that he met with the Global Forum group, and he got approval for an extension of two years to 2017. And my question is—I am going to come back to that question, and I do not want to make reference to anybody on the other side. But there is a Member on the other side, a Member from Tobago, and it was in the front page of a newspaper, who when we raised matters said, “We are in charge now, deal with it”. [*Desk thumping*]

I am asking the question: You are in charge for the last three years, why did you not deal with this? [*Desk thumping*] Madam Speaker, I want to tell you that when you are pointing your finger at someone, you must look at yourself in the mirror to see whether you are also responsible and culpable. [*Desk thumping*]

I did indicate that on May 28<sup>th</sup>, listen to this, we are indicating, I am on record as saying that Minister Howai raised this matter in 2014. The Government changed on September 07, 2015. We are only just a few months ago being presented in this House here with a statement on 28<sup>th</sup> of May, 2018, referring these three Bills to a joint select committee by the hon. Minister of Finance. And then you know what happened, Madam Speaker? Having laid that document in here and appointed the Joint Select Committee and referred these three Bills, when was the first meeting after May 28<sup>th</sup>? The 6<sup>th</sup> of June. When were the other two meetings? The 21<sup>st</sup> of August and the 28<sup>th</sup> of August, and I will talk a little bit about those meetings.

Madam Speaker, what is the reason for this legislation before us?

**Mrs. Persad-Bissessar SC:** Madam Speaker, I would like to listen to the hon. Member, please.

**Madam Speaker:** Members, I appreciate it is a long time we have not met in debate, so Members might be a little anxious to make their contributions, but all

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will be recognized in due course. So if we can hear the Member for Chaguanas East, please.

**Mr. F. Karim:** Thank you, Madam Speaker. I want to indicate this is really also an education for all of us, because many people who are listening, they are hearing about the Global Forum, they are hearing about EU, they may not know what it means, because these are exogenous institutions to Trinidad and Tobago determining what we do in this country. I will deal with that just now.

Madam Speaker, I was asking the question how did we get here and what is reason for that? And the reason is that Trinidad and Tobago was given an overall rating of non-compliant with the international standards on exchange of information at the Ninth Plenary, which the hon. Minister just made reference to at the Global Forum. When? In 2016. So that nothing was done from September. The hon. Minister indicated to us today, he is on record as saying that within one month time he contacted the Global Forum. So what were you doing for the last three years after you contacted them? [*Desk thumping*] Why are you jeopardizing the economy and the people of this country? I raise those matters, and therefore, what does this mean? He indicated what does this mean. We are simply not compliant in terms of the sharing of information—that is what this means, simply, and that is what I am quoting here as well—with tax authorities in other countries and other jurisdictions.

Madam Speaker, I indicated to you that I think we should be all aware as to what this Global Forum is. We are hearing it a lot of times. This Global Forum was created in the year 2000 in the context of the OECD. What is that? The Organisation for Economic Co-operation and Development. To do what? To address the risk that tax compliance posed by non-cooperative jurisdictions. Our

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former Minister of Finance, Larry Howai, never said that we were not interested and we were not co-operating in terms of tax compliance matters hence the reason why he asked for an extension, because had we been in government and continued, we would not have been here discussing this in 2018. [*Desk thumping*]

In 2017 we gave a commitment that this was going to be. As a matter of fact, there would have been exchanges taking place, because all the criteria would have been met. There was absolutely no reason and no need to bring any new legislation like what we are doing here today. And I will indicate in a while the concerns by many people in terms of this legislation.

Madam Speaker, this Global Forum has 154 members and it is the premier international body for ensuring the implementation of the international agreed standard of transparency. And the EU—as we speak about the EU, the EU is also—and I am sorry that some of our colleagues would have left, the young parliamentarians, because they would have been able to learn a little bit as to what is happening, particularly on something that is important today. The EU, the European Union, is a political and economic union of certain European States, and it is instructive to note that in 2016 the United Kingdom opted to be out of the EU. I just mention that.

Madam Speaker, the question is, what do we need to do? What do we need to do in the context of the report that has been presented to us? In other words, what is required for us to be compliant? Trinidad and Tobago is required to have in place the legislative framework and the administrative structure to facilitate this exchange. How is that going to happen? That is the other question we have to ask ourselves. We are being told that is going to happen by the passage of these three Bills through the Parliament, and this one particularly today that will pave the way

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for the other two to come.

Madam Speaker, the Government wants us to believe that the provisions that are contained in this Bill are required as part of our international obligations to the Global Forum. Nothing is further from the truth—nothing. [*Desk thumping*] I want to make reference, with your permission, Madam Speaker, to a document that is dated November 21, 2017, from the Minister of Finance addressed to Ms. Fabrizia Lapecorella, Chair of the Code of Conduct Group, (Business Taxation), Brussels, Belgium. What this letter is indicating, and it is signed by the hon. Minister of Finance, it proposes the timelines—I will deal with that in summary—for the passage of Bills outlined as follows: the Income Tax (Amdt.) Bill, 2017, proposed passage date, June 30, 2018; Mutual Administrative Assistance in Tax Matters Bill, 2017, proposed date of completion, November 30, 2018; Double Taxation Agreement Bill, 2017, June 30, 2018. All of those we have passed. What is the consequence of all of these timelines not being met as promised by the Minister of Finance? What are the consequences?

Therefore, I wish to indicate that these timelines show—again, it shows—and it is very evident when we sat in the committee what has happened. It is either that someone forgot, they disregarded, they did not see this as a priority in 2015, or, Madam Speaker, all of the above, “a, b, c”. Therefore in that context, the Government wants us to believe that the provisions contained in this Bill as required will be a sine qua non without which there will be significant financial consequences for Trinidad and Tobago.

Madam Speaker, I now want to get to the point of asking the question: Are we properly here? Why are we here today? When this Bill was first read in this House, the Minister of Finance referred this Bill plus the other two Bills of which

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he made reference, to the Joint Select Committee. The mandate of that Committee was to deliberate on those Bills. It never said anywhere that you are deliberating only on one Bill. [*Desk thumping*] It said that you are to deliberate on all of these three Bills and to report back to this House. That mandate is confirmed at page 8 of the verbatim of the Committee's deliberations of the 6<sup>th</sup> of June. Madam Speaker, I know that you will remember that date, because that was the date that you came in, and you said that you were present to facilitate the selection of a chairman. But the other parts when you would have left, as I indicated on the deliberations on the 6<sup>th</sup> of June, there was a question that was asked, and it was asked by the Member for Port of Spain South, Member Mc Donald, who asked the Chairman and I quote—I am going to indicate it here now.

Member Mc Donald said:

“We would be doing which one”—question—“or are we going to take all?”

Mr. Chairman: We have to do all three.”

The Chairman is indicating in response to Ms. Mc Donald's question, Member for Port of Spain South:

“We have to do all three.”—in the committee stage.

**Hon. Member:** Who said that?

**Mr. F. Karim:** The Chairman, Member for Diego Martin North/East.

“All three Bills have been referred to this Committee.”

Again, Member for Port of Spain South is asking:

“Together.”

The Chairman responds:

“And they are all interrelated.” [*Desk thumping*]

Madam Speaker, that is the point that we are making, that when the mandate of the

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Committee was given to it, it was to deliberate on all three Bills. I just want to also indicate that when you look at the verbatim notes of the three meetings that took place, at the top, the heading, all of them will identify the three Bills in terms of the verbatim. It never said, even though it may have been agreed to, with one to be looked at and to be discussed to some extent, at no time did the verbatim notes in its heading say one. At all material times it was understood that we would have been deliberating on all three Bills.

Therefore, I ask the question: If it is that we had to deliberate on all three, why could we not have completed all three and then bring the report to this House? [*Desk thumping*] And the question I asked before is: Are we properly here?

Madam Speaker, I want to get to another point. I indicated earlier on that the passage of a Bill like this infringes the Constitutional rights of persons. Therefore, this Bill is seen as being important in the context of the need for consultation. A point I want to make here, at no time did we hear, either before or during, that there was consultation taking place with members of the national community.

It is the Government's responsibility to consult, especially on a Bill as critically important as this. It is important that our Constitution is evolutionary and not revolutionary. We have to ensure at all material times that all the matters that are important to the rights and freedoms and privileges are important, so much so that consultation takes place, and I indicated that. Whether it is with the Bankers Association, whether it is with the universities, whether it is with the insurance companies, whether it is with the credit unions, at no time did we have any evidence of any consultation taking place that would have informed the passage or the laying of this report here today, or even the BIR, or even any other institution that we would have seen.

Madam Speaker, I just want to indicate as well that apart from the fact that there was no consultation in this, in the previous Bills that I made reference to, anti-terrorism and FATCA, consultations would have taken place, particularly in the context of the three-fifths majority. The question I am asking here today is: Why was there no consultation with important stakeholders in the country? [*Desk thumping*]

This legislation if passed engages the Financial Intelligence Unit, the banking sector, the Trinidad and Tobago Police Service and the Judiciary directly. And again we make reference to the fact that there has been no consultation; and we want to underscore that. As a matter of fact as well, when you look at the connection of this with the Proceeds of Crime Act and the Anti-Terrorism Bill, you would find that there is an implication, as I indicated before, in terms of those persons of the Muslim faith.

Can this Government, sometimes we are asked, be serious about placing the power to access a citizen's private financial information into the hands of an officer of the Trinidad and Tobago Police—sorry.

**Mr. Al-Rawi:** Much obliged for bearing with me so that I may have an opportunity to address. Could you please indicate where and what in the Proceeds of Crime Act associates with the members of the Muslim community? I would very much like to get that clear.

**Mr. F. Karim:** As a matter of fact, Madam Speaker, I could indicate that a little later on, but at this point in time I am just making reference to the members of the Muslim community, and the hon. Member for San Fernando West is very much aware, because he would have had consultations and discussions with many members of the Muslim community. [*Desk thumping*] Therefore I ask the question:

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Are we serious? As a matter of fact, people are fearful that information as sensitive as this could get into the wrong hands, and could affect people's well-being, even their foreign transaction of businesses or travel. Therefore, that is one of the concerns we have on this side.

Madam Speaker, I would not want to say some of the things that we would have found recently. I would have removed or reduced the confidence that members of the community and the citizens of this country have in the Trinidad and Tobago Police Service, except to say, and I want to make reference to the Bill—*[Interruption]*

**Mrs. Persad-Bissessar SC:** Standing Orders, Members are disturbing us. I really want to hear.

**Mrs. Robinson-Regis:** Which Standing Order?

**Mrs. Persad-Bissessar SC:** 53, Madam Speaker.

**Madam Speaker:** Hon. Members, the buzz in the Chamber is increasing, and again I remind Members who are not speaking with respect to listening in silence and no excessive crosstalk. Please continue, Member for Chaguanas East.

**Mr. F. Karim:** Thank you very much, Madam Speaker.

I make reference in that regard with respect to the Trinidad and Tobago Police Service, with respect to clause 6(b) of the Bill that indicates, and if I may, clause 6(b) where it indicates, and I read with your permission:

“provide taxpayer information to a member of the police service of the rank of Superintendent or above attached to the Division or Unit of the police service responsible for financial investigations or fraud, solely for the purpose of—

(i) investigating whether an offence has been committed under the

Proceeds of Crime Act and the Anti-terrorism Act;”

It goes on again, and I made references earlier on to the Data Protection Act, and clause 8 subsection (3) reads:

“Notwithstanding section 46 of the Data Protection Act, information received by the Board under section 93 shall be disclosed under an agreement...”

Has there been any agreement or any discussion of agreement? We saw that in terms of the timeline.

“...even if the individual to whom the information relates does not consent...”

An agreement here as well in terms of the person who is affected by that information, or who is the person from whom that information relates.

“...does not consent to the disclosing of his information or the jurisdiction does not have comparable safeguards as required by the Data Protection Act.”

That is one of the concerns that we have on this side, that while information may be going out of the country—and again I think the Member for Diego Martin North/East would have raised that—that there is a concern that the receiving countries or jurisdictions may not have the same safeguards like us, and therefore exposes our citizens to information that could be used for various purposes.

Madam Speaker, I just want to indicate as well in terms of the importance of this, we have been told—and I am sure we are going to be hearing about it as well—that we did nothing between 2011 and 2014. But I have a document here, which I am sure the Member for San Fernando West would be very familiar with, a press release, but when? Two years later.

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**Mr. Lee:** [*Inaudible*]

**Madam Speaker:** You know, Members, I think this calls for some tolerance. I am not being disturbed. I know that there is talk, but we all talk in the Chamber, right, and dependent on our level of sensitivity, at the time we may be disturbed, but I have not heard any increase in buzz to require my intervention. Member for Chaguanas East.

**3.00 p.m.**

**Mr. F. Karim:** Thank you, Madam Speaker. And I wish to read from a press release entitled “For Immediate Release”, the Ministry of the Attorney General and Legal Affairs dated December 5, 2017; two years later. And the hon. Member— [*Interruption*] 2017. No. I said two years from 2015, at the time. December 5, 2017, which is two years hence you would have taken office. And the hon. Attorney General would have indicated in that on page 2, that the Government, and I just would like to read some of these things into the records. The:

“...Government...has made significant strides with respect to Trinidad and Tobago’s position regarding the deficiencies outlined...”

—in the Phase 1 report by the Global Forum. The Government

“...sent high-level representation to the Global Forum’s 9<sup>th</sup> plenary meeting...in...Georgia on November 2—4, 2016.”

And I suspect that is the meeting at which the Member for Diego Martin North/East was speaking about. Trinidad and Tobago applied on January 24, 2017, to the Global Forum to become a party to the Multilateral Convention on Mutual Assistance on Tax Matters.

I will go onto another point.

“In order to give effect to the OECD requirements, Trinidad and Tobago

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prepared and laid the Administrative Assistance in Tax Matters Bill, 2017 in the House of Representatives on April 21, 2017.”

And the question and the point I am trying to make is: If you would have indicated all of that, and you would have done all of this work, why did you not bring all these three Bills together before now? [*Desk thumping*]

And you know, Madam Speaker, when I looked at legislative agenda for the period 2015 to 2018, I would have seen some pieces of legislation certainly; all of them might be important in terms of the Government bringing this legislative agenda, but we could have found a place in there, since this thing is so critical and important, to ensure it was within the context of the three last years and we did not to wait preceding.

And it is instructive to note we are here in 2018, almost towards to the end of year, facing a local government election in 2019 and a general election in 2020. Is it that the Government wants to ensure that this compliance takes place before these two elections? I just ask the question.

And, Madam Speaker, I think it also important for us to indicate, and I would like to take this opportunity to read into the records another aspect of concern that has been raised. We would have been told at the meeting that a high level delegation was going to be assembled from Caricom to speak to this matter of the income tax amendment with the Global Forum. And we asked the question, and Sen. Hosein in particular had asked the question: How it is that we have not seen anyone from Trinidad and Tobago on this delegation? And the Chairman of the Committee, the Member for Diego Martin North/East said, “You know that is an important point that we are making.”

I am not aware that a delegation has gone. I am not aware that anyone from

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here, from our Government has represented—has representation in that delegation. As matter of fact, I think if you look at the verbatim notes you will see that the Chairman indicated that he would probably consider a Minister in the Ministry of Finance who will join that delegation in visiting the Global Forum. Madam Speaker, I make that point because we have seen regularly and we have—

**Madam Speaker:** Hon. Member for Chaguanas East, your original speaking time is now spent. You are entitled to 15 more minutes to wrap up your contribution.

**Mr. F. Karim:** Thank you very much, Madam Speaker. [*Desk thumping*] Madam Speaker, with your permission I just want to refer to a statement by the Caribbean community on the EU list of non-cooperative tax jurisdictions. And I think it is important that I make mention of this, to the extent where the Caribbean Community strongly objects to the disappointing decision of the European Union to blacklist four Caricom jurisdictions under the guise that they maintain harmful preferential tax regimes or have failed to comply with international standards for tax transparency and good governance.

Madam Speaker, in the interest of time, I would just like to indicate that the Caricom States in this communique has said that they have worked assiduously over the past several years. Implementation of the expanded scope of the EU's criteria requires domestic legislative and administrative changes that go beyond the timeline set by the EU code of conduct.

They were not in agreement with the timeline set and, in fact, they indicated that they would like to visit the Global Forum to have personal representation to ensure that this matter is satisfactorily dealt with.

A similar communique came from the St. Kitts and Nevis Government which was offended by the fact that they were labelled as tax havens. And, Madam

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Speaker, would you believe that free zones have been deemed or demarked to be tax havens. And I think in the Committee meeting the Minister of Finance, the Member for Diego Martin North/East, indicated, and to which we all agreed, that free zones are important aspects of the economy in terms of revenue generation and so on.

Madam Speaker, I think it is important for me at this stage now, given the time I have, to indicate and to read into the records the Minority Report of the Committee. And I would want to indicate—I think the hon. Member for Diego Martin North/East made reference of one, but I think it is important for me to read it because we would like to indicate to national community and to the Government, what are the recommendations.

And part of the—before we go to the recommendations, I think to what was said before by the Minister that we are insisting as well on a judicial officer; and I want to read the recommendations. Madam Speaker, the minority report makes reference to three main aspects.

The lack of judicial oversight:

“The Committee notes that it can be a potentially dangerous provision as it can be the subject of abuse. All that is required is that a charge be laid in order for a person’s tax information to be provided to members of the police service. The provision of taxpayer’s information should be such that it should be managed by the oversight...”—and this the point that we are making, by—“a judicial officer. This will in fact prevent any potential abuses of such important information and ensure that a person’s constitutional right to the privacy is properly protected.”

We also cited the case of South Africa, and I know my friends over on the

other side would want to make reference to that, the SARS, the South African Revenue Service; and they make reference to presence of this judicial officer.

The second item that we are concerned about is the item of privacy.

“The Bill impacts several crucial provisions contained in the Data Protection Act Chap. 22:04, namely exemptions from sections 6, 30, 31, 38, 40, 46 and 93.” It continues—“The Bill requires consultations with stakeholders such as the Financial institutions and its impacts.

Further, it is noted that there is no proper definition”—and I think this is a point that we unanimously agreed upon to ensure that it is placed here, there was no proper definition—“or guidelines on the extent of the information that should be shared both domestically and internationally.”

And finally, the third point, the:

“Application of the Bill

The Committee was informed that the Income Tax (Amendment) Bill, 2018 was being enacted to ensure compliance with EU requests and would be applicable only to, inter alia,”—and I want to stress this point, inter alia—“EU citizens resident, earning income and doing business in”—Trinidad and Tobago. “In addition, it could apply to”—Trinidad and Tobago—“residents who earn income from EU jurisdictions. Members of the Committee are concerned that as worded the Bill appears to affect the fundamental rights and freedoms of all citizens of Trinidad and Tobago and not those with EU/Global Forum financial links.”

As such, Madam Speaker, we made the following recommendations.

Recommendation one: “That the Draft Final Report not be laid in Parliament in its current form as the members of the Committee require

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more time to deliberate, consult and make recommendations on the Income Tax (Amendment) Bill, 2018.”

Secondly:

“That on Proclamation of the Fourth Session of Parliament that the Committee be reappointed in order to complete its mandates namely to consider and report on the Income Tax (Amendment) Bill, 2018, the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreement Bill, 2018.”

Thirdly, and this is the final recommendation, “That in light of the commitment of the members undersigned...”

And the undersigned being Sen. Saddam Hosein, my colleague MP Rodney Charles for Naparima and myself:

“That in light of the commitment of the members undersigned to ensure that Trinidad and Tobago becomes compliant with respect to its obligations to the Global Forum that we await the completion of the meeting between CARICOM and the EU”—[*Desk thumping*]—“in order to ensure that the amendments are in line with the conclusions of the discussions of the said meeting.”

Madam Speaker, I will like to, in concluding, indicate the following. Having carefully studied the proposed legislation and the report to the Joint Select Committee, it is my respectful view that the important points that arise for those members, all of us who wish to consider this report, again, and to make our contributions here today are as follows:

Number one, the Opposition has demonstrated that it is prepared to give its support to good legislation that strikes the right balance between the citizens and

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the State as I indicated earlier. This has been demonstrated with the anti-gang, the FACTA, the Anti-Terrorism Bill, the Miscellaneous Provisions (Trial by Judge Alone).

Secondly, are we properly before the House by this Motion? As a matter of fact, that was the question that I had raised as well. The Joint Select Committee, not having completed its work that it was mandated to when the matter was referred, the question is: Is there power to produce a report that is incomplete and there is still work to done?

Thirdly, the question is: Can the House be asked to adopt a report that has not satisfied the mandate that was given by the House?

Fourthly, has there been proper stakeholder consultation? I had raised that matter, again with respect to this piece of legislation which is intended to infringe and intrude upon the fundamental rights; and I gave a numbers of a stakeholder groups.

Fifthly, the inaction of the Government has brought us to this position as they have done absolutely nothing for the past three years as I have shown and the evidence I have raised in terms of the November 21, 2017, letter.

By the letter that has been disclosed by the Minister of Finance confirms that the substance of this particular piece of legislation is not required for us to be compliant and fulfil the undertakings as that he gave to the European Union on the 21 November, 2017.

Madam Speaker, I just wanted to indicate, again, that we on this side we are concerned about this report. We are concerned about the consequences of this report in terms of what it wants to do. We are concerned in terms of what can happen to citizens whose private information may become public and may be at

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risk. We have seen the consequences of information in the public domain in terms of crime and criminal activity, even in terms of kidnapping. And therefore, Madam Speaker, I wish to propose the following as I conclude.

In order to justify—because the question will be asked: How do you justify this Minority Report? And the answer is: That the work of the Committee is incomplete. [*Desk thumping*] It is, Madam Speaker, incomplete in accordance with the May 28<sup>th</sup> statement by the Minister of Finance, and when you examine the verbatim notes of the Joint Select Committee, the first meeting of all three Bills together.

Secondly, Madam Speaker, I am mindful of the fact that the Bill may not be able to be returned to the same JSC, but in accordance with our Standing Orders, because it was read a first time, it can only be sent to a select committee of this honourable House or a new joint select committee, for full disclosure, deliberations and consultations.

And, Madam Speaker, on behalf of my colleagues, we so recommend. [*Desk thumping*]

**Madam Speaker:** Member for San Fernando West.

**The Attorney General (Hon. Faris Al-Rawi):** [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, I rise to answer the submissions made by my learned colleagues opposite. I will do so in a general fashion by characterizing what the debate is. I will answer the specifics as to our locus, or rationale, or reason, or legitimacy to be here, and I propose to demonstrate what we are dealing with and how we can prescribe a solution.

Madam Speaker, my colleague opposite, and this is in the characterization of argument point, essentially did the standard routine of the UNC, the Members of

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the Opposition. First and most important point, praise the Leader of the Opposition. Second and most important point say, let us take some more time to do the work. Third and most important point, let us find some reason not to support without being able to pinpoint with precision what that reason actually is; and I will give you a very good example.

The hon. Member for Chaguanas East said, in characterizing some form of ominous intent or effect in this Bill, that this Bill will be targeting Muslims. He said that the Proceeds of Crime Act and the Anti-Terrorism Act will be targeting Muslims. And because this bill—this Bill—makes reference [*Interruption*] forgive me, Madam Speaker, that was entirely Freudian. And because this Bill makes reference to the Anti-Terrorism Act—[*Crosstalk*]

**Madam Speaker:** Order!

**Hon. F. Al-Rawi:**—and the Proceeds of Crime Act, that somehow Muslims—

**Madam Speaker:** Hon. Members, you know certain comments are unparliamentary, and you all do not need me to stand up and say that. Member for Chaguanas East—

**Hon. F. Al-Rawi:** San Fernando West. Thank you. Yes. My learned colleague, this Bill, because it somehow makes reference to the Proceeds of Crime Act and the Anti-Terrorism Act, the statement that my learned colleagues offered was that, this is targeting Muslims.

I intervened, my learned colleague gave way. I said, “Could you explain to me how the Proceeds of Crime Act targets Muslims? And I was met with nothing short of what one can characterize as bramble. The Member knows, “I would not explain”, “I will explain it later”; and he never did.

Madam Speaker, the Anti-Terrorism Act is the legislation in our country

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which deals with terrorism. Terrorism is not something which is associated with religion. The Proceeds of Crime Act treats with, in large part, in sections 44 and 45 in particular, with money laundering and the proceeds of all crime.

For my learned colleague to stand in this Chamber and message that we are somehow targeting Muslims, I want to say, I expect better than that from my colleague because I consider that to be an irresponsible statement. [*Desk thumping*]

Madam Speaker, my learned colleague asked a very important question—well he posited an argument that somehow this Government is to be caught in a position of not having done anything. My learned colleague says, “Listen, you took office in October, essentially September of 2015. You got into the saddle in October 2015, and here we stand in November 2018” and he basically says, “Shame on you. What have you done in three years?”

Madam Speaker, let me put this into context. Number one: as the Member for Diego Martin North/East, the Minister of Finance, put it, we were committed to this law by the result of the Global Forum doing our peer review in 2010 under a UNC Government.

In 2011, we were committed to join the Global Forum by a UNC Government. In 2011, the Cabinet led by Mrs. Persad-Bissessar, the Member for Siparia, the first person to be praised by the hon. Member, so I will join her in the argument respectfully and relevantly so. It was under the hand of Prime Minister Kamla Persad-Bissessar, the Member for Siparia, on October 04, 2011; we are now two days away from October—sorry. We are one month away from October. We are seven years away from 2011. So seven years and one month ago, the Member for Siparia presiding over the Cabinet confirmed Cabinet Minute 255 of September 22, 2011, confirming us to a course of action for Global Forum.

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In 2012, we had events proceeding. In 2013, the UNC again engaged the Global Forum. In 2014, July 21, 2014, the UNC Government under Larry Howai as Minister of Finance and the Economy went and presented himself with Cabinet authority to the Global Forum and fixed a deadline. Now, let us break this down into simple terms. By committing that we would be compliant with Global Forum by 2015, the UNC Government undertook that we would do the equivalent of FACTA-type agreements, inter-governmental agreements as we did with the United States of America. The Global Forum required and the UNC committed us to negotiate 13 inter-governmental agreements, Madam Speaker, 13.

I have said in the public domain already that Global Forum commitment, and I warned when we were doing FACTA, I said that Global Forum is FACTA on steroids. And I said so because the negotiation of 13 inter-governmental agreements requires time and space and expertise and engagement, and the UNC sat 2010, '11, '12, '13, '14, '15, a five full years and three months and did not do a single one of the IGAs that were required to be done.

Let us enter into the PNM space as Government and analyze the argument put forward by my learned friend that we somehow could have remedied this situation in the space between us taking the reins effectively in October 2015 to the two years after when we brought the Bill.

But, Madam Speaker, mostly respectfully, we had to do 13 agreements. We said to the Global Forum, you know what, let us enter in upon a fast-track arrangement. Let us take a multilateral convention approach. Let us come and treat with this by way of one treaty to capture all of the countries because under the Global Forum you have to do like the IGA for FACTA for the United States, you have to spontaneously and on a reciprocal basis exchange tax information. You no

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longer do it only on request, you do it by way of automatic exchange which is the common reporting standard.

We took that approach. That involved us having to go to the Global Forum, engage the OECD, engage the G20, engage the European Council, speak with the European Parliament. But, Madam Speaker, my learned friends opposite stay that, they support good law. And then my learned friend says, “You know what? The Data Protection Act—we are very concerned in this Bill that there is not an equivalence of data protection standards. It is a point the Opposition is concerned about”. Let me deal with that.

When we came to the Parliament to deal with the inter-governmental agreement for FACTA for the United States of American we came with an omnibus Bill. You see, the law, the Tax Information Exchange Act which existed on our books since the hon. Member for Caroni Central, as a member of a NAR Government, was in the saddle and negotiated the first IGA with the United States in the 1980s. Since the Member for Caroni Central was there there was an umbrella law and you could bring in the agreements. We need 13 for Global Forum; we had a US which is one. You could have brought it in under that umbrella law, the Tax Information Exchange Act.

What did my colleagues opposite say? No. No. No. “Let us do a single stand-alone Act, we will call it”—and, in fact, they made us, they pressured us, they refused to support FACTA when we had to adjourn the debate, and adjourn the debate, we could not figure out what on earth they were saying because they had never written to us to say what their issues are. Bramble, filibuster and complaint is what we got. They came eventually and said: “You know what? Let us do a stand-alone for the United States of America”. And that is how Act No. 4

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of 2017 came about, and that is how FACTA came alive.

So, my learned friends, it took us two years to get FACTA done. FACTA directly relates to Global Forum, because FACTA is one out of the 13; we had 13 to do. We entered into fast track, we met with the OECD, we met with Global Forum, we engaged in the BEPS arrangement, the Base Erosion and Profit Shifting positions. We had to be on constant visitation visits. We have sat down with technocrats, hard-working technocrats from the Office of the Attorney General, the CPC's Department, the AG's Secretariat, the Ministry of Finance, to negotiate a multilateral approach to cure this.

And my learned friend the Member for Caroni East has the temerity to stand up here today—Chaguanas East—has the temerity to stand up here today and say, “Wha yuh do for three? Wha yuh do for two years?” And I am explaining to you, it took us two years to get FACTA done because of their intransigence.

But, Madam Speaker, let me tell you how baseless the arguments presented today are, frivolous the arguments are. My learned colleague, the Member for Chaguanas East, stood up and said that the Opposition in this Bill has a concern with a lack of equivalence safeguards for the Data Protection Act.

Now, this Bill obviously traverses section 4 of the Constitution, the right to private and family life. It traverses several sections of the not fully proclaimed Data Protection Act, in particular sections 6, 30, 31, 38, 40, 41, 42, 43, 44, 45, 46, 69 of the Data Protection Act; not all in deep trench. But in the very statement that my learned friend says, that they have deep concerns, the Opposition, about this Bill about data equivalency protection, Act No. 4 of 2017, this is the FACTA Act, the United States Tax Information Exchange Bill which became an Act. In there and in this legislation section 12, hear this:

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“Notwithstanding section 46 of the Data Protection Act”

—et cetera, et cetera. Hear this; you can exchange the information, you could do it without consent, even though, and hear this one:

“...the United States of America does not have to comparable safeguards as required by the Data Protection Act.”

So what is my learned friend saying? They have a deep concern on tax information exchange in this law, and we agreed to it in FACTA already?

**Hon. Member:** For US citizens.

**Hon. F. Al-Rawi:** And let me get to the point of citizens as I hear an hon. Member opposite in an opulent sort of way speak about this. Madam Speaker, it is not the Trinidad and Tobago citizens that are disclosing any information here. Let us make this clear for the umpteenth time. Tax information exchange is intended for citizens who are subject to tax laws in other countries. In the United States, it is US resident or citizen approach. In Germany, in the United Kingdom, in Singapore, wherever it may be, it is not Trinidad and Tobago citizens en masse that are being affected by this, and my learned colleagues know that, Madam Speaker. But they stand up here today and bawl, “Muslims, watch out”. “Data protection concerns we have concern about”. And the fine print says, well we agree to that already and we understand that there is an exception to the law. I mean really, Madam Speaker, I find it hard to take what my learned colleague says seriously at any point in time.

So, let us go to the positions of the Minority Report. The Minority Report produced by my learned colleagues, really, the arguments there fall into three categories. The first category in the Minority Report which is part of the report which we are debating says, you have three Bills. We are dealing with one. And the first point that they make, the first point is, “Let us wait for Caricom”.

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Caricom, let us—one of the reasons in the recommendations by my learned colleagues opposite is that we need to hear what Caricom is saying. And my learned colleague said, “Where is Trinidad in that? We want to know what is happening.” Madam Speaker, I am able to report today, Caricom requested the meeting, and Caricom was blanked.

**3.30 p.m.**

There is no meeting. There will be no meeting because there is an unequal bargaining power, and the European Union, G20, OECD, has taken the position to Trinidad and Tobago and the whole Caricom to say, “Listen, either you comply or you don’t”. It is what my learned colleague put as an exogenous environmental support factor. Listening to the foreign affairs expertise that Naparima offers at times, or pretends to offer. Madam Speaker, there is no Caricom meeting, and there will be none. And on the exogenous arguments or “ex-zog-e-nous” if you want to put it. I am putting it in the broken terms of “exo” and “genous”. It is outside the nature of where we are. [*Desk thumping*]

I am putting it so people can understand. In the “exo-genous”/exogenous position we are treating with the fact that there is a consequence for non-compliance, because you— if you do not comply, exactly as you had the risk in FACTA with the United States of America intergovernmental agreement, this is FACTA on steroids, and that we should bargain with FACTA. I remember Caroni Central saying that vividly, “And where is our sovereignty?” Madam Speaker, where was our sovereignty when the United National Congress in 2011 joined the very institution that subjugated our sovereignty? Now they tell us forget that, take our sovereignty, tell them where to buzz off. But the entity which they committed us to tells us take it or leave it. That is their first argument. Caricom, let us wait.

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The answer to that, there will be no Caricom. Caricom was blanked. It is not going to happen.

What is their second argument in the Minority Report? The second argument that came in the Minority Report is the application of the Bill, fundamental rights and freedoms, citizens, et cetera, and my learned colleague makes this point, he says, tell us this, why not debate all three? Do we have the ability to consider this report? Because, in my learned colleague's submission the report cannot be brought here for some reason because we need to wait on all three. Well, first of all we are here pursuant to the Standing Orders of the House of Representatives which allows us to report in the fashion that we have. There is wide facility in the Joint Select Committee to decide what you will recommend the House to consider. The House is legitimately being asked to consider the amendments to the Income Tax Act, and let me say why that is not only proper, but why we should and what is imperative about it. The Global Forum has said in pellucid terms in all of their published reports, be they about Trinidad and Tobago, South Africa, wherever it may be, they have said to us, you cannot enter into the multilateral conventions, the fast-track approach, unless you treat with your secrecy provisions in the Income Tax Act.

They say, Madam Speaker, in for instance, the South African Peer Review Report by Global Forum in that South African report, and I will come to that under the judicial watch in a second, they say that secrecy provisions cannot stand up, they must be taken down and you must have access which is unfettered from a law enforcement perspective, and from a Financial Intelligence Unit perspective to treat with this. So, Madam Speaker, when we are treating with this, the reason why we must consider this now is that the amendment to the secrecy provisions in the

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Income Tax Act in section 4 that we are seeking to amend today, that is the key that allows us to open up the 13 IGAs, Inter-Governmental Agreement equivalence. We will not be permitted to sign the multilateral convention unless we do the amendments. Madam Speaker, that is only for Global Forum. For FATCA to do the exchange of information there is an equal requirement, and for the FATF, the Financial Action Task Force, I want to remind, we are in enhanced follow-up in the CFATF, the Caribbean Financial Action Task Force follow-up, and we are also in the International Co-operation Review Group, the ICRG in FATF itself. And the Mutual Evaluation Report for Trinidad and Tobago for FATF said that we have to dismantle our secrecy provisions.

In the Mutual Evaluation Report for Trinidad and Tobago for FATF they said specifically—and I will put it onto the record—at paragraph 788, at criterion 4019; they said at paragraph 395, paragraph 406, paragraph 407, paragraph 75, paragraph—other paragraphs that proceed their general parameters dealing with Recommendations 29 to 32, and immediate outcomes 2 and 9, but 2 in particular—and I am giving you the paragraph numbers because it is too long to read—they say specifically that Trinidad and Tobago secrecy provisions in the Income Tax Act are in the way of compliance with the immediate outcome No. 2. We have to comply this year, and I had given the timeline when we debated the miscellaneous provisions Bill that we debated to treat with amendments to the Proceeds of Crime Act, FIU Act, et cetera, in the last session. I gave the timeline that we are on track for November of this year. Today is the 2<sup>nd</sup> of November, the deadline is November 2019 to deal with secrecy provisions for FATF. So forget Global Forum. You have FATF as well. And, Madam Speaker, that treats with my learned friend's argument that we should somehow stop this work, send it back to treat

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with two other Bills. But let me explain that, so I would put it in summary:

- One, to sign the multilateral convention, you have to unlock it by making the amendments to the Income Tax Act.
- Two, FATF timetable, and this is published, it was in the Member's hands, it is in public statements that I have made as Attorney General with responsibility, we have November 2018 as the deadline to meet the FATF dismantling of the secrecy provision.
- Number three, the other two Bills that my learned colleagues want us to wait and waste time on, one of them alone is 134 pages long.

And we have here a simple Bill with 10 clauses, including long title, short title, interpretation. Three of them out so it is seven substantive clauses, and my learned friend say, "Let's talk some more. Let's go back to committee. Let's be concerned about Muslims". Because they say that this Bill attacks Muslims, that the Proceeds of Crime Act attacks Muslims. And in the entire period, on the four occasions when the UNC amended the POCA—the Proceeds of Crime Act—the Anti-Terrorism Act, the Financial Intelligence Unit Act, the word "Muslim" never came out their mouth. Not once did they express concern in what they now call draconian on the occasions when they amended it in the five years; no concern. And a PNM Opposition then, now Government, responsible to the people of Trinidad and Tobago, you think we would be as irresponsible as saying that this is to attack Muslims? That is an argument for my friends by themselves alone.

So, Madam Speaker, that is just balderdash. It makes no sense. It is nonsensical. It is vapid. [*Laughter*] It is vacant. It is just putting up an argument to delay and make more time wasted.

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**Hon. Member:** Cheap politics.

**Hon. F. Al-Rawi:** It is cheap politics. [*Desk thumping*]

**Dr. Rowley:** And it is dangerous politics too.

**Hon. F. Al-Rawi:** Madam Speaker, and I am reminded by the hon. Prime Minister, it is dangerous politics.

Madam Speaker, I want to report. I was absent for a short while out of Trinidad. I had to find myself, at the Cabinet's instruction, at the ICRG table in FATF in Paris, to defend Trinidad and Tobago's track record, to make sure we did not slide in the ICRG group, to make sure that our timetable was on track, and one of the matters which we pointed to the joint group was that this Bill would be coming to Parliament in November, and my learned friends opposite, to a man and to an honourable woman as they are, know that. And had we not passed the Anti-Terrorism Act, despite the behaviour of my learned friends opposite, where they disagreed with their own Joint Select Committee's unanimous report, we would have been in desperate trouble. So, Madam Speaker, there is a need to treat with this.

Madam Speaker, when we get down now to what is inside of this, there is a point that my learned friends opposite raised in the Minority Report, which they have not, of course, raised on the floor because on the floor they are not able to raise the argument clearly. The Minority Report, as my learned colleague, the Minister of Finance, the Member for Diego Martin North/East said, raises the issue of judicial scrutiny. So let us break down the Bill in simple terms. We are proposing to amend section 4, we are proposing to amend section 93, we are proposing to amend section 117; we are proposing to amend section 117A of the Income Tax Act. Let us break that down in simple terms further. Section 4 of the

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Income Tax Act, subsections (1) and (2), are the secrecy provisions: You shall not disclose information. You, the members of the Board of Inland Revenue, must subscribe an oath before a Magistrate—an oath of secrecy—and you “cyar” reveal information.

Now, every other jurisdiction around the world treats with their circumstances on secrecy in different ways. For instance, the different ways include, where there are no barriers to secrecy; Barbados, Jamaica, United Kingdom, South Africa. I called four jurisdictions. New Zealand. I am taking a global approach. All of them allow the Financial Intelligence Unit bodies to have unfettered access to tax information. All. And I want to focus on South Africa in particular, because my learned friends seek to find some solace in the South African experience. Secondly, the situation with respect to the FIU stands separate—to be considered separately because FIU’s are of different types. Essentially, you either have a law enforcement FIU, meaning they could have intelligence and prosecute, or you have on the other extreme an administrative type FIU, where you can just report, and you have to pass it to the police to take action as we have here, or you have a sort of a hybrid in-between.

After the Fourth Round Mutual Evaluation Reports from FATF on jurisdictions, everybody has had to dismantle secrecy provisions. My learned friends have come forward in the Minority Report and brought out the South African experience. Number one, for heaven's sake, try to at least compare apples with apples, mangoes with mangoes. South Africa has not had its Fourth Round Mutual Evaluation for FATF yet. We have. We have received our FATF Fourth Round Mutual Evaluation, and our Fourth Round Mutual Evaluation in the paragraphs I just read out tell us, in black and white, you have to remove your

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secrecy provisions.

Secondly, the South African law specifically allows the FIU to have unfettered access to the information, and that is to be found in their legislation, which I have a copy of, if I can just pull it up here. The South African legislation specifically says to us—in fact, Madam Speaker, it is at the back of the Minority Report. The South African legislation says that we are—listen to this. It is at page 4 of the annex onto the report. I believe it is at the report because after the report we have annexed a review of the income tax legislation of South Africa.

First point, South Africa has not done the Fourth Round Mutual Evaluation. Second point, the South African Financial Intelligence Unit can receive information. That is at section 67 of the South African Act. It is the Tax Administration Act of 2011 in South Africa. Very importantly, my learned friends in their Minority Report point out to section 71 of the South African Act, and in that section it says, look, you need judicial permission for the police to go in. But they clean jump over section 69. Section 69, which is headed, “Secrecy of tax payer information and general disclosure”; and this, the South African 2001 Act that they are relying upon, says in subsection (2), subsection (1), which is the secrecy one, does not prohibit the disclosure of taxpayer information by a person who is current or former.

**Madam Speaker:** Member for San Fernando West, your original speaking time is now spent. You have 15 more minutes to wind up.

**Hon. F. Al-Rawi:** Much obliged. They say subsection (1), the secrecy does not apply, and hear who it does not apply to. It does not apply in the course of performance of duties under a Tax Act including: To the South African police, or the national prosecuting authority. It says where the information is for a witness in

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civil or criminal proceedings. It says the taxpayer information is necessary, or the taxpayer information is necessary to enable the person to provide such information. And then it says, under any other Act which expressly provides for the disclosure of information despite provisions in this chapter. And then it says again, by the order of a High Court or if the information in the public domain.

Now, *Bennion on Statutory Interpretation*, umpteen cases from the Privy Council come down, from the 18<sup>th</sup> Century come up, tell us, that the word or the disjunctive there is very different from the “and”. So my position is: secrecy of taxpayer information and general disclosure is to be found with an exception under the taxpayer legislation, the income tax equivalence that we are treating of in South Africa. One, the FIU has access unfettered. Two, there is a general provision and a court order is now one of them. Now, it is true to say that disclosure in criminal, public safety, or environmental matters requires judicial supervision, meaning you must have an authorization by way of order of the court, but my learned friends opposite have not condescended to any form of prescription for that. The hon. Member for Diego Martin North/East has said already that that is a point which we are willing to consider. But instead of buying time, brambling, messaging, all hail Siparia, all hail the UNC, we will pass good law “doh mind we doh know not what we saying and we inconsistent about whether we agree or not.”

The hon. Members opposite cannot yet stand up and say to us, cannot circulate a draft to say, look, you know what, section 4(6) of the Act, the Income Tax Act, let us put it in a judicial authorization. You want the TTPS to have the information? Well, let a judge say so. And that is not something that we cannot consider, Madam Speaker. Does that require us to return to a joint select committee? No! Does that require us to go to a special select committee? No! You

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see, Madam Speaker, it is a very simple prescription that can be applied. “But if meh honourable friends opposite want to even say it, I mean for heaven’s sake they gotta do a lil homework, you know.”

Because, Madam Speaker, I want to put on the record again, it is the Opposition, the UNC, the Kamla Persad-Bissessar led Opposition, because they take instructions from their hon. leader, that refused to sit in the recess that we had where the Standing Orders provide that we could sit and do joint select work. They abandoned the work in joint select committee. And, Madam Speaker, the hon. Members had an opportunity to sit down. They had an opportunity to prescribe. They had May, June, July, August, September, October. They had six months to tell us, “Listen, let’s amend section 4(6) as prescribed and put in a judicial authorization.” You mean in six months “dey cyar” write six lines?

So, Madam Speaker, let me tell you perhaps what causes me the greatest concern. We have said that this Government is on a follow-the-money campaign. We have addressed it in the courts. I will say no more than that. There will be certain other things to come which will no doubt become very apparent in the near future, and we intend to keep this Parliament very occupied on a follow-the-money package.

But let me translate what this means to people. Let us strip all the fancy talk. The Financial Intelligence Unit of Trinidad and Tobago in the 2017 report, which is the latest report, said, that in one year in Trinidad and Tobago—one year—we had, listen to this, \$22.1 billion of suspicion transaction activity. And they said that in the period 2011 to 2016, if you add up all the suspicious transactions, all the suspicious activities, and you add them up for those five full years you get \$4.5 billion. So, in five years, 2011 to 2016, you have \$4.5 billion in suspicious

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transactions, but in one year suspicious transactions come up to \$22.1 billion. Madam Speaker, first of all we did not get there by mistake. It is this Minister of Finance, this Government, that beefed up the resources in the Financial Intelligence Unit so they had the manpower to track this. It is this Government that went to work on litigation to chase money. And let me make it even a finer point. It was only a few transactions, 13—no, it was nine transactions. Nine transactions alone which were attempted transactions. Of that 22 billion, 9 transactions equal \$13 billion in suspicious activity which was stopped because they were red-flagged by the FIU.

We come here today, we say to the country, thanks to the appointment by this Government of an aggressive management of crime, the hard work put on by the Point Fortin, being ably amplified and taken forward by the Member for Port of Spain North/St. Ann's West, the appointment by this side of the House—

**Mr. Young:** Alone.

**Hon. F. Al-Rawi:**—and alone, as the hon. Minister of National Security points out, of a Commissioner of Police. Madam Speaker, permit me to press pause. The hon. Prime Minister said something the other day that resonated in my mind as to how true and fundamentally simple the point was.

Prior to Commissioner Griffith, every time there was a murder, every time there was crime: “Where the Minister? Where the Prime Minister?” The Government, the Government, the Government. Everybody opposite refused to support Gary Griffith as Commissioner of Police, but this is the first time in this country, in a long time, that people are saying there is crime, commissioner is talking, commissioner is taking the fight, because the commissioner should be taking that fight. [*Desk thumping*]

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And, Madam Speaker, when we come now to bring legislation like this to say to the police and the Financial Intelligence Unit, listen, we heard you in your report that you have \$22 billion in one year alone, let us equip you with the power to go and prosecute people for money laundering and proceeds of crime because we are enabling the environment as a government. And how are we enabling it, Madam Speaker? Criminal Division Bill with specialist courts. Debottlenecking of our court environment by removing 110,000 cases per year that is clogging up the system with traffic matters. We are supplementing the Judiciary by 77 per cent in terms of their judicial numbers. We opened new courts. We have more to come. We installed Criminal Procedure Rules. We have dealt with 152 maximum sentence hearings; another 162 coming ahead. The backlog is crunching, and now we are seeing in the creation of specialist courts for money laundering, and fraud, and white collar crime in the face of \$22 billion, we are saying, you know what, let us give the police a fighting chance. [*Desk thumping*] Let us give the FIU a fighting chance. And my learned friends opposite said what today? Let us talk some more. Tomorrow. Seven clauses in a Bill; one subclause alone, treats with the provisions for the TTPS and the FIU. The fact is every FIU in the world has access to the tax paying information. So if you want warranting or a High Court order for a judge, well, say so.

You honestly mean to say, Madam Speaker, that we cannot, right here, right now, in this House which is no substitute for a joint select committee, where all Members could speak, we must buy the argument of the UNC that we must talk some more? I think, Madam Speaker, to twist Shakespeare's words, "Thou doth protest too much." And I am deeply concerned in the face of a scourge of crime where you have cracking resources for the first time ever as we are about the

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launch a public defender's system, as we yesterday granted the DPP's office brand new facilities in Port of Spain. We opened the Tobago offices, we are opening the San Fernando offices, we have beefed up the FIU. We are coming to abolish preliminary enquiries. I am telling all my colleagues opposite, I am telling them as loud as I am saying it now, "doh" get comfortable, because we have hard work to do in this Parliament, and we intend to achieve the mission that is on the table.

*[Desk thumping]*

So, Madam Speaker, I have heard nothing from my learned colleagues opposite in six months, since we laid this Bill to a joint select committee. We laid it in 2017, eh. I might hear the bumbling laughter of certain people. But, Madam Speaker, it is 2017. We headed up to 2019, and my learned colleagues opposite "cyar" submit one scrap of paper—I mean, Madam Speaker, I am volunteering now. You want to dictate it, I will write it down. I will do the work. "Ah doh mind". I will sit down and do the work for you, but "yuh cyar guess what is in yuh head."

**Hon. Member:** What is the issue?

**Hon. F. Al-Rawi:** What is the issue? What will require us to take more time? In conclusion, the global forum deadline is real. To cure the incompetence of the UNC regime in 2010 to 2015 with respect to the global forum, because in 2010 we had the first peer review, to cure that incompetence where we should have done 13 agreements with different countries, we are doing a fast-track approach with a multilateral convention. We cannot sign the multilateral convention unless we amend this law. We have to amend this law for FATF, for FATCA and for global forum.

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**Dr. Rowley:** And now.

**Hon. F. Al-Rawi:** And now. This cannot wait for the other two Bills. The global forum has sat down with us, as the hon. Members are aware, and they have been a team member effectively in drafting this legislation. This concerns foreign nationals in terms of the tax information exchange. And, Madam Speaker, the UNC has a moral and legal obligation to exercise a sense of urgency and propriety in dealing with simple legislation.

Madam Speaker, I look forward with a pen in my hand, paper under it, to write down what they cannot do for the last six months as I hear the contributions coming forward. This Government is willing to listen to any amendment that makes sense. It cannot be based in inconsistency. Make your argument clearly, and give us the prescription. This Parliament requires that we circulate amendments; my learned friends opposite never circulate amendments in the general terms. We have had one or two but it is usually with a run-up to the wicket that involves months of bramble, months of time wasting, and the country cannot and will not accept that on this occasion. I thank you, Madam Speaker. [*Desk thumping*]

**Mr. Rodney Charles** (*Naparima*): Thank you, Madam Speaker. Thank you for the opportunity to engage in the debate of this Bill, and to indicate that the UNC from the onset is committed, and will always support good legislation. [*Desk thumping*]  
We are mindful of our oath of office and we will not sit here, despite the blustering from San Fernando West, despite the noise and the “carray”, as they say in the dialect. We will stand by our commitment to our oath and to the people of Trinidad and Tobago. [*Desk thumping*]

But you see, Madam Speaker, listening to my colleague from San Fernando West, it is clear that he does not listen. He hears what he wants to hear, and he runs off on

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a frolic. My colleague, and I want to congratulate my colleague from Chaguanas East [*Desk thumping*] who so eloquently put forward the position of a patriotic UNC Opposition. [*Desk thumping*] He never said—my colleague from Chaguanas East never said that the Anti-Terrorism Bill targeted Muslims. He never said that. But that is what San Fernando West heard. He said various Muslim groups expressed concerns with the Bill. [*Desk thumping*] And that is a fact.

Madam Speaker, I could turn to Sunday, June 10, 2018 in the *Trinidad Guardian*, there was an article by Gail Alexander, headline, the “AG being sued by Mohammeds...” family with a subheading—the subheading was, a “Family claims they were ‘terrorised’”. So, to come here and pretend that that there were not concerns by our fellow Muslim citizens about the Anti-Terrorism Bill, is to ignore reality and to have one’s head in the sand.

**4.00 p.m.**

They keep bringing up the question of FATCA. We supported FATCA and I want to reiterate what my colleague, the Member for Chaguanas East said, and in fact I could summarize it. We made it a better Bill; we served the interest of Trinidad and Tobago. And he said, when FATCA legislation was brought to Parliament, the Opposition, led by Mrs. Kamla Persad-Bissessar indicated to the Government that we were not prepared to support the legislation in the form in which it was brought. The legislation was sent to a Joint Select Committee, the Opposition worked tirelessly to guide the Government in the right direction and more than one hundred amendments were made to FATCA [*Desk thumping*] legislation to ensure that it served the interest of Trinidad and Tobago. He would want us to believe that they worked hard to get us off the list and I will deal frontally with that when I get into the substance of my submission.

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Madam Speaker, they come here and threaten, my colleagues opposite come and threaten us that they are going to follow the money, they are going to follow the money and somehow we should be scared when they come with this threat. And I ask them, if you are following the money, follow AV Drilling, \$100 million. [*Desk thumping*] Follow the money, follow *Galleons Passage*, follow the Austal Ferries, follow the *Ocean Flower*. Follow the money, follow the money, and do not boast about crime and all the wonderful great things; you are hiding behind some assumption that crime has gone away. Since the appointment of the Member for Port-of-Spain North/St. Ann's West, since he assumed the office of Minister of National Security, there have been 104 murders, 104 of our citizens dead.

**Mrs. Robinson-Regis:** Madam Speaker, may I direct your attention to Standing Order 8, please.

**Dr. Tewarie:** But the AG talked about everything.

**Mrs. Robinson-Regis:** You know what is Standing Order 8? [*Laughter*]

**Madam Speaker:** Hon. Members, I am happy that you could put a little light spirit into times when emotions get high. Member for Naparima, you please continue.

**Mr. R. Charles:** Madam Speaker, thank you very much for your understanding, but it is a standard practice, of 10 or 15 frivolous interventions by the other side. Now why are we here? What are we trying to achieve today in this legislation? Fundamentally, the PNM has lapsed. We are here because the PNM has lapsed with respect to getting us off the EU watch list. They wait until the last minute, they did it with FATCA, they wait to the last minute, they bring legislation, they tell us like Chicken Licken, the heavens will fall if we do not pass this immediately, forthwith, and then tried to hoodwink us to pass inadequate legislation that is not the best.

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So let us follow the timelines. They want us to believe that they are so urgent and they have been working hard, expeditiously, to get us off the watch list and to meet the FATF and the OECD and the EU requirements, and those of the Global Forum. Let us follow the timeline. The Income Tax (Amdt.) Bill, 2018, the first reading was on the 25<sup>th</sup> of May, 2018, and it was referred immediately to the Joint Select Committee, on the same date. A Joint Select Committee was established to consider and report on the three Bills: the Income Tax (Amdt.) Bill 2018; the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreements Bill, 2018, and we were supposed to report by June 30, 2018.

The Committee, which was chaired by Mr. Colm Imbert, the Member for Diego Martin North/East, held three meetings on the following dates: The first meeting, Wednesday 06 June, 2018, lasted only 15 minutes; the second meeting was scheduled for the 20 June, 2018 and postponed until Tuesday 21 August, 2018. This meeting lasted for one hour. And the third meeting, the third and last meeting, was held on Wednesday 29 August, 2018 and lasted for one hour and 10 minutes. On June 29, 2018, the Committee presented an interim report to the House and requested an extension to September 14, 2018, since only one 10-minute meeting was held. So the question is, why did the chairman schedule only three meetings, with a total of two and a half hours to discuss three vitally important pieces of legislation? [*Desk thumping*] That forces me to underscore the point, they are not serious about making Trinidad and Tobago compliant.

When we get into the operations of the meeting, you would see further evidence that they are not serious. Now, page 6 of the Joint Select Committee Draft Report, indicated that:

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“...due to the Parliamentary recess and scheduling conflicts...meetings”—could not be held—“until August 2018.”—However, during the first meeting of the Joint Select Committee—“Members agreed to a quorum of three (3) persons, inclusive of the Chair with representation of at least one Member from each House.”

So three Members. So we did not want to—because it was vacation, not to take up the time of all members, so we said we would allow three members. In July 2018, Opposition members on the Committee indicated to the Secretariat of the Joint Select Committee that we were willing to meet any time during the recess. I want to underscore that point. They are not serious. I indicated on July 2018, I personally, July 26, 2018, that I would be available on any day except August 16<sup>th</sup> to 27<sup>th</sup>. Sen. Hosein indicated that he would also be available as well as the MP for Chaguanas East.

Therefore, a representative from each House would have been present at the beginning of August, MP myself, MP Karim, Member for Chaguanas East and Sen. Hosein. Hence, it follows that the only setback in forming a quorum would have been the willingness and presents of the chairman for a meeting to occur. If the Government were serious we could have completed all three pieces of legislation [*Desk thumping*] during the vacation and we could have brought all three to Parliament and today we would be discussing the output of a serious parliamentary group and fulfilling our mandate to pass good legislation expeditiously.

What are the questions arising from above? The letter indicating the timelines of the Bills. At the third meeting of the Joint Select Committee, the Minister of Finance circulated a letter he sent to the Code of Conduct Group, dated

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21 November, 2017, and that was referred to by my colleague, the Member for Chaguanas East. The Code of Conduct Group is the EU Group responsible for monitoring and reviewing tax measures of the EU, member states, and tax measures of foreign countries to ensure that their member states do not partake in harmful practices abroad. This letter by the Minister of Finance listed five pieces of legislation and the proposed timeline for their passage. So we went to the EU and we indicated to them that we will be passing five pieces of legislation. The Income Tax (Amdt.) Bill on the 30<sup>th</sup> of June. We told them that.

**Mr. Lee:** What year?

**Mr. R. Charles:** We told them that in November 2017. We told them we will be passing the double taxation agreements Bill in June 30, 2018. June, “eh”, we are now in November. We would be passing the Companies (Amdt.) Bill, June 30, 2018, and the Mutual Administrative Assistance in Tax Matters Bill, November 30<sup>th</sup>—so that at the end of this month we should have passed the Mutual Administrative Assistance in Tax Matters Bill. And the base erosion on profit sharing legislation by June 30<sup>th</sup> next year.

The double taxation agreements Bill and the Companies (Amdt.) Bill have not even been laid in Parliament, yet we wrote a serious body like the EU and told them we would have them passed by June the 30<sup>th</sup> this year. Not serious. They write letters indicating and give commitments and then do not at all abide by them. One of these five pieces of legislation the Government has chosen to rush to completion, the Income Tax (Amdt.) Bill and claimed that this will get us off the non-compliant list. And the question I ask the Minister of Finance, will the passage of this one piece of legislation satisfy the requirements for any of the criteria for becoming compliant with the EU and get us off the watch list? They are not

serious. We could pass this legislation and still tomorrow realize that we are still on the EU blacklist.

The Joint Select Committee was supposed to consider three Bills, that was the remit that we got from the Parliament. That was the remit we got. Page 8 of the verbatim notes of the first meeting held on June 6<sup>th</sup>, the Minister of Finance said that we will do all three Bills, not just one. But you see, you see the Minister of Finance is not serious. He was not serious with us in the Committee, he is not serious with the EU and I will tell you why. I want to quote from the verbatim notes of the Joint Select Committee, the Income Tax (Amdt.) Bill, the meeting held on the 6<sup>th</sup> of June, 2018, page 8. It says, and we asked him, why are we and what is the rationale for these three Bills? And hear his rationale and I quote to show that he is not serious. He said:

“I set a very short deadline”—I am quoting here—“to show the EU and the Global Forum that we are serious.” So we set a tight deadline to show how we are serious.

“It is unlikely”—that—“we would meet the deadline for the end of June. I mean, we have this procedural thing to do, and so on. I figure we would not do it by the end of June, probably maybe even by September/October. But it does not matter. I want to get in and let them see that we are doing something.”

He is mamaguying the EU. We are just showing them and writing a letter and giving commitments, but by his own words we were not serious. And I want to make this point, because they like to—on the other side, like to give the impression that somehow we are not committed to passing good legislation. But how could we, how could we engage when on the opposite side they have indicated that they

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are not serious.

At the second meeting of August 21<sup>st</sup>, the Deputy Chief Parliamentary Counsel indicated on page 14 of the verbatim notes, and the Minister of Finance acknowledged that both the Income Tax and Mutual Assistance in Tax Matters Bill were the most important and needed to be passed in order to make us compliant with Global Forum. So, Madam Speaker, how is it that we went from three Bills being necessary, with two being most important and today we down to one. The sense and the logic and the movement makes it difficult to follow the money, follow the trail of logic. It is because the Minister of Finance said that we are only considering the Income Tax (Amdt.) Bill since it was the smaller of the Bills and its passage would go, quote:

“...a long way in dealing with the complaints of the Global Forum and the EU.”

So we are here today because we have been told that it will go a long way. I am seeing he has preoccupation with tall things—a long way in meeting the EU and Global Forum requirements. So it was the shortest and quickest Bill to pass, as if they are doing something, because you see the thing, we are not serious, we are not a serious country. We write and give commitments and we tell them “we doing thing only to mamaguy them”, when in fact the chairman is not serious since the JSC could have convene for longer hours and held more meetings and we could have passed all three Bills that the Joint Select Committee was supposed to consider. [*Desk thumping*] And I want to say today we are prepared to work night and day, 24/7 to get this ready for the end of this month. [*Desk thumping*] And the challenge is on your side to get the necessary manpower and resources so that we could engage seriously in the interest of our people of Trinidad and Tobago, [*Desk*

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*thumping*] and not come here crying crocodile tears about how serious they are and the Opposition is not supporting their initiatives. We are prepared to support, you know why? Madam Speaker, we are patriots on this side, [*Desk thumping*] patriots; loyal to Trinidad and Tobago. We want Trinidad and Tobago to be better than Singapore. They do not like to hear that.

What are the real requirements for Trinidad and Tobago to be removed from the non-compliant list? Because that is—they keep talking FATF, Global Forum, talking EU, CFATF and fancy stuff, but fundamentally we want to get off the watch list, the various—

**Hon. Member:** Blacklist.

**Mr. R. Charles:** Blacklists. A press release dated December 05, 2017, issued by the Ministry of the Attorney General and Legal Affairs stated that and I quote:

“The EU has...expressed that a jurisdiction will be removed from the list once it has addressed the issues of concern for the EU and has brought its tax system fully into line with the required good governance criteria.

The Government of Trinidad and Tobago”—and I am quoting from press release—“shares the goals of the EU with respect to fighting tax abuse and reassures that we will act with alacrity on this matter.”

Well, alacrity, Madam Speaker, means eagerness. It means expedition; it means zeal; it means swiftness; it means dispatch; it means speed. And what I have seen in the Joint Select Committee, slothfulness and I would talk a little bit more about how slothful we are with respect to meeting our international obligations. On May 25, 2018, in giving a statement on the Global Forum and the European Union requirements, EU requirements, the Minister of Finance indicated, quote:

- “To become compliant with Global Forum, European Union and FATF requirements, Trinidad and Tobago is required to have in place the legislative framework that would allow for the exchange of information and administrative structure for that exchange.
- In this regard”—he then said—“two related Bills were laid...to address the many deficiencies, namely the Income Tax Amendment Bill, 2018 and the Mutual Administrative Assistance in Tax Matters Bill, 2018.”

He also indicated that the Global Forum requires us to have legislation to facilitate the:

“...Exchange of Tax Information between Trinidad and Tobago and member”—state—“of the Global Forum, et al.”

Namely, the Tax Information Exchange Bill, 2018, which was described as being:

“...at the bottom of the totem pole.”—and not as important as the other two Bills.

That was given by the Deputy Chief Parliamentary Counsel and it is listed on page 14 of the verbatim minutes. At this same May 25<sup>th</sup> meeting, the Minister stated:

- “The Global Forum required Trinidad and Tobago to take the necessary steps to bring the country into compliance with the current standards and to also implement the new Global Forum standards by June 2017. However, this could not be done within the short timeframe.
- Trinidad and Tobago is expected to undergo in June 2018 its second Peer Review. In this regard, the required legislation should be in place

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by that time.”

So those are the commitments, those are the expectations. We underwent a second peer review in 2018, guess what, Madam Speaker. The OECD in its October 18<sup>th</sup> overall ratings against the exchange of information on request standard, they called the EOIR Standard said of Trinidad and Tobago. You see you could fool us in this Parliament, you could fool Trinidad and Tobago but you cannot fool everybody every time including the OECD. The OECD said of Trinidad and Tobago in 2018, this quote, and this is an indictment on the Minister of Finance, and an indictment on Trinidad and Tobago, a country which I am proud to be a citizen. Hear what they said and I quote:

“This jurisdiction applied for the Fast-Track review, but the progress it demonstrated was not sufficient to justify an upgrade of its rating beyond Non-Compliant.”

The EU is saying that. We did not do what we were supposed to do and I would get to the point where other countries did what they had to do to get off the list.

I say it again, this Government is not serious about making us compliant and they can blame us for the past, they could blame us for the present, they would blame us for the future but they cannot understand that they have to work and do what is necessary [*Desk thumping*] and that you cannot fool everybody all the time.

So I would advise that they change the majority of their speeches in which I am sure they would go long and rhetoric on blaming the PP Government and explain to the citizens of Trinidad and Tobago that they did not, they have not brought all the pieces of legislation that are needed to make us compliant.

The PNM does not give us the facts, Madam Speaker, and I hate to use this word, they are slothful. The Council of the European Union on the 5<sup>th</sup> of

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December, 2017, stated:

“Trinidad and Tobago has been attributed a rating ‘Non Compliant’ by the Global Forum on Transparency and Exchange of Information for Tax Purposes, has not signed and ratified the OECD Multilateral Convention on Mutual Administrative Assistance in Tax Matters as amended...”—the same legislation that should be brought here today so that we could have become compliant. And they continue:

“...has a harmful preferential tax regime—that is what they are saying about Trinidad, we have—“a harmful preferential tax regime and did not commit to addressing these issues by 31 December 2018.”

**Mr. Al-Rawi:** It is not true.

**Mr. R. Charles:** Madam Speaker, this is not Rodney Charles speaking, this is the Council of the European Union. And that is why, you see sometimes when they do not meet Caricom and what not, it is because they do not take us seriously because we are not serious. We make commitments that we are not serious about. I mean, you could come here and bluster and look nice and sound nice and Trinidadian may buy it, but you cannot do that to the Europeans or to the foreigners.

The Mutual Administrative Assistance in Tax Matters is one of the legislation that this Government has chosen to delay, and we do not have it here today. It gets worse, according to the Brief on the State of Play on international transparency standards, the state of play. That is a document, I have it, a Brief on the State of Play on international tax transparency standards, 2017 by the OECD. Several jurisdictions, several made sufficient:

“...changes...towards meeting the Exchange of Information on Request, standard,”—which—“led to upgrades in the overall ratings of 17

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jurisdictions.”

So in 2016 a lot of countries were not compliant, including Trinidad. All the other countries got upgrades. Guess which country did not get an upgrade? Trinidad and Tobago. A country that I am proud to say I am a citizen of, but sometimes, sometimes they let me down. Three jurisdictions move from non-compliant to largely compliant, three—and you should see some of these countries—

**Hon. Member:** Name them.

**Mr. R. Charles:** St. Kitts, St. Lucia, Nauru, Nauru has 10,000 persons. We have 1.3 million.

“...ten jurisdictions moved from “Partially Compliant” to “Largely Compliant”—10—“one jurisdiction moved from “Non-Compliant” to “Partially Compliant”...three jurisdictions,”—were not—“rated, received a rating of “Largely Compliant...today”—and this is what the OECD said, in 2017 on the 5<sup>th</sup> of December, 2017.

They said:

“...today only one jurisdiction, Trinidad and Tobago, has a “Non-Compliant” rating against the Exchange of Information on Request”—waiting.

That is where we are. That is where we are. And this was sent to me by one of my colleagues at the OECD. He wanted us to raise this in Parliament because he knew Trinidad is better than this. We are better than what is being presented and I tell you, when I looked at three bits of legislation that we are supposed to discuss, we committed and today we commit, today we commit to meet 24/7 to discuss the three bits of legislation and we will support it once realistic amendments are made

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consistent with the best interest of Trinidad and Tobago.

What this means is that this PNM Government did nothing upon taking office, nothing, absolute—St. Kitts did, St. Lucia did, Barbados did, we did nothing. All the OECD and EU required from our country was a letter from a high level of political institution or person indicating that we were prepared to commit to do certain things. Our Caricom neighbours, St. Lucia, Grenada, Barbados have been removed, but Trinidad and Tobago remains. They are committed to changes and they were moved from the blacklist to a grey list of jurisdictions with low tax transparency standards but aiming to become less opaque.

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 44(10), please.

**Madam Speaker:** Member, I just want us all to remember that the budget is over and we are in a debate. But I know you could rely a little less on your notes so you continue.

**Mr. R. Charles:** So we have rushed with one piece of legislation when we should have been considering three. Now, it is a bit technical and that is why I do not want to mislead the House, so I have to be careful in certain specific areas already to quote. There are three areas that we are supposed to deal with, tax transparency and I want to make the point that this piece of legislation does not deal with tax transparency. And it means that the jurisdiction has committed [*Crosstalk*] to and started the legislative process to implement the common reporting standard, has agreements for or has already signed the multi-lateral competent authority agreement and possesses at least a largely compliant rating with the OECD. That is 1.1, under tax transparency. On 1.2, under tax transparency, the jurisdiction possesses at least a largely compliant rating with the OECD. We are not there, this legislation will not get us there. At 1.3, the jurisdiction should have either rectified

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or being in the process of rectifying the multi-lateral convention on the mutual administrative assistance. Today it is not even here so the question of ratification is far in the future.

So that is one criterion we are supposed to deal with and this legislation today does not deal with tax transparency.

**Madam Speaker:** Hon. Member for Naparima, your original 30 minutes are now spent. You are entitled to 15 more minutes. Would it now be a convenient time or do you want to go for the other two minutes?

**Mr. R. Charles:** That is okay.

**Madam Speaker:** Okay, so may I suggest that we take the suspension now. We will resume at 5.00 p.m.

**4.28 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Madam Speaker:** Member for Naparima, you have 15 more minutes of extended time.

**Mr. R. Charles:** Thank you very much, Madam Speaker. As I start this segment, I would just like to make one correction for the record and it is the statement by the Member for San Fernando West, that it was the UNC that signed us up to the Global Forum Phase 1 and Phase 2 reviews. I wish to indicate categorically that the Global Forum conducts assessments of countries in two phases. Phase 1, where the legal and regulatory framework is examined, and Phase 2 which looks at the implementation of the framework.

Madam Speaker, Trinidad and Tobago underwent Phase 1 evaluation and that began on the 1<sup>st</sup> of March, 2010, but the then PNM Government did not respond to a questionnaire which was due on the 29<sup>th</sup> of March, 2010. Slothful

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again, did not. It was under the People's Partnership Government that we responded to the questionnaire on the 27<sup>th</sup> of July, 2010, and my source for that information is Peer Review Phase 1 Report: the Legal and Regulatory, Trinidad and Tobago, OECD, 2011, page 9. It was the PNM who signed us up for a fast-track review in 2016 and 2017. [*Desk thumping*] Facts are stubborn things, facts are stubborn things.

The second point that I would like to raise is the fact that we praise our leader. I am proud to be in a party and on the Opposition led by the Member for Siparia. [*Desk thumping*] And who does the Member for San Fernando West wish me to praise? He wishes me to praise him? Not at all, not at all, not when I see the sloth and the laziness that comes out in terms of what we are debating here today.

Madam Speaker, I would just like to state our position. We will not support this legislation, we will not support this legislation. Our position is that the report should be recommitted to the Joint Select Committee for further work, including wider consultations with interest groups such as the Law Association, the DPP, the Judiciary, the Law Faculty of UWI, EU businesses in Trinidad, including Shell and Repsol and those companies, the Bankers Association, the general public and financial institutions. We wish and we state here categorially, it has to go back to the Joint Select Committee for fulfilling the original mandate for reviewing the three Bills. [*Desk thumping*] And while we are at it, the Joint Select Committee should also be tasked with finding out what are the EU and OECD requirements and to ensure that the Bills we consider, address those relevant points.

Madam Speaker, when I had to suspend speaking for the break period, I was indicating that this legislation does not deal with our tax transparency requirements, it does not deal with the fair-trading requirements of the EU and it

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does not deal with the implementation of what they call base erosion and profit-shifting measures. When we speak about profit-shifting measures, we are talking about transfer pricing where businesses can transfer profits to jurisdictions with low tax regimes to avoid EU tax penalties—legitimate EU tax penalties. But here again, we see the slothfulness of this Government because every year in every budget, the Minister of Finance comes and talks about transfer pricing and what his Government is doing or intends to do and when you analyze it, it boils down to nothing. Absolutely nothing.

In 2016, the Minister of Finance said in his budget address on page 37:

“We are advancing work on the introduction of transfer pricing legislation...”

This is 2016. One year later, 2017, page 43:

“Pending comprehensive legislation, we...engaged a transfer pricing consultancy to help us...in”—our—“negotiations with Atlantic LNG.”

2018, page 10:

“An international gas consultant has been engaged...”

And 2019, on page 21:

“...we have become extremely concerned with transfer pricing malpractices....The Government has appointed an Empowered Negotiating Team...”

So between 2016 to this year’s budget, we have had absolutely nothing to do with getting us in a state of readiness to confront the challenge of transfer pricing as it affects the taxes, our own collection of taxes and the fact that EU and other OECD countries could suffer from us being used as a tax haven and in fact, they have said that in a report that they are concerned about the fairness of the taxes in our

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jurisdiction.

So in summary, what are our concerns? We are concerned we do not know, as we stand, what are the official dates and deadlines of the EU. We heard one thing, we were promised another thing. It keeps shifting like FATCA. We were told it was one thing and the heavens will fall and then suddenly we were told we had four months afterwards, et cetera. We need consistency so that we could plan and make decisions consistent with the timelines ahead of us.

We are concerned with who the Bill targets. The Joint Select Committee was informed that the Income Tax (Amdt.) Bill was being enacted to ensure compliance with EU requests and would be applicable to inter-alia EU citizens earning income and doing business in Trinidad. However, it could apply to Trinidad and Tobago residents who earn income in EU jurisdictions. So why is it, in this tax Bill, we are seeing references to—and I will just quote parts of it. Clause 5, new subsection 4(5) of the Bill states:

“Notwithstanding subsections (1) and (2) where a written law authorizes the disclosure by the Board of any taxpayer information to an individual or entity...”

And it goes on. The legislation, Madam Speaker, gives too much power to the TT Police Service. There are good police and there are rogue elements. I do not want TT Police Service interfering in my tax business. I have nothing to do with OECD countries or the EU jurisdictions.

Section 4, new subsection (6)(b) of the consolidation of the amendments to income tax says, and I quote a part:

“provide taxpayer information to a member of the police service of the rank of Superintendent or above attached to the Division or Unit of the police

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service responsible for financial investigations or fraud, solely for the purpose of—

- (i) investigating whether an offence has been committed under the Proceeds of Crime Act and the Anti-terrorism Act;”

So he starts an investigation—somebody calls somebody and says “Rodney Charles is involved” and they start an investigation and they seize my information, my tax information from the BIR, but it gets worse.

In new subsection (iii):

“the preferring of an indictment, where such information can reasonably be regarded as being necessary for the purpose of ascertaining the circumstances in which an offence under any written law may have been committed, or the identity of the person who may have committed an offence;”

So under any law on the law, “they catch me drunk driving, DUI, catch me with whatever or they investigating”, under any law, they can go to the Board of Inland Revenue and ask for my information. How could I? How could I? How could we on this side responsibly give the Trinidad and Tobago Police Service that power? We have an inherent right to privacy and it speaks to that point with San Fernando West and I must recall it for the records where he said—the Attorney General. He said and I quote:

We say there is no enshrined right that is being infringed. We specifically say that there is no right to privacy as some people allege exists in this jurisdiction but which our courts do not recognize specifically so.

Well, I want to tell the Attorney General, I have an inherent right to privacy, an inherent right to privacy and nobody is going to interfere with my inherent right

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and my tax information is my private business. In our dialect, there is a word they call for that. Maybe it is not appropriate and I could withdraw it but I will say it. “Dey call it ‘macociousness’.” “Yuh too much want to be involved in private people’s business.” Could this information be used against me or against any of us? Maybe and yes.

So we have—and I want to put this on the record that we in the Opposition believe that there is a fundamental inherent right to privacy that is enshrined in the Constitution of Trinidad and Tobago. The provision of taxpayers’ information should be managed by the oversight of a judicial officer. A judicial officer is fair, it is an arm’s length relationship with the Executive and all of us have the belief that we will get a fair shake with judicial overview. But currently, Madam Speaker, the police have the power to apply to the court for an order for the BIR to produce tax information. This should be left as is, there is no need to put it in here.

And there is another reason why we asked all of the Bills to come to the floor at the same time. Contained in clause 8 of the Tax Information Exchange Agreements Bill, 2018, is a clause which states:

“Nothing in section 4 of the Income Tax Act, or any other law to a like effect, prevents the disclosure of information where that disclosure is in accordance with, and for the purpose of giving effect to, a declared agreement.”

So therefore, on the passage of this Bill, there is no need for an amendment to section 4 of the Income Tax Act in order for Trinidad and Tobago to be able to share tax information with other countries. As such, the amendments to the Income Tax Act at section 4 is solely for domestic purposes. They want to get into our private business because—

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**Madam Speaker:** Member, I want you to be careful because that is kinda bordering on improper motives so be careful about going down that route.

**Mr. R. Charles:** Okay. The Income Tax (Amdt.) and Mutual Administrative Assistance in Tax Matters Bills need to be passed in order for us to sign the conventions with the OECD countries in order to make us compliant. It is a three-stage process and we cannot move further without taking this first step by passing both of these Bills.

So in conclusion, the Bill is draconian. It gives too much power to the Executive and it can be abused. Two, this Bill by itself does not meet the requirements of the EU and will not get us off the blacklist. Three, it targets all citizens; it is overkill. I recall in the verbatim notes in the third meeting:

“**Mr. Chairman:** No, no, what I just said...”

I am quoting:

“...the sharing of information with the foreign countries is only with respect to their citizens.”

And I asked:

“Their nationals?”

And he said:

“Yes...The sharing of information with other tax authorities is only for foreign citizens.”

Madam Speaker, this Bill lacks judicial oversight and our position is that the report should be recommitted to the Joint Select Committee for further work, wider consultations and bringing of the three Bills to this Parliament where we could look at the interconnectivity of the various Bills to see the extent to which our citizens' rights are being given to the Executive of Trinidad and Tobago.

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Madam Speaker, as I said, we are for good legislation and we will support, and we will support and we are prepared to work to make sure that we meet the deadlines, whatever the correct deadlines are, so that we become compliant. Let it not be said that if this Bill is not passed that Trinidad and Tobago will remain on the blacklist. We will remain on the EU blacklist even if this Bill is passed. I thank you, Madam Speaker. [*Desk thumping*]

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Madam Speaker. We have been debating for the last couple of hours, the Joint Select Committee Report to Parliament on three Bills that were referred to it by this Parliament. Although the Bill that is before us now is the Income Tax (Amdt.) Bill, 2018, there were also two other Bills: the Mutual Administrative Assistance in Tax Matters Bill, 2018 and the Tax Information Exchange Agreements Bill of 2018 which were also referred to the Joint Select Committee. The mandate of the Joint Select Committee, Madam Speaker, was to consider and report by June 2018 on the three Bills. An interim report was laid in Parliament on July 02, 2018, via the Senate and an extension was granted to continue the work until September 14, 2018, because at that time, more work had to be done. That Joint Select Committee has now laid another report in Parliament which is the one before us, September 17, 2018, and they have made the following recommendations.

The recommendations are, on the Income Tax (Amdt.) Bill, 2018, in relation to the Income Tax (Amdt.) Bill, 2018, your Committee recommends that the House agree with its proposed amendments to the Income Tax (Amdt.) Bill, 2018, attached at Appendix III and consider and adopt the Bill as amended by the Committee. For ease of reference, a consolidated version of the amended Bill is attached at Appendix IV, and then there are two other recommendations.

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In relation to the Tax Information Exchange Agreements Bill, 2018, and the Mutual Administrative Assistance in Tax Matters Bill, 2018, your Committee asked that the House take note of the need to consider this legislation at the earliest opportunity to ensure that Trinidad and Tobago meets its obligations in the implementation of the international standards and tax transparency as required by the Global Forum, and your Committee therefore, recommends the resumption of proceedings on the Tax Exchange Agreements Bill, 2018, and the Mutual Administrative Assistance in Tax Matters Bill, 2018, in the Fourth Session, Eleventh Parliament and that a committee be appointed to continue work on these Bills. So, it is clear that what the report indicates is that the Committee has not completed its work; it is not finished.

But these recommendations are really majority recommendations because we have a minority report which has been included in the whole Committee's report and they have the minority members who drafted this report. Members of the Opposition of Trinidad and Tobago, they have recommended three things:

“That the Draft Final Report not be laid in Parliament in its current form as members of the Committee require more time to deliberate, consult and make recommendation on the Income Tax (Amdt.) Bill, 2018.” Secondly:

“That on Proclamation of the Fourth Session of the Parliament that the Committee be reappointed in order to complete”—its—“mandates namely to consider and report on the Income Tax (Amdt.) Bill, 2018, the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreements Bill, 2018.”

And thirdly:

“That in light of the commitment of the Members undersigned to ensure that

Trinidad and Tobago becomes compliant with respect to its obligations to the Global Forum that we await the completion of the meeting between CARICOM and the EU in order to ensure that amendments are in line with the conclusions of the discussions of the said meeting.”

Now, we have heard today from the AG, that Caricom has basically gotten a “no” to the request for a meeting with the OECD or with the Global Forum I believe, and what that means, therefore, is that any chance of our participating in that is now over and that it looks like there is not going to be a formal meeting with Caricom and any Global Forum or related institutions. So that leaves us with the two other recommendations of the minority report.

And when you look at these recommendations and you look at the recommendations of the majority report, you see that the only substantial difference here is that the Minority Report is saying we should not consider this Bill because the work has not been finished and that all three Bills should be referred to the Joint Select Committee [*Desk thumping*] so that we can consider them together as we were meant to in the first place and bring them back here, and the majority report says consider the first Bill now, get it over with and we recommend that the other two Bills go to a new joint select committee. So the positions really are not far apart except that we find ourselves in a situation where we really cannot support the one Bill before us without a full consideration of the three and I will explain why. It is not trying to postpone, as the Members on the other side indicated. It is not trying to prevent a Bill from passing, and it is not trying not meet the compliance requirements of the EU, and it is not doing anything to undermine the good name of Trinidad and Tobago. In fact, that is what we are seeking to address here. [*Desk thumping*]

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But I would like to say that in summary, the work of the Committee is not complete. Secondly, not more than one-third of the work has been completed and at least two-thirds remain to be completed. Thirdly, this is not a consensus report as there is a minority report and we saw that in the reading of the recommendations, understanding that there are things that converge. And I want to say as well that the Joint Select Committee of the Parliament are Committees of Parliament and they are accountable to Parliament and subject to the rules of Parliament. The Executive or the will of the Executive really has no standing in this process and Parliament agrees on how to arrange and manage Parliament's business. So that if we wanted to do the reasonable thing, we could do it here in this House, and if we wanted to do an unreasonable thing, we could do it. But the point is that Parliament can organize its business in a certain way. The Committee is accountable to Parliament, they have come here. You have two different views of how we should proceed clearly, and the question is: How do we move this thing forward?

Now, there are a couple of points I would like to make before I go into the substance of the Bill itself. Rather, just one point really, about the issue of jurisdiction in the parliamentary process which is that no state other than Trinidad and Tobago has any jurisdiction over the parliamentary process of the Parliament of Trinidad and Tobago. [*Desk thumping*] No institution—local, regional or international—has any jurisdiction over the parliamentary process in Trinidad and Tobago. The courts of Trinidad and Tobago and even the Privy Council may rule on the basis of Trinidad and Tobago law and may rule on the constitutionality of a given law, but no entity, save and except Parliament constituted by the Members of Parliament, may determine how the legislature of this sovereign state of Trinidad

and Tobago does its work.

Now, someone listening to me, either in this House or listening as a member of the public, might think that my position is unrealistic or extreme or even irrational in today's very, very complex interconnected world, but I understand fully that the world is as it is and that we in Trinidad and Tobago do not run the world, and I understand, therefore, the importance of the Global Forum and the agencies connected with it, including the OECD and the EU. I also understand that there is international law and international rules and conventions and practices that we observe and that we subscribe to. I also appreciate and understand that there are obligations by which we are bound and there is such a thing as international good governance just as there is good governance for a country.

And I think that Trinidad and Tobago—and I am sure the Government is interested in this, as we indeed on the Opposition are, we want to be part of global good governance and conduct our business in a certain way but we also want to govern well here and we want to be sensitive to the realities of Trinidad and Tobago and to pass legislation and law that, in fact, takes the reality of Trinidad and Tobago into account just as we take the realities of the international order into account. So I want to go back a little bit in time.

So before we talk about crafting a way forward to where we are now, reference has been made to the former Minister of Finance in the People's Partnership Government, Mr. Larry Howai, when he made a commitment on behalf of the Government and the people of Trinidad and Tobago to the Global Forum on Transparency and Exchange of Information for Tax Purposes, and this was on October 30, 2014. I have the article with me here and the headline is—Friday, October 31, 2014—

“Howai: TT committed to transparency”

And he made this announcement while addressing the Global Forum on Transparency and Exchange of Information for Tax Purposes. It was in Germany. Now, the objective of the declaration, at the time, was “tax evasion and tackling fraud worldwide”. Now, the Global Forum whose stated policy—and I have a quote here, is:

“...to make life harder for the terrorists, tax dodgers, crooked businessmen and others whose actions undermine a fair...society...”

—is what this whole thing is about. How do you get global good governance in financial matters at a time when financial flows from one country to another are so easy?

So, it mentions here that the trigger for all of this was the announcement by Trinidad and Tobago, in 2009, when the People’s National Movement Government was in power, at that time, Mr. Manning was the Prime Minister, and stated their intention to establish an international financial centre here. And what Howai did on the 14<sup>th</sup>, is that he assured the Global Forum of this country’s commitment and gave them a timeline of 2015 for the first exchanges of information in accordance with the new common reporting standard of the Global Forum for Tax Transparency.

**5.30 p.m.**

At that time he said that continued development of the TTIFC is critically dependent on this country maintaining a positive standing with the Global Forum. So he was doing this in the context of continuity of policy in the sector of finance, started by the Manning administration, which we were prepared to continue. And Howai also called on the forum to provide special assistance to small island

developing states in addressing the constraints which they face in the areas of information technology, human resources, legal frameworks and the paucity of legislative drafting capability.

So, there are, perhaps, three issues that we need to flag. One is that the whole purpose of this is crime fighting: financial crime, terrorism, tax evasion. The second thing—and this is not something that the Government has mentioned in their presentations nor was it discussed from their perspective in the Joint Select Committee—is the development intent behind this. There is a development intent behind this, which is that we are dealing with international finance/global finance, and the financial sector globally, which had a crashing experience in 2008/2009. And the consequence of all of this, as the criminal element also becomes vital in the financial sector and used the sector for all manner of things, is this global governance system which we are trying to be part of. But we must not forget that while part is crime fighting, the other part of it is developmental.

The third thing is that the objective of being part of this is that we want to be part of a community of nations that conducts financial business in an orderly way. And really, we want to be part of this as a country, I am thinking, because we want to take a very progressive approach of harmonizing our law with international law where it is necessary and where it makes a difference, both to our developmental needs as well as our participation in a very alert and lively and sustainable community of nations in finance.

Now, that was 2017. And as my colleagues, the Member for Naparima and the Member for Chaguanas East, pointed out, very little in fact occurred between 2015 and 2017 in terms of progress. And I find it very hard to be persuaded by any argument now that we need to hurry, especially because of the fact that by their

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own admission the June deadline of 2018 has not in fact met; a fact acknowledged in the Joint Select Committee and acknowledged here in the House today.

Now, December 2017 came and 2017 had almost gone, and on December 5<sup>th</sup>, the Attorney General issued a press release, which has been referred to by other Members standing here in this honourable House. And I just want to flag maybe one or two things. I do not want to belabour the point and I do not want to say anything that other people have said before. But I do want to say that one of the things mentioned here on page 2 is that Trinidad and Tobago applied January 24, 2017 to the Global Forum to become a party to the Multilateral Convention on Mutual Assistance on Tax Matters and that they prepared and laid The Mutual Administrative Assistance in Tax Matters Bill, 2017, in the House of Representatives on April 21<sup>st</sup>, and the Government requested and obtained from the Global Forum a deferral for implementation of the CRS obligations to September 2018.

And then the Attorney General mentions in here on page 3:

“The discussions included the Global Forum’s urgent recommendations with respect to the need to amend the Income Tax Act Chap. 75:01, to provide for the sharing of information under a number of double taxation agreements”

—and that Trinidad and Tobago consented to such a sharing. And then he mentions the relationship between FATCA and MAC, that it is short name for the multilateral opportunity to be part of this global forum.

Now:

“The Bills outlined above...”

—he said, that is the Attorney General in his press release—

“...are expected to be enacted in early 2018...”

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—so we have long passed that.

“...bringing Trinidad and Tobago into technical compliance...”

—et cetera.

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 55(1)(b), please. I invite you to take a look at that Standing Order.

**Madam Speaker:** Hon. Member for Caroni Central, as you yourself said in your contribution, you did not want to repeat—

**Dr. B. Tewarie:** Yes.

**Madam Speaker:**—and, therefore, I think you have made certain points, which reflect what others have said, particularly this point about, you know, the delay. So I would ask you if—

**Dr. B. Tewarie:** About what, Ma'am?

**Madam Speaker:** About the delay.

**Dr. B. Tewarie:** Yes.

**Madam Speaker:** The timelines. Okay? So I would ask you if you could quickly wrap up that and move on to a fresh point please?

**Dr. B. Tewarie:** Yes. One important point made here though is that the matter having to do with the sharing of information, of course had to do with the citizens of the EU, not of Trinidad and Tobago. And that is a matter which came up here, a matter which was discussed, because I read all the documents related to the Joint Select Committee, including the verbatim notes. And the citizens of Trinidad and Tobago were not meant to be caught up in this net of international exchange. And this is an important point which needs to be addressed. Now, the Minister of Finance, the hon. Member for Diego Martin North/East, when he was referring the three Bills to the Joint Select Committee, he made a statement here and this

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statement also indicates clearly that what they were about to do is to meet the requirements of the EU, and that for that purpose the three Bills were necessary.

So given all of this, Madam Speaker, given what has been said about the importance of the three Bills, given the fact that they were sent to the Joint Select Committee to be dealt with, given that the expectation is for compliance that all three Bills will have been passed in the Parliament of Trinidad and Tobago, the question I have to ask is: Is the Income Tax (Amdt.) Bill on its own sufficient for the task at hand of compliance? And I do not think that to be so.

**Mrs. Robinson-Regis:** Madam Speaker, once again, may I invite you to look at Standing Order 55(1)(b)? Everybody else made the same point.

**Madam Speaker:** Okay, so that, again, as I said Member for Caroni Central, I understand you are developing a point and, therefore, I think Member for Chaguanas East, when he was initially spoke, basically that was the crux of the—and he particularly developed them and then went back to summarize them. It was also dealt with by the Member for Naparima. So, again, if you could just wrap up that, we have heard the question, and go on as I say to a fresh perspective on your contribution.

**Dr. B. Tewarie:** Ma'am, I am building a case, and one of the—it is a legitimate question to ask: Whether the one Bill that they have brought here, of the three that were supposed to considered together—[*Crosstalk*]

**Madam Speaker:** Member for Caroni Central, continue please.

**Dr. B. Tewarie:** Yes, whether it is sufficient to meet the compliance requirement? It is a legitimate question. [*Desk thumping*]

The second thing is that: Is the Bill in its present form acceptable? For instance, the comingling of Trinidad and Tobago citizens in the law with OECD

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country citizens, residents, and/or business participants, none of which are clearly identified in this Bill, Madam Speaker, none. This was a very important issue of contention over the FATCA Bill. And one of reasons, to respond to the AG, of why that Bill was done the way it was, was precisely to extricate and locate in the Bill, that the Bill was about citizens of the United States, residents of the United States, and people who, from wherever, had business arrangements or tax liabilities in the United States of America. [*Desk thumping*] And this matter of comingling makes the situation nebulous. It makes it unclear and it raises the whole question of jurisdiction. And that causes—it does not make the differentiations, Madam Speaker, that are necessary in a Bill as important as this for the matters that we are talking about that are the consequences of scrutiny in this particular matter.

The other thing related to that confusion, that possible confusion, is: Does the confusion itself offer the opportunity for abuse? When there is clarity, there is less likelihood of abuse, but when there is confusion, the opportunity for misinterpretation or strategic interpretation for some motivated purpose can lead to abuse.

Thirdly, if the Bill cries out for clarity and still needs work, do we not have a right and a duty to get it right? [*Desk thumping*] And also: Can we know—and this is a very important point, Madam Speaker—how to get it right, unless and until we are clear on what exactly is going to be in the other two Bills? So that we can ensure clarity, complementarity, and compatibility of the three Bills. [*Desk thumping*] And I suspect that that was the consideration when the Minister brought it and sent them to the Joint Select Committee, and when Parliament in its wisdom referred this to be considered all three together. And you come here now with one Bill, claiming that it is finished, when we do not know what the other two Bills are

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going to be containing, and yet they are absolutely interconnected with one another. [*Desk thumping*]

Finally, since all three Bills were referred to the Joint Select Committee together, precisely because of their interrelatedness and interconnectedness, should the Committee not complete its work thoroughly?

**Mrs. Robinson-Regis:** Madam Speaker, again, I invite you to look at Standing Order 55(1)(b).

**Madam Speaker:** And, Member for Caroni Central, again, I think that is where the difficulty is. Where I agree that you have made some points a bit differently, I think there are three underlying points that have been made by the speakers previous to you, that were very, very clear. So that, in areas where it seems that it is repetitive, even though put over in your own style, I would ask you to move on, and certainly, whether this point you are dealing with has been dealt with by the two other speakers on your side.

**Dr. B. Tewarie:** The reason that they need, Madam Speaker, to be dealt with comprehensively in a full report, is because they need to deal with, first of all, the Global Forum requirements on the one hand. Remember I started by saying—you see she was not in the House to listen, the Member for Arouca/Maloney.

**Madam Speaker:** Okay. One, Member I have been here—

**Dr. B. Tewarie:** I know that.

**Madam Speaker:**—and I have determined that what you are saying, some of it, has been repetitive. Okay? So it does not matter whether any other Member was here. I have been here. All right? One. So that, I have asked you to move on from points that were not repetitive. And, again I really would not want to, you know, invoke 51(1)(b).

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Secondly, your speaking original time is now spent. You are entitled to 15 more minutes to wind up, and I will caution you, because I have stood up three times. I will caution you to really deal, in your 15 minutes, with the fresh perspective that I know you would like to bring.

**Dr. B. Tewarie:** Yes, Madam Speaker. You would remember, Madam Speaker, that when I spoke and I used former Minister Larry Howai's statement, I talked about the fact that there was not just the issue of compliance with the EU, but the developmental question and other considerations. And I think that when we look at the three Bills together, in order to design the Bills in such a way that they are compatible and complementary, we would be able to deal with more than the issue of Global Forum compliance, and to deal with some of the developmental questions and some of the sensitive questions having to do with us being a sovereign nation, capable of thinking for ourselves. So—because you would remember, Madam Speaker, that I raised the issue of the financial center, which is still being pursued, pursued under our administration, pursued under—it started under the Manning administration, being pursued here as well.

Now, in the Joint Select Committee, except for the self—the only self-interested issue that was raised during the discussion was the issue of free zones. That was an issue that was discussed in the Joint Select Committee. And the exposure and vulnerability of our own citizens, if bad or flawed law were to be made here in any form or fashion, were of concern to the Members of the Opposition but not treated seriously by the Chair or the Government side then, which is why I suspect there was a minority report. But those are very important questions. The developmental question on how free zones are treated, which will come up in other Bills, and that is why the compatibility question of the Bills are

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so important, and secondly, the concern for our own citizens to make sure that in making law to satisfy EU requirements. That is my main point, Madam Speaker; that we do not make law against our own citizens in trying to satisfy EU requirements. [*Desk thumping*]

So, our position on this side is that we cannot support this Bill. They have got to go and deal with the three Bills as a joint select committee and bring them all three here for us to debate. [*Desk thumping*]

Now, when we were doing the FATCA Bill, basically we ended up in the Joint Select Committee with the Government kicking and screaming to get there; took us nearly two years of wasted time. In the end, however, we got a good Bill. We got a legitimate and good Bill. At that time, Madam Speaker, you would remember, the bankers only concern were correspondent banking issues. That was their interest and they wanted the Bill passed, fast, fast, fast. Big businesses' position was they wanted the Bill passed fast, fast. They did not care what in it. They wanted it passed because they were concerned that the impact of the removal of interest of the correspondent banks from the banks of Trinidad and Tobago would affect their international business. So they were concerned. And small and medium enterprises were worrying about how all of this would affect their business, especially if they did business at that time with the FATCA with the United States.

Now, this Bill is about tax. The policy question on taxes has not come up at all. All the focus has been on how do we satisfy EU requirements to get their tax from their citizens, and in the process compromising our citizens in the legislation. [*Desk thumping*] But the Government has a policy on taxation and on revenue. And even if they cannot articulate what that policy is, I could tell you the elements

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of it and you will see a policy emerging. High taxes, first of all.

Secondly, tax everybody, sometimes willy-nilly.

**Madam Speaker:** No, Member for Caroni Central—

**Dr. B. Tewarie:** Yes.

**Madam Speaker:**—my difficulty here is relevance. And unless you could very quickly tie that into the amendment, we are not dealing with an Income Tax Bill simpliciter. We are dealing with an amendment for a specific purpose. So unless you could tie that very quickly into, I would ask you again to move on to your next point.

**Dr. B. Tewarie:** But, Madam Speaker, the name of this Bill is the Income Tax (Amdt.) Bill.

**Madam Speaker:** Member, Member.

**Dr. B. Tewarie:** This is about local taxes most of all, you know.

**Madam Speaker:** Member, I think at this stage I would ask you to keep your seat. Next Member.

**Dr. B. Tewarie:** Ma'am, I would like my right to speak.

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

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much, Madam Speaker. [*Crosstalk*]

**Madam Speaker:** To all Members, okay, as I have said before an eye for an eye would make everybody blind. Okay? Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. [*Desk thumping*] Madam Speaker, I honestly do not know why the Member for Caroni Central entered the debate except, perhaps, to maintain some form of relevance. I am not sure. But let me deal with points made by the Member for Chaguanas East and the Member for

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Naparima.

The Member for Chaguanas East, Madam Speaker, made a number of statements that are just not correct, wrong, inaccurate, false, untrue. The first point made by the Member for Chaguanas East, the first wrong point, was that the Bill is not properly before the House. What is before the House, Madam Speaker, is the report of the Joint Select Committee to consider and report on three Bills. And this report is properly before the House. It was laid in the last Session and it was carried over into this Session, which is why a Motion appeared on the Order Paper to adopt this report and this is what we are debating today. But that is just a detail.

What I found politically, particularly politically dishonest, Madam Speaker, was the statement that we should be dealing with all three Bills. Take it back to a joint select committee and complete the work on all the three Bills. Why I consider that to be politically dishonest, Madam Speaker, is that on page 3 of the report, the following statements are made:

“8. Your Committee engaged in preliminary discussions at its First meeting held on Wednesday June6, 2018:”

—and looked at:

- “▪ the purpose of each Bill referred to the Committee; and
- the requirements for Trinidad and Tobago to become compliant with the international standard on exchange of information on request...as indicate by the Global Forum.”

That is para 8. But the telling paragraph is para 9, which will reveal the political dishonesty.

“9. Your Committee was cognizant of the imminent prorogation of the Third Session of the Eleventh Parliament and at its Second

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Meeting...”

—and the words **Second Meeting** is in bold.

“...on Tuesday August 21...agreed to the following in an effort to advance the work of the Committee keeping in mind its immediate international obligations:”

This was an agreement of the Committee, Madam Speaker. That one, the Committee would:

“Consider and report on the Income Tax (Amendment) Bill, 2018 by September 14, 2018 during the Third Session...”

And II, the Committee would:

“Defer consideration of the Tax Information Exchange Agreements Bill, 2018 and the Mutual Administrative Assistance in Tax Matters Bill, 2018.”

So, in the second meeting. They would never read those parts of this report because they want to mislead the people; they want to confuse people.

I had to sit here, Madam Speaker, and listen to all of these Members not deal with a single clause in the Bill, not a single amendment. This Bill was here since May of 2018, Madam Speaker. No, it is in the parliamentary system since May 2018, June, July, August, September, October into November. Almost six months and they have not proposed a single amendment to the Bill, Madam Speaker. But in this Committee meeting, we agreed, the Committee agreed, and there is nothing in the Minority Report that objects to that statement, that we would consider and report on the Income Tax (Amdt.) Bill and defer consideration of the other two Bills, Madam Speaker. It is here in black and white. It is politically dishonest to pretend otherwise.

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And when you go now to page 5, para. 15:

“Your Committee wishes to report that it was severely constrained due to Parliamentary recess and scheduling conflicts. Consequently, the Committee was unable to convene meetings until August 2018.”

The Member for Naparima read part of that paragraph, not the whole thing, you know, part of that paragraph, and then chose not to read para 16, which reads as follows:

“As a result, the Committee”—everybody—“took a decision to focus on consideration of the Income Tax (Amendment) Bill, 2018.”

**6.00 p.m.**

So, it is here in black and white, Madam Speaker, in the Committee report that the Committee agreed it would focus on this Bill, report to the House with this Bill and defer the consideration of the other two Bills for another time. And that is why when you come to the recommendations, it says, this is the Bill that we are proposing for the House, to consider and pass, and that on resumption of the proceedings in the next Session, that a committee be appointed to continue work on the other two Bills, Madam Speaker.

**Hon. Member:** “And they know that.”

**Hon. C. Imbert:** It is all here in black and white. We all sat in a room, and we agreed that we would focus on this Bill, bring this Bill to the Parliament, get it through the Parliament, and that we would appoint another committee to deal with the other two Bills. [*Desk thumping*] But, I have had to sit down here since two o'clock, and hear this pretence, this political pretence.

**Hon. Member:** Righteous indignation.

**Hon. C. Imbert:** Righteous indignation, pious, sanctimonious behaviour, Madam

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Speaker—“Oh, let us put it all back in a committee, this report should not be here, this Bill should not be here”. Now, the hard part about all of this, Madam Speaker—10 clauses in the Bill. Ten—five of them are purely administrative in terms of the title, the interpretation and so on. So we are dealing with a Bill that has five operative clauses, Madam Speaker.

**Mr. Al-Rawi:** Three of them are a replication from FATCA.

**Hon. C. Imbert:** And as the Attorney General is pointing out to me, three of them are a reproduction of what has already been debated at length in this Parliament, and agreed to by the Members opposite from the FACTA legislation. So we are down to two clauses. And you are going to tell me, in six months, you cannot look at two clauses and come up with an amendment, Madam Speaker, in six months?

And in the Minority Report, the Minority Report bears no resemblance whatsoever to the false allegations made by the Member for Chaguanas East, who should be ashamed of himself. There is no reference in the Minority Report from the Opposition for consultation. Not a word, not a semicolon, not a full stop, not a capital C. There is no reference whatsoever, to the need for consultation in the Minority Report. What the Minority Report refers to, is some concerns as to whether this legislation is required and whether we should have judicial oversight. That is it. All of these things that the Member is claiming are relevant, he made them up today. It is not in the Minority Report, Madam Speaker. Not there. Not there.

And a set of noise about how we should go to the EU with the Caricom team, and defer everything until that Caricom team meets with the EU. But there was a newspaper report, Madam Speaker, and I know they read the papers, you know. There was a newspaper report that the EU refused to meet with the group of

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Caricom Ministers, with respect to this legislation. Refused. So the meeting was cancelled indefinitely, indefinitely. So to make a demand as the Member for Chaguanas East made today, that we do nothing until the Minister of Finance, or a suitable person from the Government of the Republic of Trinidad and Tobago, attends a meeting together with a Caricom team and meets with the EU and the Global Forum to deal with this matter, that we should defer everything until we have that meeting.

**Hon. Member:** Pie in the sky.

**Hon. C. Imbert:** Pie in the sky. There is no meeting, there will be no meeting, Madam Speaker, and they know. And what they are therefore doing is stonewalling. They are filibustering, and that is how I could describe the entire contribution of the Member for Caroni Central. Stonewalling and filibustering. All he did was repeat what the others said. But nothing of substance. Nothing of substance. If the problem is—and the other thing is, Members must listen, and I cannot believe people would sit down there and not listen.

The Member for Caroni Central, complaining that this Bill deals with two different things. I said that in my introduction, that this Bill is designed to deal with our FATF requirements, which are coming up this month, FATF requirements, dealing with proceeds of crime. Why is it, whenever we come to this Parliament, to deal with issues relating to the proceeds of crime, the Members over there get “gigiree”. Why do they get “gigiree” and jittery, what is the problem? Every time we bring legislation to deal with tightening up on catching criminals, white collar criminals, [*Crosstalk*] assets that have been hidden away, dealing with the proceeds of crime, we get stonewalling, obfuscation, filibustering, lack of cooperation. Why is it? It is very curious.

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Madam Speaker, but, I made the point in my introduction, this Bill has two purposes. One is, to allow automatic sharing of tax information—the principles are so simple, the way they talk as if it is complex. It is not complex. It is simple in the FATCA legislation we agreed there would be automatic sharing of tax information between Trinidad and Tobago and the United States tax authority with respect to citizens of the United States—

**Hon. Member:** Or residents.

**Hon. C. Imbert:**—or residents, doing business in Trinidad and Tobago, and citizens of Trinidad and Tobago doing business in the United States, there would be a mutual sharing of information. And that is a global requirement, you could run but you cannot get away from that. The whole world is going that way. If the tax authority in Trinidad and Tobago, the Inland Revenue Division, does not get to the point where there is automatic sharing of tax information with respect to citizens of other countries, or there is information with respect to citizens of our country doing business in those countries, we are going to be de-risked, delisted, blacklisted, you could put it any way you want, we are going to become a pariah state—

**Dr. Rowley:** “You hear that?”

**Hon. C. Imbert:**—we shall become—

**Mr. Young:** Tell the public what the Member for Naparima just said. [*Crosstalk*]  
He said they have no problem with the country being delisted.

**Madam Speaker:** Members, the crosstalk. The crosstalk—I am having difficulty in hearing the Minister of Finance.

**Hon. C. Imbert:** Madam Speaker, I am being told that the Member for Naparima said he has no problem with the country being blacklisted, delisted and so on, Madam Speaker. [*Crosstalk*]

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**Mr. Charles:** I am objecting to this. That is dishonest.

**Mr. Young:** What is dishonest?

**Hon. Member:** You did not say that?

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

**Mr. Young:** You could really lie with a straight face. [*Continuous crosstalk*]

**Madam Speaker:** Members, hon. Members, hon. Members. I think I have ruled repeatedly that the word “lie”, “liars” in terms of reference to Members in this respectable Chamber, those two words are unparliamentary. And again, I would remind Members as we are here, where we started. Sometimes when we engage in too much excessive banter it could lead us to places that we would rather not be. So I would like us all to hold that in our memory for the continuation of today’s proceedings. Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. Let me repeat, when I introduced this report, I made it clear this Bill serves two purposes. The first one is to allow the automatic sharing of tax information with other countries, with the tax authorities in other countries, we did that for the United States with the FATCA legislation.

And the way the world has gone, Madam Speaker, the world has changed, the world has changed. No longer can it be discretionary, this is what has been in our laws for many, many years, that our tax authority had the discretion, it had the option to decide whether it would share tax information or not with another tax authorities in other countries. That done. What every country in the world wants now is automatic sharing of tax information and that is what FACTA was all about.

**Mr. Al-Rawi:** And they signed on to it.

**Hon. C. Imbert:** And FATCA, the FATCA Bill now provides—and it has being

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happening since we passed the legislation the guidelines were issued by the Central Bank and so on, and the banks have been doing their due diligence and gathering the information passing them on to the Inland Revenue Division, who is automatically transmitting the tax information now to the tax authority in the United States, it has happened. And all we are doing here is we are seeking to comply with a requirement from the rest of the world.

**Mr. Al-Rawi:** Which they agreed to.

**Hon. C. Imbert:** Which hon. Members opposite have agreed to.

**Mr. Al-Rawi:** In writing.

**Hon. C. Imbert:**—that we would share tax information automatically with the OECD countries that make up the Global Forum. [*Crosstalk*] Yes, as the AG is reminding me, the UNC Cabinet agreed that it would do what was required to have automatic sharing of tax information with the OECD countries. The UNC Cabinet agreed to that. And all this Bill is seeking to do is to achieve that, exactly what we did with FATCA, using the same terminology, the same words, the same clauses, the same principles of law, the same legislative drafting.

There is nothing new inside of here with respect to the sharing of tax information and that does not need to go back to a committee. We have beaten that to death in committee, the sharing of tax information. We as a Parliament have agreed what the words should be in these clauses with respect to sharing of tax information, what the principles are, what the safeguards are, what the protection is for our citizens, we have agreed to that, we have already settled that. That was settled over a year ago and this Bill simply reproduces what we agreed to for FATCA in terms of information sharing with the rest of the world.

The other part of the Bill deals with our Financial Action Task Force

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obligations as a member of CFATF and FATF with respect to the proceeds of crime and terrorists financing. And the only point made in the minority report is that, before a police officer is given access to tax information for the purpose of dealing with the proceeds of crime—because I do wish Members opposite had read the Bill, because the question of the police officer getting the information is specific to the Proceeds of Crime Act and the terrorist financing legislation.

That is what it is for, it is there in black and white and if hon. Members opposite have a concern as indicated in the minority report, that the problem is that you do not want to give a police officer that sort of flexibility and freedom and authority and power over our citizens, you do not want to allow a police officer to just do that just so, even though it is a Superintendent or above, and if you want judicial oversight, we have no problem with that. We have no problem with that. If you want to subject the actions of the police officer who is trying to get tax information to deal with a proceeds of crime matter, judicial oversight, no problem! And if you had taken five minutes and drafted an amendment to that particular clause or clauses that were bothering you, and put in some form of judicial oversight, then we could have had a meaningful parliamentary session today. But instead we were treated with grandstanding, playing to the gallery, stonewalling, filibustering, misinformation, bad information—it is just bad. The contributions from Members opposite were just bad. They do not deal with the issues. They do not deal with the issues. [*Desk thumping*]

And Madam Speaker, Members opposite could jump high or jump low, if you feel that we could sit down here in Trinidad and Tobago and ignore the Caribbean Financial Action Task Force which we have been part of—how long are we in that system?

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**Mr. Al-Rawi:** 1998.

**Hon. C. Imbert:** 1998.

**Mr. Al-Rawi:** Headquarters in Trinidad.

**Mr. Young:** Twenty years.

**Hon. C. Imbert:** Under the UNC, under the Panday administration, we have been part of the Caribbean Financial Action Task Force, you are talking 20 years we have been part of the FATF system. If you think we in Trinidad and Tobago, having signed up to the Caribbean FATF and the global FATF for so many years, and have been involved in so many meetings, and so many forums, and made so many presentations, and have had so many reviews and have been subject to so much analysis, and we have been told this Government, the UNC government that preceded us, and governments before that, that we have to do certain things to become compliant with FATF requirements otherwise we will be blacklisted and de-risked.

If you think we could sit down here and just play the fool and say we are a sovereign country and we are not going to do what they say, and we are not going to amend our laws; you have another think coming. That is just simply childish [*Crosstalk*] for Members opposite to think—[*Desk thumping*]  
—it is childish for Members opposite to think that we can ignore FATF requirements, as the Attorney General keeps reminding me, agreed to by your Cabinet. Because FATF knows what your Cabinet agreed to. So if you think you could just sit down there and say “we are a sovereign country and we do not care what FATF have to say, and we do not care what the European Union have to say, and we do not care what Global Forum have to say, we big and bad here in Trinidad and Tobago”, that is a childish approach to legislation, Madam Speaker. [*Desk thumping*]

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So, Madam Speaker, what I think we need to do now, is we need to go to the clauses in the Bill, because there are only five operative clauses, Madam Speaker, only five. The first five, I cannot imagine that Members opposite could have any objection to the clauses dealing with the title and the interpretation section and so on, Madam Speaker. So, Madam Speaker, I beg to move. [*Desk thumping*]

*Question put.*

**Mr. Lee:** We want a division please.

*The House divided: Ayes 20 Noes 13*

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

**Madam Speaker:** Members, understand, we have provisions in the Standing Orders that every member is free to properly invoke. Okay? And let us respect that. Continue Clerk.

Al-Rawi, Hon. A.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Crichlow-Cockburn, Hon. C.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

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Mc Donald, Hon. M.

Francis, Hon. Dr. L.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

Smith, D.

Cuffie, M.

NOES

Lee, D.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gopeesingh, Dr. T.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Bodoe, Dr. L.

Paray, A.

Singh, G.

*Question agreed to.*

*Report adopted.*

**Hon. C. Imbert:** Thank you very much, Madam Speaker. In accordance with Standing Order 66(4), I beg to move that a Bill to amend the Income Tax Act

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be forthwith read a second time.

*Question put.*

**Mr. Lee:** Division.

*The House divided:* Ayes 20 Noes 13

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. A.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Cudjoe, Hon. S.

Crichlow-Cockburn, Hon. C.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Mc Donald, Hon. M.

Francis, Hon. Dr. L.

Olivierre, Ms. N.

Antoine, Brig. Gen. A.

Leonce, A.

Smith, D.

Cuffie, M.

## NOES

Lee, D.

Charles, R.

Rambachan, Dr. S.

Karim, F.

**Madam Speaker:** Could the vote be taken in silence, please.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gopeesingh, Dr. T.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Bodoe, Dr. L.

Paray, A.

Singh, G.

**Madam Speaker:** Therefore, the Motion is carried for the Bill to be read a second time.

*Question agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Madam Chairman:** Is it agreed that we are taking this clause by clause?

*Clause 1.*

*Question proposed:* That clause 1 stand part of the Bill.

**Mr. Imbert:** Madam Chairman, may I elucidate? Clause 1 is simply the short title

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of the Bill, it is not substantive.

*Question put and agreed to.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed:* That clause 2 stand part of the Bill.

**Mr. Imbert:** Thank you, Madam Chairman. Clause 2 is the standard clause where an Act is inconsistent with the Constitution.

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

**Mr. Imbert:** Thank you, Madam Chairman. Clause 3 is a very simple interpretation clause which says:

“3. In this Act, ‘the Act’ means the Income Tax Act.”

That is all clause 3 is.

*Question put and agreed to.*

*Clause 3 ordered to stand part of the Bill.*

*Clause 4.*

*Question proposed:* That clause 4 stand part of the Bill.

**Mr. Imbert:** Thank you very much, Madam Chairman. Clause 4 is again very simple, not substantive. All it does is amend the long title to make it clear that the Income Tax Act will now provide for the sharing of information with other entities under international sharing arrangements.

*Question put and agreed to.*

*Clause 4 ordered to stand part of the Bill.*

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*Clause 5.*

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

**Mr. Imbert:** Thank you, Madam Chairman. Clause 5 is the first substantive clause and this is the clause that amends section 4 of the Income Tax Act to give an exception to the general secrecy provisions contained in section 4 of the Act, which are the cause of all the issues we are having with the Global Forum, the EU and so on. And what clause 5 does, is it provides for the sharing of information by the Board of Inland Revenue with other authorities, and also sharing of information to the Financial Intelligence Unit and also the sharing of tax information with a member of the police service of the rank of Superintendent or above when that person is investigating whether an offence has been committed under the Proceeds of Crime and the Anti-Terrorism Acts.

I would ask the Opposition at this time, Madam Chairman, do you have any amendments to clause 5 of the Bill?—since this is the first substantive clause and the clause that treats with giving of information to a police officer. You have no amendments?

**Mr. Lee:** Not at this time.

**Mr. Imbert:** What does “not at this time” mean? No, this is a simple thing with five clauses.

**Dr. Moonilal:** Just proceed, please.

**Mr. Imbert:** No. Does the Opposition have any amendments?

**Dr. Moonilal:** Proceed.

**Mr. Imbert:** Proceed with what?

**Hon. Members:** Proceed with what you are doing. [*Crosstalk*]

**Mr. Imbert:** No, no, no. Madam Chairman.

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**Madam Chairman:** May we have some order please.

**6.30 p.m.**

**Mr. Imbert:** Madam Chairman, this is a very important point. The Members of the Opposition made a lot of heavy weather about this clause, we would like to know what their amendments are.

**Mr. Al-Rawi:** Madam Chair, if I may be permitted? Clause 5 of the Bill, the first part, it causes a deletion to subsection (2)(a). It is that section which allowed a back door for the President of the Republic to give exceptions for secrecy and, therefore, in tightening up the law, we are removing that the President may by Order allow for a breach of secrecy.

In receiving the Minority Report of the Opposition, they made specific reference simply to clause 5, which deals with (a)(6). It is on page 2 of the Bill. At that clause, it is provided that:

“Notwithstanding”—the secrecy provisions in (1) and (2)—“a person having an official duty or being employed in the administration of this Act shall, for the purposes of subsection (5)—”

—provide information to the FIU in subclause (a), and then provide taxpayer information to the TTPS to persons above the specific rank of Superintendent, et cetera, and it allows for that to be done in circumstances of investigation of criminal matters, specifically, or where in an earlier subsection there is actual criminal proceedings.

The Minority Report specifically made reference to the laws of South Africa, and the hon. Members opposite indicated in the course of the debate on the report that they had concerns about this. We are, specifically now, reiterating statements made during the debate on the report that we are minded to listen to that observation of

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Members opposite, and we would like to put onto the record now, that we are minded to listen to this. This is the only substantive issue raised in the Minority Report. The other points raised in the Minority Report were: wait for Caricom meeting. We have said as a matter of public record that there is no Caricom meeting. There was a request and it did not happen. The only other point in the minority report concerns this, and the Members provided an example of South African law.

In the South African 2011 legislation that they provided, it contained in the draft that they provided, a blanket exception for the FIU. So if that is what they provided in writing to the Committee, we are very fine with that, because it means that our law, at subclause (6)(a) is in the exact *pari materia* with the South African 2011 law. That leaves, therefore, only 6(b), the question of whether there ought to be a judicial supervision of the police receiving information. That was the only point in the Minority Report.

So I am asking now, specifically, as the person charged with assisting in the drafting of the law: Could the Members of the Opposition tell us now what their submission on the back of their written Minority Report with this Bill having sat for six months in the Parliament, what their position is?

**Dr. Moonilal:** Madam Chairman, just for the record, the Opposition Members have spoken in this debate on a Motion, not the Minority Report today, but there was a debate on the Motion earlier. [*Crosstalk*] The Opposition Members indicated that our position is very clear that this Bill should be sent to a joint select committee or resent along with the other Bills to work out all the details and settle all the issues. [*Desk thumping*] We will not be ambushed, at this time, into making any decision and to arrive at any conclusions based on this committee work and we

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will ask the Government to please proceed as they see fit. Thank you.

**Madam Chairman:** Member for Oropouche East, as a man of words, I wonder if “ambushed” is the word you really wanted.

**Dr. Moonilal:** I withdraw that word. I would use a lighter word. We are not prepared at this moment to entertain the Government.

**Dr. Rowley:** Madam Chairman—

**Madam Chairman:** May I just ask one thing for some clarification before you speak, Member for Diego Martin West? Some amendments were circulated. Are they incorporated?

**Mr. Imbert:** We are not going to them yet.

**Madam Chairman:** Member for Diego Martin West.

**Dr. Rowley:** Madam Chairman, I am trying to understand what is being said to the Government. The Opposition is saying to the Government that they are not ready or not willing. But, Madam Chairman, I am sure you would have heard the Member for Diego Martin North/East, the Minister of Finance, indicate quite clearly that the position of the Opposition that this Bill be separated from the other two was a decision of the Committee. That is one.

The second thing, Madam Chairman, is that I heard the Member for Oropouche East saying that the debate that took place today did not involve the Minority Report. My understanding was that the proceedings before the House was the work of the Committee where there was a majority report accompanied by a minority report. So I do not know where the Minority Report became separate from the Committee’s work. I think, Madam Chairman, it is quite disingenuous and, in fact, frightening that after we finish the debate today where two reports were debated that we could be hearing from the Member for Oropouche East that

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the Opposition did not respond to their own Minority Report in the debate.

Madam Chairman, this is the Parliament of Trinidad and Tobago. If Members of Parliament are prepared to play fast and loose with that kind of conversation putting on the record that the debate of the Parliament was, in fact, a fallacy and a fraud, I am asking you, Madam Chairman, to take into account what is being put on the record. And as leader of the Government, I am rejecting out-of-hand that the Government today separated the two reports into two pieces and all that the proceedings today dealt with was the majority report. That is not correct, Madam Chairman. What was dealt with was the work of the Committee as put before and the request to the House was to accept the report of the majority, and that is what is before the House.

**Mr. Lee:** Madam Chair, I just want to expand a little bit on what the Prime Minister just said. The Prime Minister went into the report of the JSC, and when you look at the report coming out of the JSC, especially the ending of the third meeting, it gave a clear indication that that was not going to be the final meeting. It talked about—the Chairman on that Committee talked about sending a report out round robin for consideration. He even talked about that he was not—and I use his words—he is not bullying anybody in any report. So that the Committee, my Members, never thought that that Committee was going to end. So that is where we sent in a minority report. So for the Prime Minister to come now to raise an issue here. Our Members, we felt if they have brought certain things here this afternoon, Madam Chairman, let them continue their business, because we felt that the JSC has not completed their work and we stand by that. [*Desk thumping*]

**Madam Chairman:** Member for San Fernando West.

**Mr. Al-Rawi:** Thank you. Madam Chairman, I thank you. I just want to make

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very, very clear that my understanding of the operationality of a joint select committee is that a few handpicked Members from both Houses of Parliament have the opportunity to do certain work, return it to a full committee of the House, and a joint select committee is at best a microscope approach of the whole of the committee of the House. We are sitting here now comprising all Members of the Lower House of Representatives in a committee of the whole at the second reading having passed. And, Madam Chairman, I dare say, if we take the work from the Committee that came to us, the Minority Report which, by the way, is part of the report—the report is the majority and the minority and we debated the report. What is before us now, as a country, is five more clauses. We are at one of them now. The other four are replications of the FATCA Bill which we did, therefore, there can be very little to be said about that because they cut and paste the law and philosophy behind what we agreed to already in the FATCA Bills. So we have one clause.

This clause number 5, I am asking specifically now, with the responsibility for drafting legislation, what is the Opposition's contribution on their own submission? Because their submission from the Minority Report is FIU—we want South Africa. South Africa has unfettered access for FIU. It is to be found in the draft today submitted. The second point is, therefore, the only point left. The question is: are they advancing now a written submission circulated or an oral submission now with respect to judicial supervision for the TTPS having access to tax paying information? That is the only issue on the floor and in the Bill, and I am asking specifically now to the Opposition if they will guide us and the country who is paying attention on this issue as to the answers to that.

**Mr. Lee:** Madam Chair, I just want to add. In the JSC, one of the conditions the

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Chairman had put forward to the Members is that this Bill with the amendments would have gotten us off the blacklist. He said he had confirmation from the Global Forum of this matter, and the Committee was waiting—it is here in the *Hansard*, in the verbatim. You were waiting on that confirmation that this Bill with the amendments were going to take us off the blacklist. To date, the Chairman has not produced that piece of information, so that is why we are saying, continue with your work.

**Mr. Al-Rawi:** Madam Chair, may I answer? First of all, this Bill is not Global Forum alone. This is the FATF obligations. We have the FATF report and the FATF report says that we are to treat with removing the secrecy provisions. The timeline for that is that we must do it in the month of November. That report has been laid on umpteen occasions, including in the miscellaneous provisions Bills and other reports where we have dealt with that. That is the first point.

Secondly, the Global Forum, I can confirm, sat with the Government's drafting team, Ministry of Finance, Attorney General's Office. They provided their written comments by way of balloon items which have been circulated to all Members so that they can see the comments themselves—it is in their hands right now—and they sent their representatives, the Global Forum to Trinidad and Tobago. If I am not mistaken, they asked to meet with the Opposition—

**Mr. Imbert:** Yes they did.

**Mr. Al-Rawi:**—and the Opposition refused to meet with the Members of the Global Forum. So, Madam Chairman, I want to put onto the record [*Crosstalk*] this is the information that I have.

**Madam Chairman:** May we have some order please. I would like to hear the Member.

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**Mr. Al-Rawi:** I have attended the Global Forum meetings here in Trinidad and Tobago. I have attended the drafting meetings. The Government specifically asked the Global Forum to ensure that it reached out to the Opposition and the Opposition refused to meet with the Global Forum team. So, Madam Chairman, we are now at the point of reality. We have the FATF obligations before us now. The Minister of Finance has provided all of the communications with the Global Forum in the context that we have had them and we are asking—and this is the fourth time I am asking now, the fourth time: What is the position with respect to the access by the TTPS and the need for judicial supervision? Four times.

**Mr. Lee:** Madam Chair, I listened to Attorney General, and I am in amazement. I met with a team—I headed that team on February the 23<sup>rd</sup>, 2018. [*Desk thumping*] I met with the Global Forum team. I will call out the names. [*Crosstalk*] Mr. Godfrey—

**Madam Chairman:** One minute please. I cannot hear the Member for Pointe-a-Pierre, if there is a whole choir.

**Mr. Lee:** Madam Chair, I met with the Global Forum team—myself, Sen. Haynes and Sen. Obika in this Parliament Chamber on the Sixth Floor on February the 23<sup>rd</sup>, 2018, at 4.30 p.m. The team was headed by one Mr. Godfrey, who is the Deputy Head of Global Forum Secretariat and Ms. Kaylin Anusco, the Tax Policy Analyst at the Global Forum, and I was supposed to speak this evening. But I want to say when we met with them, they were promised, on February the 23<sup>rd</sup>, by this Government, that this Parliament, the Bills would have been laid in March of 2018. [*Desk thumping*] I have them on record, a voice recording, a voice recording of that meeting, Madam Chair. Madam Chair, and what they said to us as an Opposition, they were waiting on three pieces of legislation to take us off the

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blacklist, beneficial ownership, double taxation treaties and automatic exchange of information, and all three were interrelated, Madam Chair. [*Desk thumping*]  
Madam Chair, I do not know if the Attorney General knows what he is talking about.

**Mr. Al-Rawi:** Madam Chair, I am compelled to answer. There were several meetings with the Global Forum. [*Laughter*]

**Mr. Lee:** Madam Chair, when they met with me—

**Mr. Al-Rawi:** I did not interrupt you, you know. I did not interrupt you.

**Madam Chairman:** Order please. Order please.

**Mr. Lee:** Madam Chair—

**Madam Chairman:** Member for Pointe-a-Pierre, when you were speaking—

**Mr. Imbert:** The AG has the floor. Do not be so rude.

**Madam Chairman:**—I even asked your side to keep quite so I can hear. Okay? So, if you could just hold the point, I will take you after the Member for San Fernando West whom I have recognized.

**Mr. Al-Rawi:** Thank you, Madam Chair. Madam Chair, the Global Forum has had several meetings. The last meeting that I am referring to, I was told that they refused. The Opposition refused to meet with them. I am warmed and I am very happy and I will accept my learned colleague's position that he and two Senators met with the Global Forum in February. I am very pleased to hear that. Because if the undertaking that he has referred to in some taped conversation, which I find alarming, but if that is in fact the case—and I would not go into that just yet—then it means that the Opposition ought to be able today, to speak to the one narrow issue, which I am now going to ask for the fifth time, there is one issue on the table, which is judicial supervision, according to them, of the TTPS

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receiving information. There is one issue. The statement by the hon. Member for Pointe-a-Pierre, was that the Global Forum said something would be laid in March and, in fact, it was laid in May—okay? March, April, May, two months, may be one month depending upon where the dates were sure. Let me even assume that that is true, and say mea culpa, because it is irrelevant. The point is, even if that is true—and I do not accept what my friend is saying—but even if it is true, it was laid, the Bill is here in May, we are six months later, and I would like my friend, the Member for Pointe-a-Pierre, the Chief Whip, to answer the direct question to him now, this is the sixth time: what is the position on the judicial supervision of the TTPS from their own hands?

**Mr. Imbert:** Before that, Madam Chairman, just let me say one thing more. It has been asked over and over: why did the committee agree to separate out this Bill? The reason is, the Global Forum has told us categorically, they will not allow us to proceed to the next stage of assessment until we pass this Bill.

**Mr. Al-Rawi:** Correct.

**Mr. Imbert:** They will not even entertain a request from Trinidad and Tobago to sign the Treaty with respect to Mutual Assistance in Taxation Matters. They have refused our application on the grounds that we have not passed this amendment to the Income Tax Bill. If we do not pass this, we are dead in the water. We cannot go anywhere. The other two Bills are irrelevant. The other two Bills depend on this Bill. If we do not pass this, we cannot even get to the other two Bills. They will not even allow us to sign the Treaty on Mutual Assistance on Taxation Matters. They will not allow us to sign double taxation treaties with the OECD countries until we get rid of this offensive provision in our Income Tax Act. So I am asking Members opposite, how much time do you need to deal with this one point about judicial

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oversight of a police officer with respect to tax information?

**Madam Chairman:** Member for Oropouche East.

**Mr. Imbert:** In fact, Madam Chairman, I would like—

**Madam Chairman:** Just one minute. I am recognizing the Member for Oropouche East.

**Mr. Imbert:** I would like to give Members opposite two weeks.

**Madam Chairman:** Member for Oropouche East.

**Dr. Moonilal:** Madam Chairman, could I indicate to the Member please, that it is with a heavy heart I want to tell the Member for Diego Martin North/East that the Opposition is not in a position to accept your word, given the history of this matter. [Desk thumping] Madam Chairman, could I also—

**Mr. Imbert:** I am giving the Opposition two weeks.

**Dr. Moonilal:** It is not a question of giving. But you could give two years. That is not the issue. The issue is—

[Madam Chairman on her feet]

**Madam Chairman:** I am standing. Okay? We are going to proceed in a particular manner that will allow this process to be productive. I am not going to allow people shouting across the floor.

**Dr. Moonilal:** Madam Chair, am I still at your—

**Madam Chairman:** I am recognizing the Member for Oropouche East.

**Dr. Moonilal:** Thank you very much Ma'am. Thank you so much. I would repeat, Madam Chairman, calmly, the position of the Opposition as indicated earlier in the debate in this House on this Motion, the Motion preceding it, was that the Bill along with the other Bills be resent to a joint select committee to work out all the issues and all the challenges together as was promised. In the absence of that

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initiative by the Government, we kindly invite the Government—and I am saying it for the second time. I really do not want to repeat again—please proceed as you see fit. We are in a committee, proceed please. It is not a question—before I end, Madam Chair—of one week, two weeks, three weeks, four weeks, one month. Please proceed. You are in a Committee, you are going clause by clause. I invite you to proceed. [*Desk thumping*]

**Dr. Rowley:** Madam Chairman, it is clear that the Opposition has a position which they are not prepared to share with the rest of the House. The one thing that the Government knows is that we have to get this done by the end of November, those who will use their vote in this House to get it done. It is not optional as to when we get it done. So we do have some time, and that time is the end of November. Right?

**Mr. Young:** Yes.

**Dr. Rowley:** So the request from the Opposition, on the grounds that they need time to take a position on the clause [*Crosstalk*] Madam Chair, we will proceed to give the Opposition time within the deadline.

**Dr. Moonilal:** We did not ask for that.

**Dr. Rowley:** I know what you asked for. Madam Chairman, I am just saying, the Government will give the Opposition as much time as is feasible within the fact that this matter ought to be dispensed with by this House by the end of this month. So whatever time they need has to be taken within the context of the deadline of November 30<sup>th</sup>. And having said that, Madam Chair, I expect that the Minister of Finance will communicate with the Opposition, in writing, and we expect to get a response in writing. And having said that, Madam Chair, I now turn it over to the Leader of the House to take the adjournment. [*Crosstalk*]

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**Madam Chairman:** Well, I will ask the Minister of Finance to therefore report the progress of the committee to the House.

*House resumed.*

**Hon. C. Imbert:** Madam Speaker, I wish to report that clauses 1 to 4 of the Income Tax (Amdt.) Bill, 2018 were considered in the committee of the whole.

### ADJOURNMENT

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

Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday, the 9<sup>th</sup> day of November at 10.00 a.m. at which time we will do Committee Business, Motion No. 2.

**Madam Speaker:** Hon. Members, there is one matter that qualifies to be raised on the Motion for the adjournment. I now call upon the Member for Chaguanas West.

#### **Office of Disaster Preparedness and Management**

##### **(Failure to Respond)**

**Mr. Ganga Singh (Chaguanas West):** Thank you very much, Madam Speaker. Madam Speaker, I am grateful for your leave to raise this matter on the adjournment on the catastrophic national flooding disaster that hit Trinidad and Tobago from 19<sup>th</sup> October and which impacted on over 120,000 persons. Madam Speaker, the matter on the adjournment is entitled the failure of governmental agency, Office of Disaster Preparedness and Management to appropriately respond to the flooding that took place in the Caroni River Basin on Friday, October 19, 2018, and onwards.

Madam Speaker, the Caroni River Basin which mirrors the length and follows the Caroni River, starts in the Northern Range in the Valencia area and proceeds for about 40 kilometres approximately 25 miles, and then enters into the Caroni

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Swamp and into the Gulf of Paria, and all the areas within that river following that river area, Madam Speaker, including some 12 rivers in the Northern Range flowing into the Caroni River system, impacts upon the drain, approximately 22 per cent of the area of Trinidad. So this is a very important river basin, and so that Greenvale, Talparo, San Raphael, Brazil, Las Lomas 1, 2 and 3, El Carmen, St. Helena, Kelly, Madras Road and then you move into Warrentville, Warren, Bejucal, Caroni, Harlem, La Paille and Frederick Settlement, were all impacted upon.

There has been a significant fixation by the Government on Greenvale—in fact, today they held a press conference—but Greenvale is some 650 families, but you have over 30,000 people other than Greenvale impacted upon negatively by this flood.

Madam Speaker, the ODPM, in the newspaper of Sunday, October 21<sup>st</sup>, says: “ODPM under fire again”. What is this ODPM, Madam Speaker?

“The Office of Disaster Preparedness and Management (ODPM) was officially established by Cabinet in 2005.”—It is a Cabinet-created entity.—“It differs from its predecessor, the National Emergency Management Agency...in that it is a coordinating and managing body that places equal emphasis on all phases of the disaster management cycle—prevention, mitigation, preparedness, response and recovery.”

So, Madam Speaker, this by its own article, the ODPM goes on to state:

“This National Disaster Management Office is responsible for public education and community outreach activities, coordinating national mitigation and capacity building efforts to safeguard property and life by working with other government agencies and first responders in protecting

public health and safety, restoring essential government services and critical infrastructure and providing emergency relief to those severely affected by hazard impact.”

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“This means that the ODPM’s role as coordinator and manager of crises and emergencies comes into play through mobilising key players and resources in order to utilise the best approach to reducing loss of life and damage to property. Some of the ODPM’s major players include the First Responder agencies (Trinidad and Tobago Fire Service, the Municipal Corporations, the Ministry of Works and Transport and the Emergency Medical Services). These first responders are the people who will be seen on the ground after a hazard impact.”

Madam Speaker, what was the reality is that the ODPM was nowhere to be seen during this crisis, absolutely nowhere. [*Desk thumping*] The ODPM and its first responders were non-existent in the constituency that I was in.

**Dr. Gopeesingh:** Mine too.

**Mr. G. Singh:** And my colleague, the Member for Caroni East, shares that view. I will tell you, Madam Speaker, the fire services came on Sunday, the police came on Monday, the coast guard came on Sunday, so when you talk about first responders, they were non-existent—non-existent, Madam Speaker.

My colleague and I, the Member for Couva South, who lives in the constituency of Chaguanas West, we were out there Friday night and we called two Ministers, Ministers Kazim Hosein and Rohan Sinanan, requesting a pump to do pumping out of the Caroni Village and they responded. Madam Speaker, I want to tell you eh, they responded and we got a pump that provided for the lowering of

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the water levels in that area. From Friday night, where was ODPM? The first responders, they were in Greenvale; all in Greenvale obviously. They were all there. So that when they have disaster, it is put in place, and you lack capacity, then you have to bring other resources. They put all the resources in that area but you neglected over 30,000 people in the process. [*Desk thumping*] Madam Speaker, and what is happening here, “ODPM under fire again”, it seems that this institution, it is no longer response-centric, it deals with management. It coordinates the first responders. It is not working. It is a dud and it is a systemic and institutional failure. [*Desk thumping*] And whether you fired George Robinson as was done in 2010, or Dave Williams, resigned in 2017, or you fire back George Robinson again this time from SSA, the fact of the matter is that it is systemically and institutionally inappropriate for this society, Madam Speaker.

So what I am saying to this Government, you have community response. I will tell you, Madam Speaker, in the community of Chaguanas West, which we had to lead this exercise, we had community responders headed by Rudy Indarsingh, Member of Parliament for Couva South, in Caroni. He lives in that area. He headed a team. You had Nadira and her team, with Randy and others in Warren, Munroe. You had Ramona Ramdial, part of that team. She is also a constituent, Couva North. You had, Madam Speaker, Neil Singh, Neil Ballah and the Ballah family, with Rodney Rampersad in Harlem. You had Mr. Indarsingh responding in Lapai. So you had community responders, because they filled the gap left by the so-called first responders. Filled the gap—the people, the people filled the gap, Madam Speaker. [*Desk thumping*] The people filled the gap, and what do you have? What do you have in this situation? Madam Speaker, and I want to say that in addition to Ministers Kazim Hosein and Rohan Sinanan,

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Minister Paula Gopee-Scoon called me on the Saturday whilst I was in Harlem, and she provided a truckload of material in collaboration with the TTMA, which we distributed to all the community. And I want to thank Minister Paula Gopee-Scoon and the TTMA for their action in that area. [*Desk thumping*]

Similarly, Madam Speaker, the hon. Member for Lopinot/Bon Air West called me and made her staff available to check and assess and bring about compensation to the flood victims, and I want to thank her for her proactive approach also. We have a very collaborative approach. But, Madam Speaker, the first responders, the Tunapuna/Piarco Regional Corporation and the Chaguanas Borough Corporation, they were non-existent. The Disaster Management Units of those Corporations, they were non-existent. Leacock, when I called Leacock, the chairman's phone, it was filled, not answering; no answer at all. Madam Speaker, the Disaster Management Unit in the Corporations is another failed institutional mechanism. In fact, those members in the—and you have Disaster Management Units in 14 Corporations, all they do, Madam Speaker, is they hand out hampers and pampers and they take out selfies, and that is what you have, disaster response. I want to thank the hon. Minister of Health for also responding in the area. Madam Speaker, the Penal/Debe Corporation responded for over a week in cleaning up my area. The Princes Town Corporation also responded. The San Fernando Corporation also responded. There was no response from Chaguanas, absolutely no response from Chaguanas. [*Interruption*]

**Hon. Member:** What?

**Mr. G. Singh:** Yes, I know, because all they were interested in is handing out hampers and pampers. Madam Speaker, so this is what you have. This is what you have in a situation of disaster management. The model—

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**Madam Speaker:** Hon. Member for Chaguanas West, your speaking time is now spent. Minister of National Security. [*Desk thumping*]

**The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, I would like to start by speaking to the national community and telling them what was experienced in certain areas of Trinidad and Tobago on the 19<sup>th</sup> of October. Let us start by picturing that in a very small space of time on the 19<sup>th</sup> of October, over 20 per cent of monthly rainfall that is expected—so that is rainfall that could be expected over a period of a month, add 20 per cent—fell in the space of two days in certain areas of Trinidad and Tobago. No matter what was done, it would not have been able to prevent the flooding disaster that took place during this period of time. The second thing I would like to say is contrary to what my friend from Chaguanas West has just said, the ODPM did not fail. In fact, I would like to take this opportunity to thank all of the men and women in the ODPM [*Desk thumping*] who worked tirelessly for over the space of a week, day in, day out, over the night, to ensure that they could do all that they could with their limited resources. Could a better job have been done with more equipment, more personnel? Absolutely.

Next week we will be starting the post briefing and the looking at everything to decide what measures could be fixed. The third thing I would like to say, the first responders, as my friend was partially acknowledging, in these circumstances the first responders are the DMUs of the Regional Corporations. And I am glad that he is honest enough to say that a UNC-controlled Corporation of Chaguanas refused to assist the MPs in the areas. One thing I would like to congratulate all on this side for, and I would like to congratulate the ODPM, the defence force, the

police service, fire service, the coast guard arm, and all other arms, and the volunteers in Trinidad and Tobago, for not playing politics in assisting those in need [*Desk thumping*] at no point in time. And the head of the ODPM, the acting head was with me for the vast majority of the week as we went up and down the country doing the necessary assessments to decide where resources should be deployed, and I applaud them for that. Could there have been more personnel to accept calls? Absolutely. We are putting that in place. Do we need more equipment, boats, et cetera? Yes. Did this type of disaster flooding ever take place in the last few decades of Trinidad and Tobago? The answer is, no. Immediately upon it becoming apparent, we started to deploy the boats and vessels to where it was needed to be.

What did we do? We then gathered the resources and we distributed them to the regional corporations, because anybody involved in politics in Trinidad and Tobago would know that is it the regional corporations who are best placed to know every street, every lane, and everywhere that is flooding and being affected by flooding in Trinidad and Tobago—in Trinidad, and where to deploy the necessary resources. And I will use this opportunity to say that when I went down to Mafeking, down in Mayaro, and I was there to assess and see what was going on, on a street where there was massive flooding taking place, everybody was happy. They were saying, look, let us rally; they were doing it and I was seeing there was no race, no creed, no religion at play. Indians, blacks, the Chinese, everybody was out doing what they could to assist their neighbours. There was one gentleman on a truck as the news camera went by, screaming and shouting, “the Government, the Government, the Government”, and the Member for Mayaro may know him. I then asked, who is that behaving in that manner, because they were

bypassing people on the street who needed water, who needed the supplies, and they told me, that is the Chairman of the Mayaro Regional Corporation. And I then saw him every night on television lying to the population that the Government did nothing, Madam Speaker. Telling untruth to the population that the Government did nothing.

I have the sheets from the ODPM of the amount of supplies and resources that were sent to Mayaro, and when we were sending it via the Regiment, he refused. Member for Mayaro, I want you to know that chairman said he will pick it up and he will distribute it, and I saw it with my own eyes, him refusing to help people in need. That was politics at play. We did not see that in the other areas. Could the response time have been better?—maybe, but when you are going into these flooded areas it is very difficult to get to all of the households with the limited resources. Even if you had six boats going into the St. Helena area it would still be difficult, because it was literally scores of houses that were being affected and over expanded periods. I must say before my time runs out, to my friend from Chaguanas West, that I was shocked to wake up on the morning of Tuesday, the 23<sup>rd</sup> of October, after he has come here to tell us how to do it, and to read a headline, “Flood victims kicked out of shelter”—I did not believe it—several families at Ramlal Trace, Cunupia, said they were kicked out of the Monroe Road Hindu School, a designated flood shelter, on Monday after they sought. What I was shocked to hear is:

“Antoinette Jaikaran, 58, told Guardian Media she and her family were told they needed to leave the school’s compound as clean-up crews were going in to sanitise the compound for the resumption of classes yesterday. She said she was told to leave by Chaguanas West Member of Parliament Ganga

Singh.” [*Crosstalk*]

Now, there must have been a good reason that the Member for Chaguanas West did that, but what I would like to say, contrary to what is being suggested by the Member for Chaguanas West, the ODPM did not fail. I would just like to correct a little bit of mischief on his part just now, Colonel George Robinson has not in any way been relieved from his duties as the Director of SSA. Like every other public servant, he is entitled to leave, and this Government has a policy where we are not buying out leave so he had to take his leave. So that has not happened. Madam Speaker, in closing, I would like to use the opportunity to thank every citizen of Trinidad and Tobago, including those on the other side, because there were a number of Members on the other side who were messaging me over the period of time, the Member for Caroni Central, even my friend from Couva South, and others, giving us the information that we needed of persons who were being affected, persons who were stranded, very useful information. We were then able to feed it in to the apparatus that we had provided and get to people.

I would end with this, Madam Speaker, the type of disaster flooding that we experienced in that short period of time, starting on Friday the 19<sup>th</sup> of October, despite all of the mischief, all of the mischief by a handful of individuals, some of whom are directly associated with the other side, claiming that there were fatalities and deaths, I would like to say at this stage, over a week later we can confirm that there was not a single fatality coming out of that, and I thank God for that. [*Desk thumping*]

In ending, Madam Speaker, I use the opportunity once again to thank every man and woman as a citizen of Trinidad and Tobago, and some who were not, those in the services and those out of the services, and all of those who

volunteered, for coming together and showing the true spirit of Trinidad and Tobago, and helping those in need at a time when they were most in need. I thank you very much, Madam Speaker. [*Desk thumping*]

### **Divali Greetings**

**Madam Speaker:** Hon. Members, I will now call upon Members to extend greetings on the occasion of Divali. Would the Member for Diego Martin North/East indicate who will give greetings on behalf of the Government?

**Mr. Imbert:** The Minister of Community Development, Culture and the Arts.  
[*Desk thumping*]

**Madam Speaker:** The Minister of Community Development, Culture and the Arts.

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. It is indeed an honour to extend warm greetings to our Hindu community as they celebrate the triumph of good over evil, light over darkness, and knowledge over ignorance. The message of Divali is a victory of self-knowledge and moderation over self-indulgence and profligacy. As we celebrate Divali with our family and friends, let us reflect on the significance of this important festival and the values and traditions that we pass on to the next generation. Let us celebrate unity in the context of the diversity with which our nation is blessed. It has become far too easy in a country bestowed with so much, for us to descend into the sordid, the adverse, to focus on the differences, the dismaying, the gloomy. Why should we focus on these things when we are guided by principles such as those espoused by the Hindi community in celebration of Divali? We must, as a matter of principle, make this a priority. The promotion and promulgation of good, of peace, light and knowledge, both in the physical, as

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well as the virtual environments. The physical act of lighting a deya is a powerful symbol of the decision to help, not harm; lift, not denigrate; uplift not sully. Divali serves as an annual reminder to us to be our best selves. We are honoured to celebrate and share in the traditions of the Hindu community. On behalf of the Government of the Republic of Trinidad and Tobago, Shubh Divali. [*Desk thumping*]

**Madam Speaker:** Member for Tabaquite. [*Desk thumping*]

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you, Madam Speaker. Madam Speaker, it gives me great pleasure to extend warmest greetings to the Hindu community, and in particular the national community in general, and to you Madam Speaker, and the staff of the Parliament on this, the occasion of Divali 2018. Madam Speaker, in the Hindu home when you light deyas, from the very first deya that you light you begin to light all the rest of the deyas, and the symbolism inherent in this is that from that one light has come the many lights that comprise the moving and unmoving, the human and non-human universe in which we live, reflecting the essential oneness of all of us that make up the universe, and the fact that there is but one God from whom we have all come.

Madam Speaker, Divali is celebrated in India for many different reasons, and so to here in Trinidad, but essentially at the time of Divali we pray to Mother Lakshmi who in the Hindi functional scheme is regarded as the one who is the provider of material benefits as well as knowledge, and she is also the remover of darkness. Our prayers to her and our worship of her is indicative of the belief among Hindus that there is always a higher being upon whom we are dependent for our creature comforts and also for the development of our spiritual selves. Here in Trinidad, like in India and other parts of the world, Divali is often celebrated and

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looked at as ushering the new year, and for some the beginning of a new business calendar. It is like an occasion of thanksgiving for blessings received and prayer for our future well-being. The most widely shared tradition, however, associated with Divali is the one that connects the festival with the celebration and rejoicing over the return of Lord Rama to his home after a lengthy exile and his defeat of the oppressive and tyrannical Ravana. The citizens of Ayodhya, his city, from which he had been exiled, voluntarily exiled for 14 years, welcome him home by lighting thousands of lamps, even as over 1 billion Hindus and non-Hindus do today on the continents of Asia, Africa, Australia, Americas, Europe, and here in the Caribbean. The story of Ram has become perhaps the central narrative of Divali because it addresses, universally, the human longing for freedom from tyranny and oppression and the hope of living in a world where there is no fear, and where the fullness of the human potential can be realized.

Permit me, Madam Speaker, to linger for a moment on the story of Ram. Ravana established and maintained a rule by the exercise of fear and violence. He was intent on conquering and imposing his will throughout the world, enslaving others and taking away their freedom. In fact, under him the practice of religion was prohibited and brutally suppressed, and his land, his kingdom, was a kingdom that one might describe as arid, ruled by a tyrant with no value for the sanctity of human life and property. And the defeat of Ravana by Ram, and liberation from oppression are not the only reasons for the rejoicing and celebration that are central features of Divali. In fact, Ram is represented in establishing and providing a model for a new society radically different from the one imposed by Ravana. In fact, Madam Speaker, the poet Tulsidas, the author of the Ramayana, tells us that the return of Ram, whose return we celebrate, ushered in a new human community

in which all enjoyed peace and prosperity.

In fact, there were four features. Firstly, poverty was overcome, and none suffered for lack of life necessities. Secondly, illiteracy was overcome, and opportunities for learning were available to everyone. Thirdly, diseases were overcome, no one died prematurely and all lived healthy lives. Fourthly, violence and hate were overcome and relationships were characterized by love and by service. The very kind of service, Madam Speaker, that has characterized our country over the last couple of weeks. And one is reminded of a verse in our holy scriptures, the Bhagavad Gita, in chapter 17, verse 20, which says:

That service which is given without consideration of anything in return, at the right place and time to one that is qualified, with the feeling that it is one's duty is regarded as the nature of goodness.

And we have seen goodness, Madam Speaker, in our fellow human beings and fellow citizens during our difficult time, that too has been a celebration of light and Divali.

Madam Speaker, it is easy, perhaps even tempting to think that Ram, the embodiment of God on earth, effected the transformation to a beautiful kingdom with the four characteristics in a miraculous sense. If so, we could celebrate Divali and the responsibilities are over until it comes again next year, but such a view does not accurately reflect or represent Rama's nature or mode of action in the world. In fact, throughout the Ramayana, Ram always sought the help of others when he wanted to do things. He always involved others. Everyone was involved when he was seeking help at all points in time, consulting, and the theological conclusions from that are important. Firstly, the human community that aspires to be free from poverty, illiteracy, disease and violence is one that will always align

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itself with God's purpose. One cannot love God, one cannot celebrate Divali and be indifferent to the human suffering and to the nature of the community in which one lives. Secondly, we must recognize from Ram's purpose and the celebration of Divali, that God's purpose is, for which we human beings have been placed on earth to perform, are accomplished through the cooperation with other human beings. We have a vital role and responsibility in making this community a reality and it will not be realized without our commitment and cooperation.

Madam Speaker, in the kingdom of Ram people were free to realize and express their unique gifts in the service of each other. The kingdom of Ram was the inspiration for Mahatma Gandhi's vision of an ideal human community that was all-inclusive and committed to the removal of the fundamental sources of human suffering. Madam Speaker, we should not be surprised that the Hindi tradition invested Ram with the attributes of divinity and understood his rule as a vision of what a human community should look like when God is recognized as supreme and ultimate and when human beings devote themselves to working for each other. On the other hand, the kingdom of Ravana reveals what becomes of community when God and the needs of human beings are displaced by human tyranny.

Madam Speaker, Divali endures therefore as a reminder that the struggle between the kingdom of Ram and the kingdom of Ravana is one that is occurring inwardly in our human hearts and outwardly throughout the world in the efforts of those who labour and sacrifice for the dignity of others. The lights of Divali are the inextinguishable flames of faith and hope in the ultimate triumph of goodness over evil, and in that perpetual struggle let us choose the side of God.

Madam Speaker, let us also remember that Divali does not come to an end

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when the lights of Divali go out, but Divali should endure as a way of life in our hearts, in our minds, and also in our will to do selfless service for the benefit of our communities. Shubh Divali to everyone. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I join with Members who have delivered greetings prior, in conveying wishes to Hindu community and the wider Trinidad and Tobago for a happy and holy Divali. All of Trinidad and Tobago enjoys Divali with the celebration of a national holiday, but I respectfully suggest that we contain the merriment which is associated with a celebration and be acutely mindful of the fact that Divali is a sacred festival. Derived from the Sanskrit term “Deepavali”, meaning row of lights, Divali, the festival of light, marks the victory of light over darkness, the dispelling of ignorance by enlightenment, and the triumph of good over evil. The underlying symbolic significance of Divali is shared by many citizens of other faiths in Trinidad and Tobago which may lead one to reasonably conclude that in Trinidad and Tobago Divali transcends religion, heritage and ethnicity.

As we mark the sacred festival on Tuesday, November 06, 2018, our nation may well be served if we recall our national watchwords of Discipline, Production and Tolerance. Maybe if each of us embraces and diligently practises discipline, production and tolerance, the symbolic significance of Divali may manifest in our national landscape. The watchwords, a light bearing, once targeted at alleviating the darkness of lack, hatred and ignorance. In closing, I hope that the light of Divali serves to uplift the spirits and encourage the hearts and the will of those of us who were adversely affected by the recent weather system. Shubh Divali to all.  
[*Desk thumping*]

*Question put and agreed to.*

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*House adjourned accordingly.*

*Adjourned at 7.29 p.m.*