

HOUSE OF REPRESENTATIVES

Friday, March 08, 2019

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, I have received communication from the following: the hon. Camille Robinson-Regis, MP, Member for Arouca/Maloney, has requested leave of absence for the period March 8th to 17th, 2019; Dr. Fuad Khan, MP, Member for Barataria/San Juan, has requested leave of absence for the period March 8th to 16th, 2019. The hon. Kamla Persad-Bissessar SC, MP, Member for Siparia; Mrs. Christine Newallo- Hosein, MP, Member for Cumuto/Manzanilla; Mr. Rodney Charles, MP, Member for Naparima; and Mr. Prakash Ramadhar, MP, Member for St. Augustine, have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

VISITORS**ASJA Boys' College**

Madam Speaker: Hon. Members, I wish to advise that we have in the gallery today, the students from the ASJA Boys' school, particularly the debating club.

[*Desk thumping*]

PAPERS LAID

1. Audited Financial Statements of the Sports Company of Trinidad and Tobago Limited for the financial year ended September 30, 2018. [*The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert)*]

2. Audited Financial Statements of the Tourism Trinidad Destination Management Company Limited for the financial year ended September 30, 2018. [*Hon. C. Imbert*]
Papers 1 and 2 to be referred to the Public Accounts (Enterprises) Committee.
3. Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended December 31, 2018. [*Hon. C. Imbert*]
4. Ministerial Response of the Ministry of Finance to the Twenty-First Report of the Public Accounts Committee on an Examination of the Audited Financial Statements of the Chaguaramas Development Authority for the financial years 2008 to 2014. [*The Minister of Health (Hon. Terrence Deyalsingh)*]
5. Ministerial Response of the Ministry of Planning and Development to the Twenty-First Report of the Public Accounts Committee on an Examination of the Audited Financial Statements of the Chaguaramas Development Authority for the financial years 2008 to 2014. [*Hon. T. Deyalsingh*]
6. Ministerial Response of the Ministry of Agriculture, Land and Fisheries to the Twelfth Report of the Public Administration and Appropriations Committee on an Examination of Disaster Relief in Trinidad and Tobago. [*Hon. T. Deyalsingh*]
7. Ministerial Response of the Ministry of Agriculture, Land and Fisheries to the Second Report of the Joint Select Committee on Foreign Affairs on an Inquiry into Regional Integration and the Strengthening of the Caricom Institution. [*Hon. T. Deyalsingh*]

8. Administrative Report of the Arima Borough Corporation for the period 2016 to 2017. [*Hon. T. Deyalsingh*]

**JOINT SELECT COMMITTEE REPORT
Trinidad and Tobago Revenue Authority Bill, 2018**

(Presentation)

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

Thank you, Madam Speaker. I have the honour to present the following report:

Interim Report of the Joint Select Committee appointed to consider and report on the Trinidad and Tobago Revenue Authority Bill, 2018.

URGENT QUESTIONS

**US Level 2 Travel Advisory
(Government Measures to Address)**

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): Thank you, Madam Speaker. To the Minister of National Security: In light of the recently issued US Level 2 Travel Advisory on crime and terrorism with respect to this country, could the Minister inform this House of the urgent measures to be taken by the Government to address this advisory?

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 was commenting to those on my side of the bench that it appears as though newspapers have not reached to Oropouche West and East today.

Dr. Moonilal: How I reach in that?

Hon. S. Young: With your questions to the Minister to come. Madam Speaker, with respect to the US Travel Advisory, as we have been at pains to say over the last 24 hours, there has been no change to the US Travel Advisory to Trinidad and Tobago. And in fact, when you do a comparison, which is what you need to do

when you are looking at these travel advisories, you would see that they have used the same language that they used previously. Immediately upon seeing the travel advisory, I was in contact with the United States Embassy in Port of Spain, telling them the issue that we had, in particular with respect to the terrorism or the terrorist threat, the attack, part of the advisory, and as they responded, whilst they acknowledge that there is no intelligence to support it, it is boilerplate language when you look at the advisories for Europe and other countries. They have the similar-type language but we are in the process of discussing it with them. And I would like to say at this stage that we continue to have absolutely no intelligence with respect to any attacks. We are working assiduously along with all of our foreign allies in this area, and we will continue to do the work that we are doing. As we have seen in some of these international countries, they have suffered, including the United States, unfortunate terrorist attacks over the past few years and it is something that no country wants to have to face. We will continue to do what it is we need to do to keep our citizens safe and secure.

Madam Speaker: Supplemental, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, certain areas have been identified, like Sea Lots and Cocorite and so, what is this Government doing to address that situation?

Hon. S. Young: Madam Speaker, it is well known throughout Trinidad and Tobago that there are some areas that it would not be advisable for persons to go and frequent. I mean, it is the same thing once again with every international country, every metropolitan city in the world, London, New York, Chicago, all of these areas, there are some areas where persons are best advised not to visit. So that is what the US, in their assessment of it, have declared and they have told their citizens that they should not visit these areas.

Madam Speaker: Supplemental, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, the question is, I am asking, what you all are doing to ameliorate this? [*Laughter*]

Dr. Moonilal: It is nothing, he is laughing.

Hon. S. Young: Madam Speaker, I am laughing because it shows that they not only do not have newspapers but they do not have access to the television as well, because in the [*Crosstalk*] past month what has happened is the Trinidad and Tobago Police Service, on the basis of intelligence, have led a number of intelligence-led operations into some of these identified areas and they have, as the whole population has seen, had success. They have brought persons in for questioning. They have charged certain persons. The police will continue to run their operations based on intelligence along with the support of the other arms of National Security, something that was not previously done.

**Heritage Petroleum Company Limited
(Measures to Secure Assets)**

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): To the Minister of Energy and Energy Industries: In light of increasing incidents of robberies and vandalism, most recently the robbery at the Palo Seco Heritage Sports Club on February 28, 2019, could the Minister indicate the urgent measures implemented to secure the assets of Heritage Petroleum Company Limited?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, the Heritage Sports Club at Palo Seco was in fact broken into on February 28th. The bandits got away with just a few bottles of alcohol. Since December of last year when the restructuring of Petrotrin took place, the security contract was awarded to Amalgamated to secure the sites, in particular of Guaracara's refinery assets at Pointe-a-Pierre, Paria terminalling assets at Pointe-a-Pierre and the widespread

Heritage assets, largely located in the south-west peninsula. They have support from the defence force, which is still on the ground with the Amalgamated security forces, especially on the Heritage sites. Priority is obviously given to the strategic sites, the sites that win oil and produce oil, which is the oilfield assets and the refinery assets, and the terminalling assets.

The clubs and the housing areas have been shut down. There are some guarding facilities and security patrols visit the area frequently, but there are still certain security gaps in that system and we will continue to monitor it and look at it and increase the security patrol system. But I want to call on the communities of Palo Seco and the south-west peninsula, these are your assets, okay?—and the whole corporate social responsibility issue will start to take precedence in the coming months. Protect the assets, the assets are your oilfields, your pipelines, your installations and the housing and/or club assets that we will allocate to service the community in these areas. I thank you.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much. Minister, given the comprehensive reply on securing the assets of Heritage Petroleum Company Limited, could you indicate whether or not at this time Heritage Petroleum Company Limited is funding Paria Trading Company to import fuel into the country for the domestic market?

Madam Speaker: I would not allow that as a supplemental question. Member for Chaguanas West.

Mr. Singh: Thank you, Madam Speaker. Hon. Minister, you just indicated that the persons in the community ought to be custodians of the company's assets. Did you have any consultation with the community with respect to that obligation that you are placing on them?

Sen. The Hon. F. Khan: Yes, we did. There was the conversation with the Prime

Minister. The Member of Parliament for La Brea, and for Point Fortin, is actively engaged in the community. I was personally at the conversation because I represented the Prime Minister because he was at the Caricom Heads meeting, and we have engaged the community. I have worked in this area all my career and I know the ground and we are actively engaged in dealing with the community.

[Desk thumping]

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Hon. Minister, could you give us an idea of the human resource personnel capacity provided by Amalgamated to secure all this vast areas for protection?

Sen. The Hon. F. Khan: Regretfully, I do not have the exact headcount of the Amalgamated force, but that could be provided shortly.

**Damaged Caribbean Airlines ATR-72 Aircraft
(Investigation to Determine Responsibility)**

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker. Question No. 3 to the Minister of Finance. Given the estimated cost to repair the Caribbean Airlines ATR-72 aircraft that recently sustained damage at the Piarco International Airport, could the Minister state whether an independent investigation will be conducted in order to determine responsibility for the incident?

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. As was stated at the press conference after Cabinet yesterday, which was fully reported in the newspapers today, all three daily newspapers, all radio stations, all television stations, the Trinidad and Tobago Civil Aviation Authority, an independent institution, has commenced an independent investigation into the accident. Caribbean Airlines is conducting its own investigation using its internal process. And by way of additional information,

Madam Speaker, all of Caribbean Airlines aircrafts are fully insured so that the majority of the cost to repair the aircraft to return it to a serviceable state would be covered by insurance. The only loss would be the usual deductible on typical insurance policy of this time.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much, Madam Speaker, and thank the Minister for making those comments on the record as opposed to a press briefing. Could the Minister indicate the composition of that independent enquiry, the nature of the committee, the names of the persons who will be investigating this matter?

Hon. C. Imbert: I am in no position to indicate who at the Trinidad and Tobago Civil Aviation Authority is conducting the enquiry. I will certainly get that information. And in addition, I will get the information with respect to Caribbean Airlines, but I do not have it with me at present.

Dr. Moonilal: You do not have it?

Hon. C. Imbert: No.

Madam Speaker: Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, could you indicate whether the manufacturers will be a part of this investigating team, ATR?

Hon. C. Imbert: I cannot say, but I would think that Caribbean Airlines would most certainly consult with the manufacturers to determine their view on what caused the accident and also what should be done to bring the aircraft back to a serviceable state.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Could I have a supplemental?

Madam Speaker: No, I believe the two supplementals have been exhausted.

Dr. Moonilal: Okay.

**Caribbean Airlines ATR-72 Aircraft
(Cause of the Recent Crash)**

Dr. Roodal Moonilal (*Oropouche East*): Question No. 4, Madam Speaker. Could the Minister indicate the cause of the recent crash involving Caribbean Airlines ATR -72 aircraft at the Piarco International Airport?

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert): Madam Speaker, firstly, let me correct a misstatement in the question, it was not a crash. The aircraft was being taxied by an engineer from the ramp to the hangar, and during that taxiing operation the aircraft collided with the wall of the terminal building. So it was not a crash. There were no passengers on the aircraft. The aircraft was not in service at the time. As I said yesterday, Madam Speaker, the causes—*[Interruption]* Madam Speaker, it is very difficult to answer this question with the Member for Caroni East just grumbling. So I will start again, Madam Speaker. I would start again.

As I said yesterday, there could be many causes for this accident. Preliminary reports indicate that the braking system was not functional at the time, however, these are just preliminary reports and it would be irresponsible to speculate at this time on the actual cause of the accident until all of the investigations are completed.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much. To the Minister of Finance: Can the Minister of Finance indicate a timeline within which such an investigation will be undertaken and completed?

Hon. C. Imbert: I am unable to give that timeline, but I can assure you it would be done in the shortest possible time.

Madam Speaker: Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, based on

what you have indicated, is it normal for an engineer to taxi an aircraft at this hour of the night?

Hon. C. Imbert: Madam Speaker, I cannot answer that question with any precise detail; however, I can say that the particular individual who was taxiing the aircraft was trained to do so by ATR at its headquarters in Toulouse in France. This is the information given to me. I am advised by Caribbean Airlines. As to whether that particular individual was certified to taxi at that particular time of night, I cannot say, but I will certainly find out.

ANSWERS TO QUESTIONS

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, there are 15 questions for oral answer and the Government will be answering all 15 questions. Thank you very much. [*Desk thumping*]

Madam Speaker: Might I enquire about the Written Questions?

Hon. T. Deyalsingh: Pardon. There are two questions for written, 61 and 62; an answer for 61 has been tabled, and an answer for 62, we ask for a two-week deferral. Thank you very much.

Madam Speaker: The deferral is granted.

WRITTEN ANSWER TO QUESTION

Chinese Labourers from 2015 to 2018 (Work Permits Issued)

61. Dr. Fuad Khan (Barataria/San Juan) asked the hon. Minister of National Security:

Could the Minister state:

- (a) The number of work permits issued to Chinese Labourers from 2015 to 2018;
- (b) The skills of these Chinese labourers?

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS

PH Drivers (Apprehended/Charged)

83. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Works and Transport:

Could the Minister indicate:

- a) the number of drivers apprehended and charged for using their private vehicles as taxis; and
- b) if the answer to part (a) is negative, has the Ministry considered the registration of private for hire (PH) taxis?

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

Thank you, Madam Speaker. Madam Speaker, before I give the answer, I would just like to acknowledge the students of the ASJA Boys'. [*Desk thumping*]

Dr. Moonilal: You went there?

Sen. The Hon. R. Sinanan: No, I went to North Eastern College, Sangre Grande. Thank you. Madam Speaker, any information with regard to the apprehension to drivers and charged for the use of private vehicles as taxis is not available at the Licensing Office and may have to be sourced from the statistics from the Trinidad and Tobago Police Service. Madam Speaker, the Ministry of Works and Transport is not considering the registration of private vehicles for hire at this time. This is a complex issue that involves in-depth considerations for matters such as the need for insurance for passengers, drivers and property, background checks on drivers in terms of their suitability to operate public transport vehicles, which routes would be appropriate for PH drivers in the context of existing maxi-taxi systems, and so on. Thank you.

Caribbean Airlines Limited
(Change Fee)

84. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of Finance:

With regard to the \$50 change fee of Caribbean Airlines Limited for domestic flights, could the Minister state:

- a) the rationale for the current process to pay for the change fee; and
- b) whether consideration has been given to the use of a coupon book at the Caribbean Airlines Limited check-in counter for domestic flights?

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

Thank you, Madam Speaker. Part (a) of the question answer: Currently, passengers pay the change fee for domestic flights via the Caribbean Airlines website, the Caribbean Airlines ticketing offices, the Caribbean Airlines call centre and the ticketing counters of the Piarco and ANR Robinson International Airport. These payment methods provide a secure environment for the collection of the change fee and allow for the efficient cancellation and rebooking of seats so as to ensure that seating capacity is maximized.

With respect to part (b): Caribbean Airlines did consider the use of vouchers; however, this is not supported by their current checking system. CAL is presently working on an alternative system for the processing of the change fee. This system will allow customers to pay the change fee at the check-in counter using a credit card, as well as allow passengers to pay the change fee using the CAL mobile app up until the check-in for the flight at the check-in counter. Passengers that cannot access the CAL mobile app or do not have access to a credit card can still pay the change fees using cash or debit card via the Caribbean

Airlines website, ticketing offices, call centre and ticketing counters at the Piarco and ANR Robinson International Airport. The new system, together with other service initiatives, the one I just referred to, the application, the Caribbean Airlines mobile app, are targeted for rollout during the first and second quarters of 2019.

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, are you in a position to indicate how much money has been accrued to Caribbean Airlines as a result of this change fee initiative?

Hon. C. Imbert: I do not have that information.

Incarcerated Parents (Visitation Methods)

85. Mr. David Lee (*Pointe-a-Pierre*) on behalf of Dr. Fuad Khan (*Barataria/San Juan*) asked the hon. Minister of National Security:

Could the Minister indicate whether any advanced visitation methods are being utilized for children of incarcerated parents to have weekly visits to ensure parent-child bonding?

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, the current prison visitation system does not allow for persons under the age of 16 to visit anyone who is incarcerated. This is governed by the Trinidad and Tobago Prison Service General Order, No. 88 of 2015, Policy Visits and Visitors to Prison Establishments. However, special arrangements can be made to facilitate children visiting the prison. The grant of these special visits fall solely under the discretion and remit jurisdiction of the Commissioner of Prisons. The Commissioner of Prisons looks at each application and each request on a case-by-case basis and examines the circumstances surrounding each one of these requests and very frequently grants the permission

for persons under the age of 16 to visit someone who is incarcerated.

**High Price of Super Gasoline
(Action Taken)**

88. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Energy and Energy Industries:

Given concerns raised by fishermen regarding the high prices of super gasoline, could the Minister indicate the actions taken to address these concerns?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam Speaker. Madam Speaker, at this time there is no change being envisioned in the retail price of super gasoline, that is, \$1.92. In February 2019, officials of the Ministry of Energy and Energy Industries met with officials of the Fisheries Division of the Ministry of Agriculture, Land and Fisheries to discuss the logistical changes that the fishing community may have had to adapt to access fuel following the cessation of the supply of regular gas. The next step, the Ministry of Energy and Energy Industries and the Ministry of Agriculture, Land and Fisheries would meet with the fishing community at a venue to be determined to discuss, one on one, the concerns of the fishermen, and we will try our best to facilitate, within reason, what to bring to the table, bearing in mind that there will be no change in the price of super. And at this point in time, until the refinery gets an operator, we cannot import regular gasoline \$1.83.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you, Minister, for that update. Can you perhaps commit to a time frame for that meeting to take place?

Sen. The Hon. F. Khan: I cannot commit to a time frame today, but I have to obviously hold discussions with the Minister of Agriculture, Land and Fisheries, because the fisheries department falls with him. I am just speaking from the fuel

aspect of it. But I think it will be a joint effort between both of us. He will advise as to the venue and the type of staffing that we will take to the meeting, but the meeting is a Government commitment.

Madam Speaker: Member for Caroni East.

Dr. Gopeesingh: Hon. Minister, is there is fixed policy of the Government and the Ministry to keep the price of the super gas constant rather than with the international scenario when the price drops? Is there any possibility of adopting a policy to engage that?

Sen. The Hon. F. Khan: That policy largely falls under the remit of the Minister of Finance in consultation with the Minister of Energy and Energy Industries. The Minister of Finance did indicate, two budgets ago, that we are looking at that, but there is a “sting in the tail” in that—while the price of crude can go down and it will affect the retail price of fuel, it can also go up. So there is a balancing act that you have to play, because if you flow the system in its entirety, there can be dire consequences in the event of a high oil price.

**Magistrate Marcia Ayers-Caesar
(Unfinished Cases)**

89. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Attorney General:

With regard to unfinished cases of the former Chief Magistrate Marcia Ayers-Caesar which have to be restarted, could the Attorney General indicate:

- a) whether any of the cases were restarted;
- b) whether any party has sought and received compensation for damages to date; and
- c) the efforts taken to prevent any further delays in the completion of these cases?

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, with respect to part (a) of the question as to whether any of the cases left by the former Chief Magistrate Marcia Ayers-Caesar have been restarted, the Office of the Attorney General has been advised that a number of unfinished cases previously under the remit of the former Chief Magistrate Ayers-Caesar have in fact been restarted. According to information provided by the Judiciary, approximately 36 matters were started de novo, meaning afresh, by the current Chief Magistrate and those have already been completed. The remaining matters which have not yet been completed were delayed as a result of persons choosing to challenge that process under what is now referred to as the interpretation summons matter. That has, of course, come to an end.

With respect to (b), this is a matter within the jurisdiction of the High Court. In that context, the Office of the Attorney General has been advised by the Judiciary that further enquiries are being made to determine whether any party has sought and received compensation for damages to date and if any information indicating that claims for damages were or are being undertaken in relation to the Magistrates' Court matters. The office of the AG will of course be provided with those in due course. As soon as this information becomes available, it, of course, can be provided.

With respect to part (c) of the question, any further delays in the completion of cases would be as a direct consequence of the accused persons exercising their constitutional right under the interpretation summons. These matters were originally dispersed to various other magistrates to adjudicate upon, but were then stymied by the interpretation summons. In these circumstances, there is nothing further beyond that of normal court protocol and procedure.

I must add, Madam Speaker, as is contained in the judgment of Madam

Justice Carol Gobin, who determined the interpretation summons:

It is not lost upon me that the vast majority of persons who chose to challenge the interpretation summons route and avoid the restarting of cases were in fact respected by attorneys-at-law sitting on the UNC Bench.

So these people have unwittingly found themselves in a queue as a result of the advice received by some of my colleagues opposite.

Madam Speaker: Supplemental, Member for Oropouche West.

2.00 p.m.

Mrs. Gayadeen-Gopeesingh: Hon. Attorney General, you said there are several remaining matters. Is any consideration being given to have these matters listed as priority so that they can be expedited through the courts as priority, before the Registrar listed, as priority?

Hon. F. Al-Rawi: That would be a matter for the Judiciary entirely in respect of the docketing of systems. From the Government's perspective, all that we can say is that we are the first government in the history of Trinidad and Tobago to have introduced criminal proceedings rules. Those criminal proceedings rules are dynamite to logjam.

We are also the first government to have introduced the robust system of maximum sentence indication in matters. In that regard, it is not lost upon me, some 400 matters were dealt with in one month by one judge.

We are the first government to introduce judge only trials, something that my learned colleagues opposite said would never see the light of day, especially for murder matters. It is not lost upon me that the first judge only trial was successfully completed with an acquittal with written reasons. So we are confident that we are taking every step to break historical trends in this country, [*Desk thumping*] and we are sure that the Judiciary would take its part in serious measure

as well.

Mrs. Gayadeen-Gopeesingh: Hon. Attorney General, since you are breaking historical trends, do you think it is right and the right moment now that section 137 of the Constitution should be invoked?

Madam Speaker: I will not allow that as a question.

**National Flour Mills Rice Mill
(Details of)**

90. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Agriculture, Land and Fisheries:

With regard to the National Flour Mills, Rice Mill at Carlsen Field, could the Minister indicate:

- a) the reasons for the low production rates at the Mill;
- b) who is currently operating the facility; and
- c) whether the Government has plans to sell the Rice Mill?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam Speaker. I thank the Member for the question.

Madam Speaker, in response to 90(a), this is a milling facility, it is not really a production facility so that the quantity that is milled at the Carlsen Field rice mill is dependent upon the paddy that is received. It is not the only rice mill in the country, and whatever is received would be milled there.

In relation to 90(b), this mill is operated by National Flour Mills, the owner of the facility. And in relation to 90(c), the Government does in fact plan to sell the rice mill. It has been the subject of an open RFP process by National Flour Mills and that process is ongoing with negotiations with the preferred bidder.

Thank you.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, how many tenders do you have thus

far to purchase the rice mill?

Sen. The Hon. C. Rambharat: Madam Speaker, I am not in a position to answer that question in relation to the number of tenders.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, you said according to the paddy received you would determine the milling capacity. Rice farmers have said that 60 per cent of the panicle that goes to NFM is grade A, but it comes out as—
[*Interruption*]

Hon. Member: What is the question?

Mrs. Gayadeen-Gopeesingh: I have to preface my question, Sir.

Hon. Members: No.

Madam Speaker: One minute. Member, you have 15 seconds to ask the question. Okay? Please.

Mrs. Gayadeen-Gopeesingh: So what happens, hon. Minister, that a grade A panicle comes out as pet rice? What happens in that process in NFM?

Sen. The Hon. C. Rambharat: Madam Speaker, as I said at the start, this is a milling facility. It receives paddy from the farmers. The output from the milling facility is almost entirely dependent on the quality of the input at the facility. So whatever is grade A, B or C is entirely dependent on what comes in, in the form of paddy. Thank you.

Senior Citizens' Pension (New Applications)

96. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Social Development and Family Services:

Could the Minister state the measures in place to ensure new applications for the senior citizens' pension are processed expeditiously?

The Minister of Social Development and Family Services (Hon. Cherry-Ann Crichlow-Cockburn): Thank you, Madam Speaker. New applications for the

senior citizens' pension are processed after all supporting documents related to the requirements are submitted to the local Public Assistance Board.

The following measures are in place or being undertaken to facilitate expeditious processing of applications:

1. Restructuring of the division. The Ministry is currently working with the Ministry of Public Administration to restructure the Social Welfare Division. This will include the division staffing structure, process reengineering and establishment of detailed performance standards for grant processing.
2. Automation of processes of the Division. By April 2019 the Ministry will launch the Social Services Client Management System. This system which was developed by the Ministry's Information Technology Unit will automate several of the processes related to grant administration, thereby reducing the turnaround time for processing of applications.
3. Information and sensitization. The Ministry has been actively engaging the national population through our Corporate Communication and Education Unit on the various services of the Ministry and the requirements for same. This has taken the form of brochures, information published on the Ministry's website as well as the public information and education series, an outreach initiative of the Ministry. These sessions assist the public in understanding what is required to access the services of the Ministry, and to reduce the delays due to inadequate submission of relevant documentation.
4. Strategic MOUs with stakeholders. The Ministry has entered into two strategic memoranda of understanding with iGovTT and the National

Insurance Board of Trinidad and Tobago. iGovTT through its connect offices located throughout Trinidad and Tobago will provide assistance to senior citizens, prior to and throughout the application process, for the senior citizens' pension to ensure that accurate and complete information is received. iGovTT will also accept applications on behalf of the Ministry.

Additionally, this partnership will afford our senior citizens greater flexibility and ease of doing business given the extended opening hours of iGovTT. The MOU with NIBTT facilitates the timely sharing of information necessary for the processing of applications.

Madam Speaker, it is anticipated that these initiatives working in tandem will see a significant reduction in the turnaround time for the processing of the senior citizens' pension. Thank you.

Mr. Karim: Hon. Minister, could you say what is that turnaround time as we speak?

Hon. C. Crichlow-Cockburn: Madam Speaker, we work with a turnaround time currently of three months. However, there are instances based on documents required, particularly where applicants have to go to the Immigration Department, it sometimes takes longer.

Local Government Reform (Legislation to Address)

97. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Rural Development and Local Government:

Could the Minister provide the timetable for the introduction of relevant legislation in Parliament to address local government reform?

The Minister of Health (Hon. Terrence Deyalsingh): On behalf of the Minister

of Rural Development and Local Government, the answer is: The Government is fully committed to fulfilling its promise of local government reform, and intends to table legislation to reform local government in Parliament within the current Fourth Session of the Eleventh Parliament, upon approval of the legislation by the Cabinet.

In this context, Madam Speaker, a draft Bill entitled “Miscellaneous Provisions (Local Government Reform) Bill, 2019” was submitted by the Ministry of Rural Development and Local Government to Cabinet for its review and approval in January 2019, and the review process is almost complete. Subsequent to the approval of Cabinet the relevant legislation will be introduced in Parliament.

I thank you very much, Madam Speaker.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, do you have a timeline as to when this review will be completed and be brought to Parliament?

Hon. T. Deyalsingh: The review and the laying as the answer said will be completed, and the draft Bill will be laid within the current Fourth Session of the Eleventh Parliament. So that is the time frame we are working with. I cannot at this time give an exact day or date, but it will be laid within the current Fourth Session of the Eleventh Parliament.

Thank you very much, Madam Speaker.

**Public Services Association
(Outstanding Industrial Matters)**

98. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Public Administration:

Could the Minister provide the current number of outstanding industrial relation matters that are yet to be settled with the Public Services Association?

The Minister of Public Administration (Hon. Marlene Mc Donald): Thank

you kindly, Madam Speaker. The current number of outstanding industrial relations matters yet to be settled with the Public Services Association is 31.

Thank you, Madam Speaker.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, could you say how long these matters have been outstanding?

Hon. M. Mc Donald: Thank you, Madam Speaker. At this point I do not have the response, but I can provide it at the shortest possible time.

**Port of Spain General Hospital Central Block
(Details of)**

104. Ms. Ramona Ramdial (*Couva North*) asked the hon. Minister of Health:

Could the Minister indicate:

- a) the expected commencement date for the second phase of construction of the Central Block, Port of Spain General Hospital;
- b) whether \$56.4 million was approved by Cabinet to retrofit the COSTAATT building and the St. James Hospital for patients from Central Block, Port of Spain General Hospital?

The Minister Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Answer to part (a): The commencement of construction of the second phase of the central block Port of Spain General Hospital is predicated on the finalization of phase one, which is expected to be completed by the third quarter of 2019. And for information, phase one comprises as follows: The relocation of central stores, engineering and biomedical departments at the Port of Spain General Hospital, phase one. This project is the first phase for the redevelopment of central block. Kee-Chanona Limited was awarded a contract by UDeCOTT with a budget of \$25 million. The works comprise the following: The design and construction of the new building to house the central stores, engineering and biomedical departments. These are services and employees who are currently

located within the southern section of the compound, an area which was earmarked for the construction of the new central block building. Once the building is completed in August 2019, then the members and staff of the respective services will be relocated accordingly. Following the relocation of staff and services, the contractor will conduct the demolition of the existing structures, making way for the new building and for the other contractor, Shanghai Construction Group, to commence their own on-site activities for phase two, the new central block building.

Madam Speaker, notwithstanding items (2) and (3) above, the NWRHA has been advised that the works by SCG Limited may commence sooner, that is, by May 2019.

Part (b), the refurbishment of COSTAATT building: Shanghai Construction Group was awarded a contract by UDeCOTT, and the contract price is \$24.8 million. The works comprise the following: The refurbishment of the ground floor to accommodate 48 beds along with clinical and non-clinical support services; the refurbishment to the first floor to accommodate 40 beds along with clinical and non-clinical support services; the refurbishment of a portion of the second floor to accommodate nurses' common areas and staff washrooms, all common areas required by staff, and the occupancy shall be for medical wards.

The refurbishment of the first floor of the St. James District Health Facility, China Railway Construction Group—contract was awarded by UDeCOTT at a contract price of \$32.8 million. The works comprise the following: The construction of an operating theatre suite inclusive of all clinical and non-clinical support areas; a male ward to accommodate 35 beds; a female ward to accommodate 30 beds; four isolation beds, all common areas and an occupancy shall also be for surgical wards.

The approval of Cabinet to refit the COSTAATT building and St. James hospital for patients for the central block was obtained on the 24th of January, 2019. Thank you very much, Madam Speaker.

Ms. Ramona Ramdial: Minister, when are works carded to be completed for the retrofitting of the COSTAATT building and the St. James hospital?

Hon. T. Deyalsingh: Thank you. Those works were design/build. The design phase is complete and we expect the actual construction works to start within the next week or two, and the total time frame for both COSTAATT and St. James is three to four months.

Madam Speaker, there is one thing else I want to put on the table as far as central block is concerned. The central block is a \$1 billion investment, and I want to rebut and correct the *Hansard* of 22nd of February where the Member for Princes Town said \$1 billion without equipment and without being fully furnished.
[*Interruption*]

Mr. Lee: Madam Speaker, that is not under the question. Madam Speaker, on a point of order.

Madam Speaker: Member for Pointe-a-Pierre, is there a Standing Order you wish to raise?

Mr. Lee: Madam Speaker, the context is the Minister's response has nothing to do with the question that was laid. He is talking about *Hansard* that has passed.

Madam Speaker: Overruled.

Hon. T. Deyalsingh: Madam Speaker, the Member for Princes Town, where untruths slip so easily from his lips said—

Mr. Indarsingh: Withdraw that! Withdraw that! [*Crosstalk*]

Madam Speaker: Member for St. Joseph, you know, I will advise you to take another track. Member for Caroni East, I will not allow that kind of blurting out in

that sort of unparliamentary language. I know you are capable of much better than that.

Hon. T. Deyalsingh: Madam Speaker, it was said in this Chamber that \$1 billion for the central block without equipment and without being fully furnished. The central block will be equipped with an MRI, two CT scanners, bone density testing machine, two x-ray labs, a cath lab, fully equipped 10 operating theatres, 10 ICUs, 10 HDUs, fully equipped coronary care unit, internal medicine, haematology, psychiatry, general surgery, urology, orthopaedics, radiology, labs, plastics, et cetera. I want to put on the record again, because if people listen to Princes Town you would leave with the impression that \$1 billion is not purchasing equipment. Nothing could be further from the truth, and we must correct that untruth.

Thank you very much.

Dr. Moonilal: Thank you. To the hon. Minister of Health: Minister of Health, are you also aware that a lot of equipment is at the Couva children's hospital doing nothing? The Couva children's hospital which your Government has failed to operationalize?

Madam Speaker: I will not allow that as a supplemental question.

Dr. Bodoë: Thank you, Madam Speaker. Minister, with regard to your response to the first part of the question, could you indicate whether that relocation would be on a permanent basis, and whether it would be within the compound of the Port of Spain—whether the relocation of the stores and so on, phase one, would be on a permanent basis and whether it is within the compound of the Port of Spain Hospital?

Hon. T. Deyalsingh: Thank you. That is an excellent question, and the answer is yes. We are moving them from the site earmarked for the new central block to another site, which is phase one, which is currently under construction, and that

move will be a permanent move. So we are building permanent structures. Even though we did not have to build central block, if you are familiar with the compound, the buildings that currently house those departments are derelict and have serious OSH issues. So whether we were building a new central block or not, in the interest of safety we had to move those departments. So those departments being moved are just to the southeast of the A&E, and they will be moved to the north of the A&E. Those works which were awarded to Kee-Chanona for \$25 million have already begun. Concrete slabs have been laid, so the verticals will start to go up very soon, and those works are due to be finished by September 2019, all things being equal. Thank you very much, Madam Speaker.

Dr. Gopeesingh: Minister, would you consider it appropriate for the demolition of the central block to take place with patients in nearby wards, very close to the proposed demolition site? What would you do with those patients?

Hon. T. Deyalsingh: I was looking for a synonym for the word “hypocritical”, and the synonym is “insincere”.

Madam Speaker, I am amazed. I continue to be amazed by the interest of the Opposition in central block, because you paid no interest—you paid no interest—from 2010 to 2015. Now that we are paying attention to central block, to ensure the safety of patients, visitors, health care workers, I am amazed at the interest now being shown by the Opposition. When you had the levels of power you did nothing—you did nothing.

Dr. Gopeesingh: Answer the question.

Hon. T. Deyalsingh: So we will do everything to construct a new central block; [*Interruption*] to demolish—if you know where the COSTAATT building is [*Interruption*] and if you know where St. James is—

Madam Speaker: Member for St. Joseph. Member for Caroni East, if you wish

to ask a further supplemental question, I am sure there is one more. In the meantime I would just ask you to restrain yourself. Member for St. Joseph.

Dr. Gopeesingh: He does not answer it.

Hon. T. Deyalsingh: Thank you. Madam Speaker, as I said, it is insincere of the Opposition to now ask about central block when they sat on a seismic report for five years, and did nothing. We are doing something to ensure the safety of patients, visitors and health care workers and now they have a plethora of questions. We would do everything possible to ensure the continued safety of staff, patients and visitors. As I said, a synonym for “hypocritical” is “insincere”. Thank you very much.

Dr. Moonilal: My question to the Minister—I am looking for a synonym for “misleading”. Could I ask the Minister: Are you aware that the last Government, the Partnership, had made advanced progress with the Government of the United Kingdom and related companies to the Government to construct an entire hospital complex in Port of Spain, that was not one building standing up in the sky but an entire complex of several, several facilities, and that had advanced by 2015? And please, do not mislead the country like this—

Madam Speaker: Member, what is the question? I heard about three questions.

Dr. Moonilal: I am not hearing you clearly, I do not know if there is a problem with the sound system. I am asking the Minister: Are you aware that advances were made and progress made for an entire hospital complex in Port of Spain? You either aware or you are not.

Hon. T. Deyalsingh: Absolutely not. What I am aware of is that my colleague opposite did not touch a blade of grass, did not turn over a shovel of cement to start the construction of a central block—

Mr. Imbert: Which was condemned by a report.

Hon. T. Deyalsingh:—which was condemned by a PAHO report, condemned by an RN Bush report and other reports that clearly said central block posed a risk to life and limb, and my colleagues—Madam Speaker, that is a block with over 400 patients, medical staff. Visitor hours you could have a catastrophe of over 2,000 people at full population, and you did nothing for five years. We are doing something now, and I am amazed again by the insincerity and sudden rush of love for central block. Thank you very much, Madam Speaker. [*Crosstalk*]

**Tourist Arrivals
(July to December 2018)**

105. Ms. Ramona Ramdial (*Couva North*) asked the hon. Minister of Tourism:

Could the Minister state the number of tourist arrivals in Trinidad and Tobago from July to December 2018?

The Minister Tourism (Hon. Randall Mitchell): Thank you very much, Madam Speaker. Over the period July 2018 to December 2018, 211,952 tourists visited Trinidad and Tobago. The data is collected from the Immigration Division of Trinidad and Tobago, the Port Authority of Trinidad and Tobago and the Tobago House of Assembly. The data reflects all ports of entry including air and cruise arrivals to Trinidad and Tobago.

**Cruise Ship Arrivals
(July to December 2018)**

106. Ms. Ramona Ramdial (*Couva North*) asked the hon. Minister of Tourism:

Could the Minister state the number of cruise ship arrivals in Trinidad and Tobago from July to December 2018?

The Minister of Tourism (Hon. Randall Mitchell): Again, Madam Speaker, in Trinidad and Tobago and the Caribbean the cruise season runs from November to April of the subsequent year.

Trinidad and Tobago received 19 cruise calls for November and December

of 2018. Of these, 10 ships visited Trinidad while Tobago received nine for the same period. No ships arrived outside the season during July to October 2018.

International cruise passenger arrivals for November and December 2018 totalled 28,344, of which 20,765 were cruise passengers to Trinidad and 7,579 were cruise passengers to Tobago.

Madam Speaker: Member for Oropouche East.

Dr. Moonilal: Thank you very much, Madam Speaker. Question No. 108 to the much more honourable and decent Attorney General.

Commission of Enquiry (Amount Spent)

108. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Attorney General:

Further to the paper entitled, “Breakdown of Expenses to the Commission of Enquiry into the failure of the CL Financial Limited, Colonial Life Insurance Company (Trinidad) Limited, Clico Investment Bank Limited, British American Insurance Company (Trinidad) Limited and the Hindu Credit Union Cooperative Society Limited” laid in the House of Representatives on December 9, 2016, could the Attorney General provide the additional amount spent on the Commission of Enquiry from October 1, 2016 to present?

The Attorney General (Hon. Faris Al-Rawi): I thank the hon. Speaker for this opportunity to answer. Perhaps the hon. Member means I am much more honourable today. I take it that way, I do not know otherwise. All my colleagues are honourable on this side.

Madam Speaker, further to a Paper entitled, “Breakdown of Expenses to the Commission of Enquiry to the failure of CL Financial, Colonial Life Insurance Company, Clico Investment Bank, Hindu Credit Union Cooperative Society”, laid in this House on 09 December, 2016, I am able to report as follows:

Cost of professional fees foreign services in the period October 01 , 2016 to the 20 February, 2019, the cost broken under that category is as follows:

Cost of outstanding professional fees foreign, \$18,005.20;

Cost of professional fees, local counsel, \$34,500;

Being a total cost of TT \$52,505.20;

Cost of professional services October 2016 to February 2019:

Cost of foreign legal counsel, \$2,850,681.64;

Cost of professional fees on the accounting side of the DPP's Office, \$79,285,284.62;

Giving a total accumulation of \$82,135,966.26.

There were further costs. Total costs of professional fees, foreign and local, and DPP fees for the period October 2016 to February 2019, aggregating the two sums, \$82,188,471.46. There are a final cost of monthly rental and call charges from TSTT, again 2016 to 2019, giving us \$8,450.65. The grand total for that period 2016 to 2019 is \$82,196,922.11, and that, Madam Speaker, stands on top of the \$109,338,997.54 being the previous costs that we reported to this House in the Paper entitled "Breakdown of Expenses", laid on October 01, 2016.

Dr. Moonilal: Attorney General, surely it is not lost on you that we have incurred almost \$200 million in legal fees. Is there some type of deadline or timeline when this matter will come to an end, or will bring some resolution or result of one kind or another?

Hon. F. Al-Rawi: Madam Speaker, I think the hon. Member has of course asked a very germane and important question on behalf of every taxpaying person in Trinidad and Tobago. This matter can only be answered by the respectable and honourable DPP. It lies squarely in his domain. These over \$200 million costs are legal and accounting costs and some ancillary costs, but they also stand on top of

other costs, for instance litigation at the Central Bank, other ancillary pieces of litigation which will take us to several hundred million dollars more. So this entire bill, I dare say, has crossed close to half a billion dollars, and therefore that question really, and that is just a conservative estimate, I do not have the exact figures, but there are several satellite aspects. I understand from the DPP that he is close to completion of his matters. We of course do not ask questions that we are not allowed to ask at the Executive arm, particularly the Office of the Attorney General, and we trust that the DPP is in charge of what he is doing, and we expect that he will no doubt do what he must with alacrity.

2.30 p.m.

Madam Speaker: Supplemental, Member for Oropouche East? Member for Oropouche East.

**Penal/Debe Flood Victims
(Grants Received)**

109. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Social Development and Family Services:

With regard to the floods in November 2018 in the Penal/Debe Region, could the Minister indicate the number of flood victims who have received grants?

Madam Speaker: The Minister of Social Development and Family Services.

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Thank you, Madam Speaker. To date, 57 cheques have been prepared, 48 cheques were distributed with nine yet to be collected by the affected persons.

Madam Speaker: Supplemental. Member for Oropouche East.

Dr. Moonilal: Question.

**Bolivarian Republic of Venezuela
(Financial Investments in T&T)**

110. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Finance:
Could the Minister indicate whether the Bolivarian Republic of Venezuela holds any assets such as properties and monetary instruments including cash in any financial or investment institution in Trinidad and Tobago?

Madam Speaker: Minister of Finance.

The Acting Prime Minister and Minister of Finance (Hon. Colm Imbert):
Thank you, Madam Speaker. I am advised that it does not.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Could I ask the Minister of Finance whether that advice came from the Central Bank or from the banking and investment community? Where did that advice come from?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: From the technocrats at the Ministry of Finance who would have consulted with all available sources of information.

Madam Speaker: Hon. Members, question time is now spent.

STATEMENT BY MINISTER

National Workplace Policy on Sexual Harassment

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): [*Desk thumping*] Thank you. Thank you very much, Madam Speaker. Madam Speaker, it gives me a sense of satisfaction on the statement that I am about to make particularly on such an important day as International Women's Day. Madam Speaker, I am authorized by the Cabinet to make this statement.

For far too long victims of sexual harassment in the workplace have borne pain and suffering in silence as the perpetrators of this disgraceful and

unacceptable behaviour have utilized intimidation, victim shaming and abuse of power to get away with it without facing any sanction or penalty. However, Madam Speaker, those days are over.

Today, it is my privilege to stand here and deliver this statement on the National Workplace Policy on Sexual Harassment, 2019; I turn to the consultative process.

Madam Speaker, the Ministry of Labour and Small Enterprise Development began the consultative process in respect of this policy with national stakeholder consultations on the Draft National Workplace Policy on Sexual Harassment in Trinidad on the 1st of June, 2018, and in Tobago on the 22nd of June, 2018. The consultative process provided a platform for multipartite stakeholders to share thoughts on the draft national policy and to discuss the pervasive issue of sexual harassment in the workplace and its impact on the industrial relations climate in Trinidad and Tobago.

Stakeholders who contributed to the development and finalization of this policy included employees, trade unions, employer representatives, government representatives, representatives of statutory agencies, representatives of non-governmental agencies, citizens, students and persons who identify themselves as survivors of sexual harassment in the workplace.

Madam Speaker, 90 per cent of the stakeholders in attendance at the consultations agreed with the areas identified in the policy, 95.5 per cent indicated that they believe that the policy can effect positive change in the workplace. The recommendations, suggestions and comments of stakeholders were carefully considered in the finalization of the National Workplace Policy on Sexual Harassment 2019. And I take the opportunity to thank each and every one who has contributed to the National Workplace Policy on Sexual Harassment 2019. Madam

Speaker, in particular the team at the Ministry of Labour and Small Enterprise Development, led by our hard-working Permanent Secretary, Ms. Natalie Willis, among our Chief Labour Relations Officer, Ms. Sabina Gomez, our Senior Legal Officer, Ms. Sangeeta Boondoo and the rest of the team.

The context of the policy, Madam Speaker, sexual harassment is a violation of fundamental human rights and it adversely affects the working environment, undermines gender equality at work, creates unfair practices in employment and negatively impacts the dignity and well-being of workers.

The National Women's Health Survey for Trinidad and Tobago 2017, commissioned by Caribbean DEVTrends and the Inter-American Development Bank identified that 13 per cent of women experience sexual harassment at work, on the job, in public transport and public spaces with the highest prevalence of this type of harassment being in the form of electronic messages with sexual content, 8 per cent, and being groped in the public space, 7 per cent. The survey also suggested that in certain instances as many as 84 per cent of sexual harassment experiences were unreported.

Madam Speaker, just a snapshot of the policy itself. The objective of the policy is to prevent sexual harassment in the workplace, identify and address relevant issues and provide guidance and actions that may be taken by stakeholders in addressing this issue.

Madam Speaker, one of the most important elements of the policy is that it clarifies the ambiguity of what is sexual harassment in Trinidad and Tobago by setting out definitions, identifying core values and aims amongst other important concepts and identifying the actions we can all take in our roles at the workplace to address this issue.

Sexual harassment, Madam Speaker, is any physical, verbal or non-verbal

conduct of a sexual nature and other conduct affecting the dignity of women and men which is unwelcomed, unreasonable, and offensive to the recipient and a person's rejection of, or submission to such conduct is used to explicitly or implicitly as a basis for a decision which affects that person's job or hostile work environment conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

In defining "sexual harassment" in our cultural context, the policy also explains that occasional comments or compliments that are socially and culturally acceptable and appropriate are generally not, I repeat, not considered sexual harassment.

The perceptions in different contexts of what constitutes sexual harassment in the workplace are extremely diverse, but the key characteristic of sexual harassment is that it is unwelcomed and/or unwanted by the recipient.

Madam Speaker, sexual harassment can occur at all levels within the organizational hierarchy structure with any worker or employer being a perpetrator or a victim of sexual harassment which may occur via males to females, females to males, males to males and females to females.

The policy, Madam Speaker, applies to all employers, prospective employers and workers including household assistants, apprentices and trainees of all forms of enterprises in the public and private sectors.

The policy also applies to third parties such as subcontractors, volunteers, patients, clients including hospitality and tourism industry, customers, stakeholders of employers.

Madam Speaker, it would be remiss of me not to recognize that migrant workers experience sexual and other types of exploitation, as well as sexual harassment at work. Migrant workers and in particular female migrant workers

face several vulnerabilities, and I wish to make it pellucidly clear that this policy applies to all workers regardless of their society, status—

Madam Speaker: Minister. Gentlemen in the front bench, I am being disturbed. Please continue.

Sen. The Hon. J. Baptiste-Primus: Thank you, Madam Speaker.

Hon. Members: Continue.

Sen. The Hon. J. Baptiste-Primus: Oh, okay. Thank you, Madam Speaker. Madam Speaker, time does not permit me to elucidate further into the rich content of this policy, and I urge everyone to access a copy of the policy on the website of the Ministry of Labour and Small Enterprise Development and to study it carefully.

In closing, Madam Speaker, I remind all of us of the words of an unknown author and I quote:

“Excellence is never an accident; it is the result of high intention, sincere effort, intelligent direction, skilful execution and the vision to see obstacles as opportunities.”

Madam Speaker, this policy is a tool that empowers all of us, and I encourage everyone to read it, digest it and live it. When we are empowered as individuals, our nation is empowered.

Finally, Madam Speaker, before I finally close I take this opportunity to extend International Women’s Day greetings to our first female President, Her Excellency Paula-Mae Weekes, [*Desk thumping*] to you, Madam Speaker, the President of this Senate, Christine Kangaloo, [*Desk thumping*] all the female Members of Parliament in this hallowed Chamber and the Senate, as well as my sister citizenry of Trinidad and Tobago. I thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Member for Couva South.

Mr. Indarsingh: Thank you very much, Madam Speaker. In keeping with Standing Order 24(4), could the Minister tell us when, based on the laudable policy that she has just laid in this House, when will the report into sexual harassment at the Ministry of Sport and Youth Affairs be laid in this Parliament?

Madam Speaker: I will not allow that as qualifying under Standing Order 24(4).

COMPANIES (AMDT.) BILL, 2018

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I beg to move:

That a Bill to amend the Companies Act, 2018, be now read a second time. I know that the procedure is unfortunately inaccurate as printed, Madam Speaker.

Madam Speaker, it gives me great pleasure to bring a very important Bill to the attention of the hon. Members of this House and also to the national and international community because certainly all eyes are upon us.

Madam Speaker, the Bill before us is deceptively simple if one were to reflect only upon the length of it, but it is on deeper reflection something which runs to the root of our national focus and our international obligations.

Madam Speaker, this Bill seeks to amend the Companies Act, Chap. 81:01 of the Laws of Trinidad and Tobago. That Act is now nearly 22 years old. It is an Act of Parliament, Act No. 35 of 1995, it came into operation on the 15 April, 1997. And, Madam Speaker, that legislation which we borrowed from the Canadian Government, the Canadian corporation laws has been something which has served us well. Let us put the aim of this law, its purview and perspective into sharp focus.

Trinidad and Tobago as you know, Madam Speaker, signed on to international obligations via the Caribbean Financial Action Task Force. That

FATF-style regional body or FSRB as it is called, models itself after the Financial Action Task Force, and there is a square obligation by the 170-plus member states, 190 in a different forum, 170-plus member states to observe what we call the FATF Recommendations. There are principally 40-plus recommendations, and there are several other observations which we must be graded against, called immediate outcomes; there are nine of them.

Each of the countries around the world have agreed to have an assessment in the Financial Action Task Force arena. That assessment is referred to as a mutual evaluation. The FSRBs group themselves, decide an order of priority for the analysis and assessments of the laws of any one country, and also the efficacy of the laws of that country.

That Mutual Evaluation Report is published in the Financial Action Task Force Plenary, as well as the Caribbean Financial Action Task Force in Trinidad and Tobago's case, then one undergoes a process of action plan implementation.

Trinidad and Tobago underwent its Fourth Round Mutual Evaluation in January 2015. In that Fourth Round Mutual Evaluation we rolled up our Third Round Mutual Evaluation with our Fourth Round Mutual Evaluation. The team of assessors came in January 2015, looked at everything from our national risk assessment profile, right down to our compliance with the 40 Recommendations-plus and the immediate outcomes.

As a result of our poor performance in January 2015, we were put into something called "enhanced follow-up" in the Caribbean Financial Action Task Force regime, as well as something called the International Cooperation Review Group analysis or ICRG, so we were being monitored in two separate entities at the same time, and are still being monitored. On the one hand, the Caribbean Financial Action Task Force, and on the second hand, the ICRG grouping of the

FATF grouping.

In that process, Madam Speaker, we are obliged to give high-level political commitment, and then an action plan is forged and published in the FATF agenda. It is not in a public domain, it is in the FATF agenda. And as we take ourselves through that step and purpose of compliance with the action plan, we as a Parliament have undertaken a significant amount of work, and if I may reflect upon that, to remind hon. Members of the points along the map that connect us now to today's Bill.

We did, as Members know, the Miscellaneous Provisions (Mutual Assistance in Criminal Matters, Proceeds of Crime, Financial Intelligence Unit of Trinidad and Tobago, Customs and Exchange Control) Act, that is Act No. 2 of 2018. We did the Insurance Act, No. 4 of 2018; we did the Anti-Terrorism (Amdt.) Act, No. 13 of 2018; we did the Income Tax (Amdt.) Act, No. 18 of 2018; we did the Financial Obligations (Amdt.) Regulations 2018, published as Legal Notice No. 183 of 2018. We did the Economic Sanctions Implementation of UNSCR Order for the Democratic Republic of North Korea; similarly, the Economic Sanctions Order for the Republic of Iran. We did the Financial Obligations (Amdt.) Regulations 2018, we did the Miscellaneous Provisions (Proceeds of Crime) Act, et cetera, further legislation. We did the Mutual Legal Assistance in Criminal Matters, (Requests for Mutual Assistance) Regulations 2019; that is to connect the dots of what we have done already.

We have, Madam Speaker, on this occasion to now consider the square obligations observed in the Mutual Evaluation Report published in June 2016 by the Financial Action Task Force subsidiary group, the Caribbean Financial Action Task Force which said as it relates to companies and as it relates to entities that Trinidad and Tobago has to focus on Recommendation 24 and Immediate Outcome

5. What does that mean? Those two obligations, Rec 24 and Immediate Outcome 5, tell us that Trinidad and Tobago has to focus on unmasking what is referred to as “beneficial ownership” or “equitable ownership”.

Now, I would like to for a moment just give a small example that I gave a while ago to others that, beneficial ownership and legal ownership represent the two types of ownership one may have. Under the Laws of Trinidad and Tobago in the common law of Trinidad and Tobago and finding itself in statute, the “beneficial owner” or the “fair owner” or “equitable owner”, those are the three names that you call them, trumps the “legal owner”. And the example I gave a while ago to the young men from ASJA with us this afternoon is, your beneficial owner is to be found this way.

If you give someone a \$1,000, you tell them, “Buy something for me”, for instance, a pair of shoes, a school bag, a collection of things. That receipt comes back and it says that somebody else other than you owns the thing paid for. Why?—because you gave the money to a friend to go and buy the thing for you.

Now, legally speaking it appears that the person whose name is on the receipt is the legal owner, but in fairness the person who gave the money to that person is the “fair” or “equitable” or “beneficial owner”; this applies, in this example, to the ownership of shares in companies. And the ownership of shares in companies is a materially important thing because, Madam Speaker, if you look to our obligations under the United Nations and our Government’s focus, if you are fighting a battle against the proceeds of crime, money laundering, if you are looking at hidden wealth, tax evasion, if you are looking at all of these things you are going to find that money finds itself in three places, companies or corporate vehicles, cash or land. Those are the three ways in which you can put money and therefore, knowing who the true owner of money is becomes a very immediate and

important obligation.

Madam Speaker, in dealing with the legitimate aim of this Bill and in its proportionality, I want to put a few statistics onto the record. Companies in Trinidad and Tobago are legal individuals. A company has the power of a natural person, a company can outlive a natural person. A company can be given to different shareholders by the transfer or gifting of shares. So what are our statistics with respect to companies?

I am able to say today, we have 104,168 companies on the record. There is a registry of companies, 104,168 companies, of that only 86,190 are active, that means 20 per cent of the listed companies are not active. Of the 86,000-odd that are active, total for profit companies, that is limited liability companies that declare a profit, there are 77,472 of them. And for profit companies that are public companies, those listed on the Stock Exchange, et cetera, there are only 129 of them.

We have in non-profit companies, 7,958, and in external companies, that is companies that come from another jurisdiction but which are registered here in Trinidad and Tobago, we have 596. There is a categorization of some 35-odd companies that fit a miscellaneous category, for instance, they are nearly registered but not quite there because of irregularities. So, Madam Speaker, why do I put the number of companies onto the record? Because companies can be used to carry out crime.

We remember, Madam Speaker, that Trinidad and Tobago found itself in the international press where \$1 billion in cocaine was found in juice cans in a shipment port in the United States of America, \$1 billion in street value. How did that happen, Madam Speaker?—by the utilization in Customs forms of a company in Trinidad and Tobago which was not in operation.

So these smart criminals went to the Companies Registry, found the name of a company that was not in active operation, 20 per cent of our registry is not in active operation, used the name of that company and transhipped \$1 billion of cocaine in juice cans, that is to remind us of how this Companies Bill applies to certain things. Let us go and pull more statistics, Madam Speaker. Let us look to the Financial Intelligence Unit.

Now, under the Proceeds of Crime Act and under the Financial Obligations Regulations which is subsidiary legislation under the Proceeds of Crime Act, certain entities must report suspicious activities or suspicious transactions to the Financial Intelligence Unit. They conduct an analysis and then they report it to the Financial Investigation Branch of the Trinidad and Tobago Police Service and then they go to work. Listen to the figures in Trinidad and Tobago as it concerns STRs, Suspicious Transaction Reports, Suspicious Activity Reports referred to as SARs.

For the year 2015—2016, Madam Speaker, when we look to the number of companies involved in STRs and SARs, 149 companies in that period 2015, they were involved in a suspected Trinidad and Tobago value, suspected transactions, suspicious activities and transactions, \$270,000 million—\$270 million, forgive me, I was looking at the billion figure in the aggregated sum—\$270 million, close to one quarter of a \$1 billion in suspicious activities; \$270 million. Listen to what the suspicious activities were: attempted murder, breach of exchange control, gambling and betting act, money lenders, corruption, drug trafficking, extortion, financing terrorism, human trafficking, illegal gambling, robbery, suspicious activity, tax evasion; 149 matters aggregating to over \$270 million.

Attempted transactions of that 270 amounted to \$26 million, but completed transactions, take the \$270 million, look at what was attempted and blocked, \$26 million was blocked, completed \$243 million.

Let us look to 2016; 2016/2017 for that year, 117 companies were involved in, hear this number, \$14,526,755,649.54; 117 companies were involved in \$14 billion of STRs and SARs. Exchange control, corruption, drug trafficking, financing terrorism, fraud, human trafficking, money laundering, suspicious activity, tax evasion. Of the amount that was completed we had \$911 million, so nearly a billion dollars was completed as a result of the diligence of the FIU in its reporting and its procedures, \$13.6 billion was stopped.

Let us look to 2017/2018. We saw, Madam Speaker, 87 companies, suspected TT-dollar value, \$134,200,762.54; \$101 million of it was completed, and \$32 million was stopped. Again, the usual headings: corruption, drug trafficking, money laundering, suspicious activity, tax evasion. These are the statistics standing in Trinidad and Tobago where companies, a couple hundred companies, if you add them up, are involved in STRs and SARs to the tune of billions of Trinidad and Tobago dollars. That, of course, does not even include the \$1 billion in juice can cocaine that I just referred to and the many years prior.

So, do we have an aim targeted at something which is a proper mischief? Yes. Clearly there can be an abuse of companies in improper circumstances, but what we know is that these companies have legal owners, because companies have to file annual returns under the external regime in Part V of the companies register, you have to file an annual return called a Form 23; under for profit companies, you file an annual return called a Form 28; under non-profit companies, you file an annual return called a Form 29.

In that annual return you are telling the country by way of public registry documentation, who your legal owners of shares are, debenture holders, et cetera, only once every year. If there is a change in between, you do not report it until the annual return, but we do not say on that register in a public way who the beneficial

or fair or equitable owner is, who the man who really paid for the transaction, who the beneficiary of the crime is.

And therefore, when Trinidad and Tobago talks about who is Mr. Big, where is he to be found, Mr. Big cannot be found by way of an open transaction, by way of a genuine abuse of a legal structure because there is no written obligation, compulsory statutory obligation, to name the beneficial owner of your entity.

Madam Speaker, this has a larger dimension, that is where we are talking about crime and local companies including some external companies, but there are obligations that concern the oil and gas industry. Billions of dollars that we live on comes from the oil and gas industry, and there has been a genuine push for transparency of beneficial ownership by the transparency institutes that are around the world, and they have called for implementation of a transparency regime.

So, let me connect the dots. The Financial Action Task Force, the Caribbean Financial Action Task Force, the United Nations Security Council resolutions, and Prime Minister Keith Rowley in attending the anti-corruption conference as he did armed with Trinidad and Tobago's commitment against corruption to commit itself to the fight against corruption and terrorist financing, our Prime Minister very early in this Government's life stated publicly for the world, that we would be taking the battle towards crime not only on the streets as we have done with an appointment of an aggressive Commissioner of Police and a capable Minister of National Security, et cetera, [*Desk thumping*] but, Madam Speaker, on the back as well of following the money.

3.00 p.m.

Now, this is also to be found in our obligations under the Global Forum, it is to be found in our obligations in our bilateral treaty obligations, as we find them for instance in the FATCA reciprocal arrangements with the United States of

America. So, the national agenda and the international agenda in the current Government and Executive's agenda all coincide in saying we will go behind transparency as a tool to follow the money so that we can get to the real beneficiaries of crime. If you take the profit out of crime you are now pushing the envelope.

So, Madam Speaker, what do we look at? I can tell you we looked at the laws of Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Surinam, Uruguay, Venezuela. We looked at all of these laws. But, Madam Speaker, we went further, we looked at the laws in our own jurisdiction. If you look to section 4 of the Companies Act, there is a definition for “beneficial owner”. It is a very limited definition for beneficial owner. Section 4 of the Companies Act describes it:

“‘beneficial ownership’ includes ownership through a trustee, legal representative, agent or other intermediary;”

But, the Companies Act definition, as narrow as it is, can be broadened if we were to look under the Proceeds of Crime legislation, Chap. 11:27. Madam Speaker, may I ask what time I must end?

Madam Speaker: At 3:27:26.

Hon. F. Al-Rawi: Thank you, Madam Speaker. If we look to the Proceeds of Crime Act, Chap. 11:27, under the Financial Obligations Regulations, in particular Regulation 12, you will see that there is a definition of “beneficial owner”, which is by far more comprehensive than that in the Companies Act. If we look to the Securities Act, Chap. 83:02, again, we will see section 108, section 130, section 137, where we treat with the concepts of beneficial owner, beneficial interest. If

we look to the Insurance Act, Chap. 84:01, we look to section 11, Unit Trust, that is the existing law that we have just dealt with by way of the amendments which we sat together for many years to develop. If we look to the new Insurance Act, Act No. 4 of 2018, which has not yet been proclaimed, but you look to section 56, again you will see the beneficial ownership aspects done.

So, we have this concept of beneficial ownership. It is recognized in the current law, but, Madam Speaker, it does not go far enough, because the concept is not clearly defined to get to the ultimate natural person, meaning, not a legal person like a company, but an actual living, breathing entity. We do not get to that person by way of public information. So, what have we done? The Bill, Madam Speaker, really speaks to just a few things. It is 11 clauses long. First clause, short title. Second clause, proclamation clause; This Act shall come into effect when you proclaim it. Third clause, this Act means the Companies Act, Chap. 82:01. Fourth clause to the 11th clause is really where we get to the meat of the matter. Clause 4, clause 8 and clause 11 are all interrelated. Clause 4 deals with the concept of share warrants, bearer share warrants, bearer share certificates. Clause 4 treats with that in the context of local companies for-profit companies, et cetera, locally grown companies, whether incorporated as shares for guarantee limited, unlimited, or non-profit. Those four different categories.

Clause 8 treats with external companies in the context of bearer share warrants and bearer share certificates, and clause 11 deals with the regulations in Schedule 2 to the Companies Act. So, those three clauses, and I will come into the details of them in a moment, treat with the issue of bearer share warrants, bearer share certificates; and what does that mean to the average citizen? A bearer share warrant, et cetera, is simply something which is negotiable by the fact that you hold it. A dollar bill. You hold a dollar bill, it is yours unless you can prove it was

given or stolen; given as a gift with return. But, a dollar bill is actually a negotiable instrument. A bearer share warrant or a share warrant that is in the same category—certificate in the same category, bearer share certificate, those are different categories or different species in law. A bearer share warrant is a negotiable instrument which is under the seal of the company, and a share certificate is a share certificate which is the bearer. He who holds it owns it.

Now, hon. Members would recall in the miscellaneous provisions legislation which we dealt with last year, that we, under the Customs and Excise and control arrangements, managed the creature that it is a bearer share warrant or bearer share certificate by putting limitations on how it is to be imported or exported. But, Madam Speaker, our Companies Act allows for bearer share warrants impliedly, it treats with bearer share certificates, and it does not disaggregate the local versus external entities. Now, Madam Speaker, I am being careful to try and explain this in as lay a position as I can, because it is very easy to speak in legalize and just run on with the Bill, so bear with me as I do this. Madam Speaker, I will come to the sections in their particulars, but the first aim is to treat with bearer share warrants and bearer share certificates.

The second aim—very important aim—is to put a mandatory provision that you must disclose who the beneficial owner is, and that that beneficial owner is known for all categories of companies. That is the second aim. The third aim is to make sure that records are kept up-to-date and contemporaneously with transactions. The current law says, if you change the ownership of a share you do not need to report it until maybe a year later, depending upon when your annual return date is.

So these are the three essential aims, added only by a fourth, but a very important one, which is to cure a lacuna in the law. When we repealed and

replaced the Bankruptcy Act with the insolvency and bankruptcy legislation, unwittingly in a previous Parliament we failed to describe who the official receiver was going to be. Now, under the Companies Act, if somebody has their property dealt with, for instance, a court were to treat with the cancellation of shares as we see in this Bill, the remedy is to be found in section 245 of the Companies Act. And in section 245 it is where the aggrieved person goes to court and says, “Listen, you have mistakenly taken me off the register, you cancelled my share certificated, I want to have it restored.” And in those circumstances when you are winding up or dealing with company property you have to have an official receiver, and the official receiver, if you look at it under the Administration of Estates Ordinance or any other of the laws that treat with official receivers, that is usually seated in the Chief State Solicitor’s Department. And therefore in this Bill we propose in clause 10, if I am not mistaken—yes it is—to treat with the categorization of the official receiver.

So, let us go into the provisions of the law itself, Madam Speaker, and allow me to try to break this issue down. The first material amendment as I mentioned, is in clause 4. In clause 4 we are proposing that we delete subsection (2) of section 33 of the Act. And section 33(2) in its original form said:

“No company may—
issue bearer shares or bearer share certificates.”

Notice the word “warrant” is absent. What we have done in this new addition by deleting the subsection (2) and putting in a new one, we have broken down the manner in which the two species may be treated, bearer share certificates and bearer share warrants.

“No company may—
(a) issue a bearer share certificate”—or—“warrant;

(b) convert...; or

(c) exchange...”

—those particular categories. And where the company has done that, we put them to commit an offence. Now, I would like to say, in treating with the proportionality of fines and imprisonment, what we have done is to borrow from section 319 of the Companies Act, and that is—sorry section 312 and section 313 of the Companies Act, which is the general offences provisions, which basically say \$10,000 and three years, with a continuing daily fine of \$300 per day.

So, we have kept the fines in tandem with the rest of the Act. I ask you to take note, Madam Speaker. I am currently engaged in an exercise of revising all the penalties under the Companies Act, because they are far too low. When we look to the Insurance Act, we look to the Securities Act, we look to other laws in Trinidad and Tobago. We have gone up, the gaming legislation, et cetera, a million dollars, \$500,000. The formula is a little too low under our legislation, but it is consistent on this occasion.

Madam Speaker, we have provided in clause 4 for the methodology, how you must treat it prior to the enforcement of your bearer share warrants, et cetera, law coming into effect, the prohibitions. We come to the next steps, six months after commencement the company must give notice to the registrar in a prescribed form. If you fail to do that there is an offence. If you have the notice issued you must bring it to the attention of the persons who own the shares. They must then bring it in within six months, and the holder can have that share brought in and converted to a registered instrument. For instance if Faris Al-Rawi holds that share, I would come into the company and I would say to the company, “Here is my bearer share, I have got a notice from you, transfer it or record it”, and they would just record the name of the person that owns it. What we have done is if

you fail to bring it in, there is an offence, but we put in a very careful due process point. We say, “Look, if you fail without reasonable cause then you are guilty of the offence”. And that is well traversed in law as to what reasonable cause looks like.

Subsections (10) and (11) is where we put in the due process. The company, if you fail to bring it in, they know who you are, they can cancel your share by going to the court of Trinidad and Tobago. Not capriciously, not by act of another shareholder, by the High Court telling you, you must cancel the share. If you are aggrieved you can go for the relief to be found in section 245 of the Companies Act by saying, “Look, restore me”, and you go to the High Court to treat with that. The new subsection (12) adds in the obligation to file the annual returns, and then we put in the ability to have that done on an immediate basis and then an annual basis. Importantly, in the subsection (14) we have defined a bearer share warrant, because it was not defined before, as a negotiable instrument that accords ownership in legal person to the person who possesses the bearer share certificate.

The next clause, clause 5, treats with an amendment to section 177, and section 177 is the section in the Companies Act that treats with the records of the company. Under section 177, it is where any shareholder, any director can turn up at the door of a private company and say, “Look, I want my copy of the documents and I want it for free. I want the documents which I am entitled to in the capacity as director or shareholder.” For public companies it is slightly different, Madam Speaker, as I know you are well aware. For public companies you can access at certain points, and then it can be provided to you, otherwise it would end in pandemonium if one could make demands in a public sector which is regulated under the securities industry legislation.

Madam Speaker, we propose in that clause 5 to also include a company

which has issued share warrants, et cetera, that we must now disaggregate the information which is made public. You must register the number of share warrants or bearer share warrants issued, and the date on which they were issued, et cetera. If we go to clause 6, Madam Speaker, we are looking at the provisions to amend section 190 of the Companies Act. Section 190 treats with access to records. The access to records—again this harmonizes with the previous provision 177 which is the records themselves. It is under 190 that the access provision is actually given life. And, Madam Speaker, we are making sure that we include very importantly not only access to records under sections 177, 179 and 184. That is the current law sections, but also as you will see it in the beneficial ownership dynamic, section 337C(6). That is in a reference to the obligation which we treat with for the creation of a beneficial ownership registry, that you should have access to that. So that allows the directors, shareholders of private entities to have access to beneficial ownership in the home of the registered office. Of course, under the beneficial ownership provisions in the new Part VA, in the other clauses which we would come to, you have access to the public register which provides for it.

Madam Speaker, the next clause is clause 7, which seeks an amendment to section 318. Section 318 sets out the particulars of what you must do to make an external company registered in Trinidad and Tobago. Let me explain that. If you have a company registered in France, if you have one registered in England, one registered in Uruguay, there is a mechanism to transplant that company from its local domain into the laws of Trinidad and Tobago by way of what we call an external registration. In the external registration requirement, section 318 of the Companies Act tells you the information that you must produce to the registrar of companies for certification, and we very particularly added in, again, that the company resident in Trinidad and Tobago for tax purposes, you must now

prescribe and detail shareholders, number and category of shares, nominal and par value, et cetera, again, getting down to the type and classes of shares. Because, Madam Speaker, you may have somebody owning one share in a company, but you do not know that that one share is actually the controlling share, and you have 90,000 other shareholders who are under the subjugated authority of the single shareholder.

Madam Speaker, clause 8 deals with the external companies treating with how they manage bearer share certificates and bearer share warrants. And what we do in the new section 333A, by inserting that particular clause, we are providing the same methodology that we did for local companies as I described earlier. The same notice to holders of certificates, the prohibition against the external company allowing for the issuance only in Trinidad and Tobago. Because we cannot tell a company registered in England do not issue that type of certificate in their jurisdictional laws if it is allowed, but we can say in Trinidad and Tobago, we take the process, inform the shareholder, have it brought in, re-register it in an open name, give them an offence for both the company and individual, provide the exculpation for reasonable cause, cancel it via the High Court process, and have it restored via the High Court process pursuant to section 245 of the Companies Act in the circumstances where it may be just for the court to do that.

Madam Speaker, the next clause is really clause 9, and this is where you rock to the core of beneficial ownership as a creature of what we are doing for the first time in getting to who the real owner is. We propose in a new inserted part—Part VA. So, Part V of the Companies Act treats with external companies. We are putting in a new VA. VA treats with this new beneficial ownership regime. And this beneficial ownership regime is very important. Let me part for a moment from the course and say what a beneficial owner as defined under this law is. It is to be

found in the Bill where we define a beneficial ownership, and it means:

“the natural person on whose behalf a transaction is being conducted;
the natural person who exercises ultimate effective control over a
legal person or arrangement;

in respect of companies subject to this Act—

the natural person who ultimately owns or controls the
company through indirect or direct ownership or control through other
means, other than...”—public companies.

“if no natural person...”—then—“the beneficial owner, the
natural person who exercises control of the legal person...”

What does that mean? For a company that has one layer you look for the natural person. One rank of shareholders who are natural individuals, who is the real owner behind that? For a company that has a shareholder which is a company itself, we take care for that scenario by going through the second layer and third layer. So this is the penetrative analysis as to a definition of what a beneficial owner is.

In respect of legal arrangements we have also added them in to include trusts, the identity of the set law, the trustee, the protector, the beneficiaries, the class of beneficiaries, et cetera, down to natural person. Why? We know in this jurisdiction there is not yet, as there will be as we propose, there is not yet a legal obligation to register trusts. And trusts may happen by way of operation of law. A trust may be wound into existence by way of something happening in reality. Madam Speaker, we provide the regime for how this is to work into reality in section 337B onward, where we ascertain information. What we do in these clauses is we put a bifurcation of responsibility. We tell the company, “You, company limited in liability, you go and knock on the door of all of your

shareholders, you send out notices to your people, and you make diligent enquiries to find out who the beneficial owner is. When you have done that, if you fail to do that there is an offence for you. And of course pursuant to the Companies Act, the existing law 312, 313, et cetera, that is an offence if you fail to do those things.”

We then go the second limb, where we tell the beneficial owner himself—forgive the colloquialism—“Oy”, if you are a beneficial owner, take notice that you too have an obligation to tell the company that you are a beneficial owner. When it happened in the past, when it comes in the future, you too have an obligation. And if you do not tell of that obligation there are certain consequences on you. Now, what does that mean in practical terms after you get the knock on the door or you get the “Oy”? It means, if you do not say that you are a beneficial owner, well okay, you are no longer the beneficial owner. Because, Madam Speaker, what we provide in this is an extremely important subsection. Subsection (8) of the new 337B. Listen to what it says:

“No right or interest in relation to any share in respect of which a declaration is required to be made under this section but not made by the beneficial owner, shall be enforceable by him...”

Meaning—

Hon. Member: “Yuh cyar geh nutten.”

Hon. F. Al-Rawi: “Yuh cyar geh nutten.” Let me explain that. All people who have bought properties, assets, drug men, corrupt men, the Al Capones—if I borrow the US example—they will now have to go and tell the registry and tell their company, “Oy, I am a beneficial owner.” But when they do that they are going to be tripped because they are now going to be breaching other laws that they failed to comply with. But if they do not do it, they say, “Boi, nah, ah cyar do dat, because I will surely make a jail”. Hard luck, you are deprived of the proceeds

of your crime. That little subsection (8) is nuclear in its effect, Madam Speaker. And I would like to say that I am particularly pleased that we are taking that. So, the basic methodology in this is, “Oy, fess up.” If you have nothing to hide then there is nothing wrong with ‘fessing up, because you could say that you are the beneficial owner. But, you better get some good advice, lest you trip the laws of the Republic of Trinidad and Tobago.

Madam Speaker, the 337D, et cetera, we deal with, again, the time frames where the company issues transfers that it must within 30 days of the transfer, and no longer wait for the annual return under Form 23, Form 28, or Form 29. Forget that, which is an annual event, thirty days within your transfer, you must inform. Fortunately, that is something which attorneys-at-law are well informed, if you are under a mortgage, et cetera, the statement and particular of charges require time frames of that measure, so it is nothing that is out of the norm in terms of what we are doing.

Madam Speaker, I turn next to clause 10. Clause 10 is the anomaly of the insolvency and bankruptcy repeal and replace of the Bankruptcy Act, where the inadvertent identification of the Chief State Solicitor as the receiver of property happened. It is a lacuna which we spotted and which we are pleased to now cause to be remedied by way of clause 10 of the Bill. If we get to the final clause of the Bill, Madam Speaker, we are simply making sure that in Schedule 2 of the Companies Act that we treat with the definition in the regulations to make sure we treat with the share warrant, because we could not do the primary law and not treat with the subsidiary law.

Madam Speaker, it is hard to talk companies law in layman language. I have had the benefit of having practised in that area for 22 years odd. I love the companies law. Quite frankly, I genuinely enjoy corporate law. But, I have done

my best to explain its impact to the average citizen in Trinidad and Tobago because it is not that all of us have things to hide. It is that we must all be aware of our obligations, and we have to think outside of the box. This is adopting the Al Capone approach, where if I cannot take you down for murder, I will take you down for tax evasion. This is to deny people the ability to prosper on the law of trusts where equitable owners may prevail over legal owners. I will give the final example, Shakespeare and Shylock, made the concept of equity well understood. The contract in Shylock's circumstance was, "You doh pay me, I want a pound of flesh closest to the heart." That was the law. That is the contract. Time came, default, no money, [*Knocks desk*] knock came on the door—

Hon. Member: "Oy."

Hon. F. Al-Rawi: Where? "Oy, where is my pound of flesh?" The law had to be performed. But the law of equity came in to say, "Oy, it is not fair that you should take that pound of flesh just like that." Take it but do not spill a drop of blood. So, that is the example of equity prevailing over the law. It was born, of course, in the Chancery Division of the United Kingdom's court structures because there was an abuse of the letter of the law.

We all know, without being unparliamentary, what they say about the law. The law can be—I cannot even use the term. But, Madam Speaker, this is good law. There is a legitimate aim. It is proportional. It employs due process. I could take a sojourn if need be into the constitutional provisions and the law on constitutionality. Perhaps I may yet need to do that in the wind-up, but I am pleased to say, this is something that I think we would all welcome. It meets our international obligations, it meets our local obligations. It has been well thought out. There is ample precedence for the law, in our own laws, as I have detailed, and in the international structures. In those circumstances, I have nothing left to

say than I beg to move. [*Desk thumping*]

Question proposed.

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you. [*Desk thumping*] Thank you very much, Madam Speaker. I take this opportunity to say a few words on an Act to amend the Companies Act, which is really the Companies (Amdt.) Bill, 2018. As the Attorney General said, all 627 pages of the original Bill was established in 1995, and we have had some amendments since then in 1997, 2012, 2013, and now we come again in 2018 to make amendments. These are important amendments, and the AG was correct when he said that this was an important Bill, and I understand his argument that what he is trying to do is to achieve national objectives with a national focus, and to meet as well international obligations.

I will refer to only one thing that the Attorney General said, because it just struck me as I was listening, of the 101 companies or so, 80,000 or more active, and out of that when you take the years, you used the years 2016/2017, I cannot remember if you used 2018. But basically, what you are talking about is about 150 companies. There may be some repetitions in that and there may be some new companies, but you are dealing with less than a thousand companies. And I think that if these are the companies that are involved in infractions, and it is possible to track those, it seems to me that you have the basis on which to track illegal operations based on the actual information that you have. So, I would say that one of your responsibilities and obligations as AG, understanding the system within which we operate, and understanding the independence of the various institutions and so on, is precisely to zero in on these, perhaps, repeatedly offending companies, or flagged companies, be they active or inactive, or brought into action in such a way as to be flagged, and on the basis of that, you can address some of

these issues that are really issues of corruption in the society.

3.30 p.m.

And I am sure that you might be placing your mind in that direction and I hope that you will be able to target some of these—and under the law, in the system in which we operate, bring to justice those people who are misusing company law and misusing the system for unreasonable and corrupt purposes.

Now, these amendments before us in the Bill, Madam Speaker, are really about two things, and the Attorney General spoke to them: shares on the one hand of various types and beneficial ownership on the other. And on the surface the objectives seem to be transparency on the one hand and owner identification on the other. So who can really argue with that? If you own shares, let the world know or at least give the world the means to know who owns it. If you own a business or have a beneficial interest in it, Madam Speaker, let the world know or give the world the means to know who owns it. This seems, in my view, reasonable enough and on the surface there is nothing objectionable really to these matters in the Bill.

But the question does arise: Why are these amendments necessary? And the AG addressed some of that by talking about what we do not have in the law that allows for hidden transactions. And I want to ask some questions pertinently that relate to this matter. Is it that share ownership and beneficial ownership of business or a business interest were hidden and “untransparent” before? Now the AG says, yes, to some extent, but I think it is important to understand the extent of that and how we have found out that this has been a problem for us. Is there a wrong that we are trying to correct? Is there something that has revealed itself as a problem and that we are now seeking to make right? I think those are important questions if we are going to make these amendments to the Bill.

Now, there are, as the AG himself pointed out and as the Bill makes clear, there are registered shares; there are shares that are registered, so if you have shares in a public company those are registered and available for public scrutiny. And in that particular matter the SEC has oversight. Now these amendments in this Bill, Madam Speaker, do not speak to any of those issues related to public companies, but one may ask the question whether the SEC oversight is in fact vigilant and responsive enough based on the experience of Trinidad and Tobago and whether the SEC oversight function needs to be strengthened since [*Desk thumping*] we are addressing these issues here in relation to companies. But, there are shares that are not publicly registered called bearer shares, where the owner of the share has a certificate of ownership in his or her possession and if a bearer gives another person the certificate—if I give the certificate to my colleague here, he now becomes the bearer of the certificate and these shares are transferred and the issue there is that it is done so without public knowledge, nobody knows except—because it is a private transaction.

So, I think it is important to understand that public shares are registered shares and un-registered shares may be hidden or kept a secret and I think this is one of the problems we are trying to solve here by making the matter transparent, Madam Speaker. Now, these amendments seek to register all shares, all indications of ownership. And therefore it is making all share ownership transparent and therefore it eliminates the secrecy issue and it eliminates the privacy issue. These are two factors that are eliminated in the amendments here in terms of transparent share ownership. All owners of shares must now, if this Bill is passed, be publicly declared through registration. That is the net effect of the Bill.

Now, these amendments to the Act, that is to say the parent Act and through this Bill, also call for public registers of beneficial ownership. That is the second

part of it, the end clauses of the Bill. This means that all ownership will now have to be transparently disclosed, whether it is a partnership, a trust, a shell company, or whatever it happens to be, beneficial ownership will have to be disclosed and this will also have implications for transparency but also for taxation, because the real owner will now be known. So the question here is, how do you make everything transparent and open and when you do that you also open the door to make sure that you cannot hide from taxes.

Now the question may well be asked, can there be objections to this and would those objections be reasonable? And I want to raise some of those issues. Objections had been made to legislation such as these and clauses such as these in other Bills on the basis, first of all, Madam Speaker, of privacy rights. Secondly, they have been made on the basis of the increased cost of doing business. I think that is a matter raised, for instance, by one of the submissions of the Law Association of Trinidad and Tobago. Objections have also been raised on the basis of scrutiny by the media. So people feel that if you have such a transparent and open process you can find yourselves in a situation where you can have a media issue.

Another objection that has been raised and is on the basis of hindering investments are negatively affecting investment decisions. That is to say, if everything has to be known to the general public and all and sundry and it can make it to the press, I might be more cautious about how I place my money and manage my investment. An objection has also been raised on the basis of opening up the potential for things like blackmail and kidnapping for ransom. [*Desk thumping*] That is to say, if you can come—as has happened in Trinidad and Tobago, we have known situations, whether this is hearsay, whether it is factually based or whether in fact we have documented evidence of this, we have heard, for

instance, that people had been able to acquire information on bank accounts and on the basis of that, proceed with criminal activity.

Now, I raise these objections because they have been raised and they are in the literature, Madam Speaker. I am not raising them as particular objections that we have to these amendments, but I am saying if we are doing a Bill and we are raising the issue of transparency and full declaration of all ownership of shares and assets then we must be aware that these are issues as well that we have to be concerned about. The question may then be asked and the AG may ask it: Are these concerns more important than the concern about transparency and the need for transparency and openness. I do not think so. I think, we cannot say that we are for transparency in this country as we say all the time, accountability and good governance and then not legislate for it. I think we would have a problem of dissonance if we were to take that position.

This Bill is about transparency and accountability in the private sector and supports good governance in economic matters. So if transparency, accountability and good governance are important, then legislation like this which makes such a regime possible is also important and worthy of support. But we must also ensure that it is good legislation which takes into account some of the issues that have been raised by others in relation to legislation like this and that such legislation when it, or if it is passed, is not subject to whim or arbitrariness or abuse.

Now, we talk about transparency all the time. I have a definition of transparency here which I would like to share and which is:

“a ‘lack of hidden agendas or conditions, accompanied by the availability of full information required for collaboration, cooperation, and decision making.’”

Now if we use this notion of transparency, a lack of hidden agendas or

conditions accompanied by the availability of full information, et cetera, on these grounds, could we say that the politics of our country or any country is transparent? Is the conduct of public business by Government, here, or anywhere else, transparent? And is the conduct of private business in our territory, in our country, transparent? I think it would be hard to argue the case that it is on all of these counts. But—and I could use examples. But today is not the day for examples about these things. Transparency in this country, as indeed the world over, is a problem. And I understand the objective of the Attorney General in trying to address this issue in relation to the declaration of shares and the declaration of interest in companies on assets.

Now, the real issue behind transparency is, how do you hold people to account for the businesses or the business in which they are engaged. And this is the essence of the Bill as it addresses the issue of share ownership, and addresses the issue of beneficial ownership of an entity. How do you hold individuals and entities accountable for transactions and for the ownership of business? How do you insist on accountability from the real players? That is why the natural persons—there is a demand in the amendments in this Bill for the natural persons to identify and declare themselves.

Now, in today's world many of the things which stimulate business and facilitate growth can also be used to facilitate, let us say, tax evasion, the AG talks about that. The whole emergence of offshore companies, for instance, which are quite legitimate and which continue to function and which have gone through various metamorphoses, the whole emergence of this industry was in fact for the purpose of tax evasion. That is to say, to use the loopholes in the law to evade taxes.

The same businesses which facilitate growth can also facilitate money

laundering. That is to say, turning illegal or illegitimate earnings into legitimate gains by using the company structures. And again, the AG talked about that and he talked about the 150 or so—I am using the largest number, it may be more companies, when you add up the different years that have been flagged as possibly, but not clearly involved in that. And also corruption which involves the use of the system of legitimate transactions to make private financial arrangements for separate financial gain possible. So that the issue of visibility and transparency are very different. Things could be happening in the open and it is visible and you have all of these happening and you can see and you can even talk about it and you can even understand what is happening, but visibility does not mean transparency and the legislation is after transparency, an open and clear declaration of interest.

So not all transactions therefore are legitimate and not all company business is legal and in order to get away with illegitimate transactions in the legal businesses, structures have been created using existing law in order to get around the law. In other words, using loopholes. So this Bill therefore is meant to close loopholes, force interest to be openly declared and to insist on accountability by those who in the past may have used loopholes to hide the state of affairs. The critical issue therefore is whether the Bill does do that effectively and whether it does it well; whether it corrects a wrong or solves problems which are legitimate and real and whether it does address the closing of loopholes.

Now, let us look at some of the clauses in the Bill. So in 33(3), the issuance of and conversion and exchange of a bearer share becomes an offence and a framework for compliance and penalties are outlined thereafter. Any individual or a company who feels wronged in the process can take their matter to the court, Madam Speaker, and all directors are held responsible for company action. The question arises here, is there an issue of size and proportion? There are penalties

for instance for the breaking of the law once the law is established, but should there be the same penalties, for instance, the summary conviction involves a fine of \$10,000, imprisonment for three years and a \$300 penalty each day until compliance. When you think of the profile of companies in Trinidad and Tobago, micro companies, small companies, family companies, medium companies, businesses, all of these businesses, as well as large conglomerates, I am asking the question, should the fine be the same for all businesses? And would the micro, small family and medium businesses not be at a disadvantage in this situation [*Desk thumping*] simply in organizing their business?

Can we really claim here that one law applied to every company is fair and that all companies are equal and therefore equal before the law? Can we legitimately and rationally argue such a case? And I hope that the AG will respond to this. He may have a response which argues the implication of the question that I am asking. It is to be noted that this Bill insists on corporate and company responsibility and that all directors are responsible for compliance. I note also that the process of registration of shares involves first the company and then the registrar of companies. The shareholder is held to compliance by the company which can take him or her to court. The company is held to compliance by the registrar who can take the company or its directors to court.

I wonder if the Bill before Parliament today does not seek—and I want the AG to explain this to me—to alter the relationship already established in law between shareholders, a corporate entity, its board of directors, in the context of good governance practice. Because generally the Board is responsible and accountable to its shareholders. This is a Bill which makes the shareholders accountable to the company and the board alters the structure of power in the corporate governance paradigm. So do we wish to weaken the power of

shareholders in relation to corporate power or do we want to ensure compliance for transparency and accountability and is this seeming restructuring of power relations in the company which will take place under this Bill the way to go? In other words, I understand the objectives but will this achieve that objective?

Are we not setting up an unnecessarily antagonistic relationship here between the shareholders and let us say, a board of directors? What is likely to be the response of an owner in whole or in part of a company in which the Board takes him to court? And what are the options for a board, that is, notwithstanding my understanding that he can go for redress in the court as well, and what are the options for a board that is duty bound by law to take a shareholder to court if he or she does not transparently declare ownership when asked? Okay.

Now, the specific clause I refer to here is 4(10), and I would just read it for you:

“Where the holder of a share warrant or bearer share warrant fails to bring in the share warrant or bearer share warrant to the company within the time frame and as requested under subsection (7), the company shall apply to the High Court for the share warrant or bearer share warrant to be cancelled and upon the Court making an order to cancel the share warrant or bearer share warrant, the company may make any required amendment to its stated capital as a result of such cancellation.”

So I am asking the question there: Are we creating a problem as we try to solve one?—is the question I am asking.

The other matter I wish to comment briefly on is the issue of external companies. Clause 8, on page 6 of the Bill, deals with external companies. I know that there have been objections in some quarters to inclusion of externally based companies establishing residence here. I saw that in one of the comments of the

Law Association but I do not agree. I believe that all companies resident here should comply with local law and I think that that is the way it should be. Because if you do not have local compliance, how can Trinidad and Tobago as a country achieve international compliance? And if addressing international crime is an objective of this Bill as the AG indicates and as I think it is, I do not see how the issue of exemption of foreign-owned or foreign-based companies operating here can be even raised at all.

Now, the third issue I wish to raise is the registrar and the issue of registration readiness as soon as the business of this Bill is proclaimed. What are the necessary steps in preparation, what has to be done? Will the registrar be ready? What is the process of compliance, enforcement, policing and management of effective functioning of this registry? So I think that is something that we need to have some information on. The fourth matter is the issue of beneficial ownership.

Part VA of the Bill, from page 10, clause 9, deals with beneficial ownership in companies trust, et cetera. With regard to this, the same penalties apply and whereas the time limit for compliance in the case of shares was six months, the time limit here is 12 months and one month after this law, Companies (Amdt.) Bill becomes law. In this section and for the issue of beneficial ownership, the authority is the Chief State Solicitor. The issue of the exercise of powers under this law by both the registrar and the Chief State Solicitor seems somewhat uncertain in my own mind, and I wonder if you could elaborate a little bit on that.

What this Bill seeks to do is first of all establish a central register to establish an update beneficial ownership of shares and entities in a clear, open and transparent manner. Secondly, through a more transparent system it seeks to address the issue of illicit financial flows to commit fraud, acts of corruption, tax

evasion, money laundering, terrorist financing and financing of the manufacture of illegal weapons I assume, because it is trying to comply with the various international requirements. Third, to comply with the Caribbean Financial Action Task Force, CFATF, and the Financial Action Task Force, FATF, requirements which seeks to establish standards of transparency, capable of preventing the misuse of corporate vehicles for corrupt purposes. But does the Bill achieve its purposes? I do not think in its present form that it does so. The Bill is well intentioned but in my view it falls short. You may be surprised to hear me say this but it does not go far enough and it does not take us where I think we need to go and I will give you some examples. If we really want to be transparent and establish a strong system of accountability, why do we not establish a central public beneficial ownership registry with free public access? [*Desk thumping*]

Madam Speaker: Member for Caroni Central, your original speaking time is now spent. You are entitled to 15 more minutes to wind up your contribution. [*Crosstalk*] You may proceed.

Dr. B. Tewarie: Why should the Keith Rowley Government shy away from that? Members may remember you mentioned that Prime Minister Rowley made certain commitments in 2016 in London when the then Prime Minister David Cameron invited him there. At that time, at that Anti-Corruption Summit, that is what it was about, Prime Minister Rowley said that under his Government Trinidad and Tobago will establish a public beneficial ownership registry and promised the free and full exchange of information with international partners and open access to the public. Why not use the opportunity of this Bill to do that—

Mr. Al-Rawi: It does.

Dr. B. Tewarie: Show me how it does that. [*Crosstalk*] Because I do not see how it does that. What I understand is that you have individuals registering with

the company, the company then registers it with the Registrar General's office and is that what you are calling the public registry? How do I have access to it? I have to go into the Red House, you putting it on a website?

Mr. Al-Rawi: It is online.

Dr. B. Tewarie: Well, okay, if you can clarify that. Secondly, why we do not identify—now there is no threshold for triggering here AG and I assume that every share or every single transaction has to be identified, because in some of these laws, in some companies they trigger it at 30 per cent or 20 per cent or whatever. What is the level for triggering here? Is it any transaction? Well, if it is any transaction then that particular matter is covered. So, but the issue of the registry involving the declaration of natural persons is critical because there is another matter I want to raise and that has to do with interconnected or what the Minister of Finance likes to call connected parties relations in financial transactions. And the question is: How would this registry as you have it and what I am suggesting is a much more public registry and will the issue of connected party transactions or related party transactions, will that be flagged in the system, or how will it become a transparent issue in the system?

4.00 p.m.

That is important because you yourself said, AG, that a lot of these things are veiled over in secrecy on the basis of intermediaries. You did not mention lawyers, but, I mean, that is a fact: law companies, trustees, notaries, foundations, corporate service providers. There are corporate service providers in this country and elsewhere, who specialize in the creation of shell and dummy companies and that is their business, and all of these things, we need to find a way of tracking the interconnected party transactions. If you really want transparency and accountability, then let us pass good law that would trace the interconnected party

transactions that would identify the natural individuals, as you are suggesting, and let us have the open book—okay?—the transparent registry that is there so all may look, whether it is an individual person or whether it is the media trying to get information.

Now, the Attorney General mentioned when he was speaking, the TTEITI, Trinidad and Tobago Extractive Industries Transparency Initiative. And AG, is there not a gap between what you are trying to do and what they are doing here? I mean, are they not way ahead of you in terms of the transparency requirements, and that are we not somewhere behind there? And I wonder if you can address this issue of whether there is, in fact, a gap.

Now, we had raised some time ago, the issue of the connectivity of all of this legislation. The AG talked about some connectivity, and we still have legislation that has to be connected. And the reason I raise these connections with the different Bills and so on—I do not have the time now to itemize the Bills—is because while we want to meet the requirements of international compliance, and while we want to harmonize and make complementary these various Bills, we also do not want the concern for transparency and accountability, which is real, and for international compliance to hinder the business of trade investment and development for our country. I raise that.

The second thing is that I want to say that all the laws by which we are governed are based on the principle of innocence until proven guilty, and with a law like this, most people will comply and conform. The second thing I want to point out is that not all who fail to comply or conform are guilty. And that is why I raised the issue of small and medium and micro businesses, et cetera, and the fines and the requirements for each of those, because I do not think, given the society that we have, that all have equally the wherewithal in order to do these things, and

some of them may need help of a certain kind. And we must not penalize the many innocent because of the few guilty. And I know that there are many guilty, which is why I spoke in my initial—when I started initially about the 100 or 50 companies or so, that have been flagged, and whether that could not be the beginning of the pursuit of what you call your “follow the money” thing.

The other issue I want to raise is that there are laws that govern people in public life, such as integrity legislation, and so on, and this legislation demands compliance in the public good from private citizens and involves private ownerships. So I raise the issue that privacy rights issues must emerge and that privacy rights must not be trampled upon. The issue of private space and public space is becoming blurred, and I do not think it is only in Trinidad and Tobago. I think it is all over the world. And we have to be aware of that in crafting and passing this legislation.

Now, there are many issues that have come up in the past in this country and that are with us recently, so in the newspaper today, for instance, the Minister of Finance is talking about NCB’s bids for GHL. And in the past we have had problems with transactions involving even publicly-held companies, whether that would have been Royal Bank in the past, or TCL in the past, or other companies, and they have become issues. And this raises the other issue of the power of the State in relation to legislation that has to do with private entities. And I do not raise this lightly because there is a quietness in the business community today, even though the economy in the minds of many who should know and who should be able to pronounce, is being run into the ground, [*Desk thumping*] and even though business is unhappy with the state of the economy.

Mr. Imbert: Nonsense.

Dr. B. Tewarie: And the question does arise whether it is the power of the State

that has instilled silence out of fear in the society. [*Desk thumping*] So, for instance, in the hands of the Minister of Finance now, there are issues involving several companies, and these things he has been patiently dealing with, which means that time has been passing.

Hon. Member: Six months.

Dr. B. Tewarie: WITCO is one such company. Sagicor is another. The Republic and Scotia issue is going to be another issue. The Bank of Baroda issue is going to come on his desk. What discretion does the Minister of Finance have in these matters? And what implications does a delay, for instance, have on the market realities of a country? [*Desk thumping*] I will not go into more than that. I do not have the time and it is an issue that could take an hour.

Dr. Gopeesingh: Insider trading.

Dr. B. Tewarie: But can the power of the State—I am raising this question, Madam Speaker: Can the power of the State be used arbitrarily, and at whose cost? Okay?

I have a card in my pocket and I will not show the name of the card, but that person saw me and told me that not only had he been deprived of business by this Government but that he had been warned not to apply for anything else.

Hon. Members: “Aww.”

Dr. B. Tewarie: And he had been told that all his subsequent contracts, which were coming to an end, would in fact come to an end and there would be no reprieve. I say that without fear of contradiction, Madam Speaker. [*Desk thumping*]

Dr. Moonilal: “Dais spite and malice.”

Dr. B. Tewarie: And I want to ask this simple question: To whom does such a person complain? What is the institution that will see that justice is done in this

situation? [*Desk thumping*] And if the person goes to court, what do you think is his economic situation when that matter is before the court? Starvation time.

So I raise these issues and I close by saying that we are a society operating under laws, and when we pass laws we must pass good law. And we operate on the principle that the law is supreme, but we also operate on the basis that there must be equality before the law, accountability to the law, enforcement of the law, fairness in the application of the law, separation of powers, procedural and legal transparency, avoidance of arbitrariness, legal certainty, participation in decision-making—that is why you have the court process—and a justice system that works.

And, Madam Speaker, we are saying that this Bill, we understand its intention both locally and internationally for compliance and for achieving transparency and accountability in the system, but having said that, we sense certain dangers here and we need certain clarifications, and we are dealing with the culture of a society that we know very well, and on the basis of that, I rest my case on this particular Bill. [*Desk thumping*]

Madam Speaker: Leader of the House.

ARRANGEMENT OF BUSINESS

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, in accordance with Standing Order 50(3), I beg to move that the debate on the Companies (Amdt.) Bill, 2018, be adjourned to later in the sitting.

Question put and agreed to.

URBAN AND REGIONAL PLANNING PROFESSION BILL, 2019

Bill to establish a Council for Urban and Regional Planners and to provide for the regulation of the urban and regional planning profession and other matters incidental thereto [*The Minister of Planning and Development*]; read the first time.

JOINT SELECT COMMITTEE REPORT**Trinidad and Tobago Revenue Authority Bill, 2018**

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the Trinidad and Tobago Revenue Authority Bill, 2018, I beg to move that the committee be allowed an extension of five weeks in order to complete its work and submit a final report by April 05, 2019.

Question put and agreed to.

COMPANIES (AMDT.) BILL, 2018

The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young): [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, as I rise to contribute today in a meaningful and intellectual manner, I understand that some down on the other side may not follow me, but they can try. I would like to start my contribution today by wishing all of the leaders of our society, i.e., the women of our society, all of the very best and to thank them for all that they have done for Trinidad and Tobago, [*Desk thumping*] as we celebrate International Women's Day.

Madam Speaker, this Bill, although fairly short in nature, has very far-reaching impacts and is absolutely necessary at this time. Madam Speaker, what this Bill seeks to do is to deal with two major issues that we face. The first issue is the issue of corruption and to address areas that are utilized by corrupt persons for the hiding of their ill-gotten gains, and the money laundering and the washing of their ill-gotten gains through, on the face of it, legitimate companies and means and transactions. So the first issue we are doing and addressing frontally by this Bill, is the issue of corruption.

The second issue, Madam Speaker, that we are addressing, as the Attorney General laid out for us, is the issue of fulfilling our international obligations and in particular our international obligations with respect to anti-money laundering, countering terrorist financing, and also fighting the whole element of corruption. And as the Attorney General quite rightly pointed out, and as the Member for Caroni Central also pointed out, the hon. Prime Minister is on international record as saying that this is a measure that we would take in assisting in the international fight against corruption, and that was done at the Anti-Corruption Summit in London in 2016. And I was fortunate enough, Madam Speaker, to be at that summit with the Prime Minister and to draft, in collaboration with the Attorney General, this country's position, after having taken on board what our international allies and friends and partners were suggesting, including the FATF bodies, the IMF, the World Bank, and all of these international financial organizations, what they were suggesting needed to be done to fight this scourge of corruption.

And just to let the population know, Madam Speaker, how it happens, in our landscape here in Trinidad and Tobago with the current registration of companies and the incorporation of companies, all you are required to do in law is to have two directors. So anyone can go, incorporate a company: company X, and put in place two directors who, to the face and to the world at large, are in no way related to them, and they can then transact business through company X with these two puppet directors. In Trinidad parlance, it is known as the "Uncle Bob" concept, and persons who have ill-gotten gains and persons who are seeking to hide from the law very frequently and very often use this methodology. So, for example, a lot of the criminal element in Trinidad go, and they have persons incorporate companies. They have directors who are, on the face of it, in no way associated with themselves. They may not even issue shares, because as the company law

provisions are now, the law is that whoever incorporates the company, holds the sole share until shares are incorporated.

So now as law enforcement, when you are looking at company X, and you do a search—and it is a public search, to answer my friend from Caroni Central. The Registrar General's documents and the documents filed at the Registrar General's Office are public. So you can go online and you can do the searches, and it is intended that this, too, will form part of that public registry. So when you go now and you search these companies, very often you come across two innocuous names, or three or four innocuous names that are in no way associated with the criminal element.

This is something we are facing right now as we investigate the gangs in Trinidad and Tobago, and, in particular, the allegations that gangs are being given contracts throughout Trinidad and Tobago. Upon coming into the Office of Minister of National Security, I immediately followed up on the work being done by my predecessor, the Member for Point Fortin, and said that we need to focus on the gangs and we need to focus on their bread and butter. So if we cut out the financing of gangs and if they are getting contracts, including state contracts, and we manage to identify these areas and these means and cut that out, we would have cut out one part of their ability to carry out criminal activity.

I can tell you, Madam Speaker, it is not as simple as that because when you search the public records, you are not going to see the names of the persons associated with criminal activity. You are just going to see “Jane Doe”, “John Doe” as the directors and the shareholders. However, the beneficial owner of the company and the person who is benefitting from the contracts and the financial gains of the company, are invariably the criminal element. So the only way you are able to get through and to find, is by investigating and sometimes getting lucky,

and someone saying that company X is really owned by someone who is engaged in criminal activity, and you then begin the process.

[MR. DEPUTY SPEAKER *in the Chair*]

These amendments and this particular Bill and legislation go directly to attacking the heart of hiding behind the beneficial ownership of companies. So it will not only help us on the larger scale of—sometimes people feel, as the Attorney General said, that “Mr. Big” is someone sitting large and sitting, it is that element of corruption, but also the elements of the gangs and the elements of the common criminals who are now utilizing the whole registration of companies to facilitate their criminal empires and to making them grow.

But I would like to say, in answer to something that the Member for Caroni Central said—and he would recognize this—there are also very legitimate means of having trusts set up. In fact, when we agreed in London in 2016, to go down the road of having a public registry and to go behind beneficial ownership, one of the main topics at the time—and it had just broken with the Panama Papers, so, of course, there was a lot of illegitimacy there, but also you have persons, for example, famous people and movie stars at the time were saying they utilized trusts and beneficial ownership as a barrier and a protection to their privacy, because when people want to know, for example, where they live; they want to know where their accounts are, et cetera, there are some people who are legitimately placed behind a trust and have a beneficial ownership behind the trust, and they were asking for some sort of protection for that. So the whole debate in London at the time, there were two sides of the debate: the Panama Papers, as well as the legitimate side.

So I want to put on record here today that there are legitimate reasons to have a beneficial owner structure. One of the things that was discussed at the time

was not to have a fully public registry, because, of course, having a fully public registry would defeat the purpose of those who have a legitimate reason to have a trust set up or a beneficial ownership structure set up. But we are not dealing with that here today. I just simply wanted to put that on the record that there are legitimate users.

We are all aware of the international travesty or the international scheme, the international scandal that the Panama Papers were, and that in particular, a law firm had set up and had become notorious for setting up these fictitious shell companies, and for persons to hide behind the legitimacy of a company, doing their illegal business and transactions, which may include the avoidance of tax, the avoidance of paying tax in certain jurisdictions, et cetera. There is the international debates taking place now as to where persons register for the payment of tax, et cetera. The only way you begin to close those loopholes and those gaps are by all of the major players in the world taking the steps that we are taking here today.

So Trinidad and Tobago is at the forefront. We are one of the first jurisdictions internationally to be taking these steps in fulfilment of international obligations. At that same Anti-Corruption Summit, Mr. Deputy Speaker, again, I was fortunate enough to be in a very small room—much smaller than the size of this Chamber—where the world leaders, including our Prime Minister, who was the only person from a small nation—the only person from this region, from the Caricom, from the Caribbean—who participated on the invitation of the then Prime Minister of the United Kingdom, David Cameron, to participate in this Anti-Corruption Summit. So you had, representing the United States at the time, the Secretary of State, Mr. Kelly, and I remember when he was pushing for the closing of these types of establishments, these fake trusts and these shell companies and saying that is how we can fight corruption globally, when he was

then confronted by some of the other leaders: “Well, how does America do it?” Because one of the famous jurisdictions is Delaware in the United States—I heard my friend from Oropouche East, even before it had come out my mouth—

Dr. Moonilal: I—[*Crosstalk*]

Hon. S. Young: It was not you? [*Laughter*] Sorry, it was Chaguanas West—jump out and say, “Delaware”. And he then said that they too, in the United States would have to take their steps. They have not done it as yet. But here we are in Trinidad and Tobago, leading the way and leading the charge. London as well, was an area that was participating and they have been pushing for an international and global registry, which is something that we would be willing to put our information in. Because, you see, the real corrupt and large industries of illegitimate empires in the world, spread it all over and they have their money floating all over the world.

So this type of Bill here today, Mr. Deputy Speaker, is Trinidad and Tobago’s contribution to the international landscape and the fight against corruption on an international level, and it is us fulfilling the commitments we gave, not only in London in 2016, but also fulfilling our FATF, our Global Forum and our other international obligations in the fight against corruption. This is yet another step by this Government. In fact, we are hearing the population say repeatedly, what is being done to fight corruption? When is the locking up going to start? When are persons going to be charged for corruption?—et cetera. As legislators, there is very little that we can do. That is left up to the police. The police are the ones who have the responsibility, and the DPP, for the criminal charges, et cetera. But what we can do, Mr. Deputy Speaker, is pass legislation such as this that we are passing here today, that will go a long way, a very long way, in the fight against corruption.

So I agree that private business needs to be more transparent. What this does

is it pushes it so persons cannot hide behind the setting up of various companies, shifting money, as the Member for Caroni Central said, all of the intercompany relationships and the insidious relationships that went on before, without persons knowing who the ultimate beneficial owner is, or was, this now deals with that.

Another area that this would capture is in the whole property market. Because what you have very often are those who engage in corrupt activities, when they want to wash their money, wash their ill-gotten gains, very often a company is set up. That company then purchases the property; the property resides in the company. And, again, when you do the searches, you do not know who it is behind that company. The obligations that this legislation now puts on the directors of the company to say who the beneficial ownership really resides in, are very, very far-reaching, as the Attorney General said, they have a nuclear effect in the fight against corruption.

So when you start to look at the Bill, in particular, the Companies (Amdt.) Bill, 2018, I would like to start by saying what it is it sets out to do with respect to bearer shares, bearer share certificates, share warrants or bearer share warrants. The Attorney General, quite ably, explained to us what these pieces of paper are. So what they really are is pieces of paper that hold a value, have no name on it as to who is the owner. And literally you can go around the world, or to the company who issues it, present it and get the monetary value for it. So in the underworld and in the illegitimate world and in the world of corruption, those bearer shares, bearer share certificates, share warrants and bearer share warrants, are invaluable in transacting business and passing value for money without persons leaving their fingerprints or a paper trail without you being able to “follow the money”, as they say.

So the first thing that we do via this Bill, is we say, that can be done no more

in Trinidad and Tobago, and that is a huge step. So companies can no longer, once this legislation is passed, issue bearer shares certificates, share warrants or bearer share warrants. It stops that. But as I was mentioning to the Attorney General, in passing, it always evolves. So now the whole cryptocurrency that has risen is one way for that type of illegal black-market financing of illegal activity to take place. In the old days that is what bearer shares and share warrants and certificates were. We now face cryptocurrency. So the Acting Prime Minister was being asked yesterday in a post-Cabinet press conference, "Are we considering it"? And he said, without hesitation, immediately the answer is no. And one of the main reasons for that is terrorists use it for financing, drug dealers use it for financing and for paying, et cetera, and then those who operate in the black market and the underworld also use it.

In the past, these bearer and share warrant certificates are what were used. We have now eradicated that and done away with it and that is a good day for Trinidad and Tobago. What we have then done, is we have said, okay, those that exist, because they were issued prior to this legislation becoming law, you have to now register it and you have six months to do so. And if you do not do so within six months, we then set out, it is an offence and what are the consequences with respect to it.

So, again, that goes a long way, Mr. Deputy Speaker, in the fight against corruption and the fight against illegitimacy, as we heard the Attorney General point out in the FIU report of how much suspicious transactions are really taking place in our small jurisdiction.

Mr. Deputy Speaker: Hon. Member, at this time we would like to suspend the sitting for tea, and we will resume at 5.00 p.m. of which you will have 13 minutes of your initial speaking time to conclude.

5.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Deputy Speaker: Hon. Members, as we resume after tea, I will recognize the Member for Port of Spain North/St Ann's West and you have 30 minutes of your initial speaking time and you also have the additional 15 minutes once you care to avail yourself. Kindly proceed.

Hon. S. Young: Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, before the break, I was giving examples in a real-time way how this legislation is going to help law enforcement in Trinidad and Tobago. So I would just like to pick up where I left off.

Mr. Deputy Speaker, as we all know, one of the major issues affecting the crime landscape in Trinidad and Tobago right now is the issue of gang activity and the gang-related criminal elements and the effects of gang-related activity. What is happening with gang activity is that there is a lot of money laundering taking place and as I sought to explain, utilization of companies, not shell companies being set up but companies more so being set up where the real owners of the companies are not found on the face of the company documents that are registered at the Companies Registry. This legislation is going to greatly assist law enforcement officers in the fight against those crimes and those circumstances. It also then puts pressure and increases the obligation and the liability on those who are registered to understand that they can no longer hide the illegal activities of their principles.

So as I had said previously, Mr. Deputy Speaker, that is one area and one element and I would like to use the opportunity at this stage to say that we have had significant success under the Anti-Gang legislation and utilizing the Anti-Gang legislation and in fact, this plugs straight into that because you would remember in the Schedule to the Anti-Gang legislation, there are things like the crime criminal

acts that will then draw the power and the ambit and the net of Anti-Gang legislation, include things like money laundering, the Proceeds of Crime Act, et cetera, and this now falls as another asset in law enforcement's fight against crime. And in fact, I take the opportunity to congratulate the police service for some successful charges out of investigations that we have been conducting, they have been conducting under the Anti-Gang legislation within recent times. So this is going to help bolster that.

Another element of corruption that we have found evidence with respect to, that this legislation assists is bid-rigging because we have found instances where, again, hiding behind the shell companies, Mr. Deputy Speaker, the one owner, that one beneficial owner sets up three, four, five companies, then in a tender, a public tender process, what they may do is have four of their companies tender so what you then find is five tenders have come in, the one beneficial owner has four tenders in the game and eventually ends up winning and of course, at the time, when you do the company searches, you are not aware of who the beneficial owner really is and that that beneficial owner, Mr. Deputy Speaker, owns four out of five of these companies, and that whole bid-rigging exercise is successful because you do not know who the beneficial owner is. So this legislation has some real-time effects on our fight against corruption, our fight against corruption at all levels in Trinidad and Tobago.

So it is legislation that is fully supported by me as the Minister of National Security and in assisting our law enforcement officers in their fight against crime and also as a citizen of Trinidad and Tobago. As I said previously and as the Attorney General outlined to us, it also helps us in our fulfilment of international legal obligations with the FATF group, the Global Forum and some of the other bodies that we can face potential sanctions from, if we do not take these necessary

steps in their view and in their eyes, but, Mr. Deputy Speaker, in the meantime, it goes to greatly assist our landscape in Trinidad and Tobago.

So, Mr. Deputy Speaker, what I would like to say is that this is a Bill that I fully support. I hope that I have provided the citizens and those in the House with examples of the real-time effects of this legislation— [*Interruption*] sorry, I am now getting a note here, Mr. Deputy Speaker—and how this legislation will go to assisting us in our fight not only against white collar corruption but also against the hardened criminals who are now utilizing shell companies to launder money, also instances of the gambling that are taking place and other ways that they use to launder their ill-gotten gains. Because unfortunately, Mr. Deputy Speaker, there is a profit side of crime otherwise it would not exist, it would not be as expansive as it is, and I can certainly say on behalf of the bodies that fall under national security and in particular, our intelligence services, our Trinidad and Tobago Police Service, even Immigration, Customs which falls under the Ministry of Finance, this particular Act, this particular Bill when it becomes an Act, is going to go a long way in the fight against crime in Trinidad and Tobago.

And having said that, Mr. Deputy Speaker, with those few words, I offer my full support to this legislation. I am glad to finally see it come to the Parliament and I hope today that my friends on the other side will join with us in our fight against corruption and criminal activity in Trinidad and Tobago, and that they will do what is best for Trinidad and Tobago and support this legislation. There is no need for fear of this legislation. Once you are operating above board and within the laws of Trinidad and Tobago, there is no need to fear this legislation. So any fearmongering with respect to it is misplaced and it has no place in this debate or in any suggestion as to why the legislation should not be passed.

To deal with the comments made by my friend from Caroni Central, that he

said it does not go as far as it should, again, we disagree with that. I think some of the issues he raised, he did not get to go through his extensive list of why he said that it was not as expansive as it needs to be, but I think we have answered in the main, the issues that he has raised about it not being a public registry. It is going to be a public registry. It does fulfil our commitment that we gave at the Anti-Corruption Summit.

So, Mr. Deputy Speaker, with those few words, I give my full support to this piece of legislation and say it is good and necessary legislation. Thank you. [*Desk thumping*]

Mr. Ganga Singh (*Chaguanas West*): Thank you very much, Mr. Deputy Speaker. There is no need for me to respond to the Member for Port of Spain North/St. Ann's West because a lot of what he said is in fact within the confines of the legislation. I will take note of what he indicated that in his participation in the London conference and I will also indicate that the latest news is that the British Government has not passed a public registry for Jersey—[*Crosstalk*]—Isle of Man and some other jurisdiction within that area and I guess the current High Commissioner could stew on that. [*Laughter*]

Mr. Deputy Speaker, I will also indicate that I will speak later on in my contribution as I indicated that the Member for Port of Spain North/St. Ann's West indicated that the debate in London, the Prime Minister took a certain position, that he was the only person or Prime Minister from this region engaging in that conference, and I will say that there ought to be consistency between the articulation at that conference and the relationship with our neighbour Venezuela but I will deal with that subsequently.

Mr. Deputy Speaker, I wish to indicate that it is well known that there is a global trend to improving beneficial ownership transparency. This is a part of a

global trend and this is meant to act as a tool to tackle illicit financial flows. International organizations such as FATF related to anti-money laundering and the OECD Global Forum related to tax and exchange information have started to assess countries more thoroughly in this issue. And I noticed that the hon. Member for Port of Spain North/St. Ann's West stayed away from the latest assessment of Trinidad and Tobago with respect to the EU blacklist. So here it is that Trinidad and Tobago is placed on an EU blacklist because of our failure to comply with certain requirements. Now, that is an indication that all is not well and this legislation, hopefully, will assist in that area, Mr. Deputy Speaker. I think that when you look at the contents of the recommendations of the EU and the Global Forum, you will recognize that this is part of the trend that is emerging.

Mr. Deputy Speaker, the Bill before us deals with corporate vehicles. These corporate vehicles are legal entities through which a wide variety of commercial activities are conducted and assets held. They are the basis of most commercial and entrepreneurial activities in our market-based economy and have contributed immensely to the prosperity and globalization that have occurred over the years. The rapid flows of private capital, ideas, technology and goods and services by incorporated corporate vehicles at virtually every level—so the point is that corporate vehicles play an essential role in the global economic system. However, these corporate vehicles may under certain conditions be misused for illicit purposes including money laundering, bribery, corruption, hiding and shielding of assets from creditors, illicit tax practices, self-dealing and defrauding of assets, diversion of assets, market fraud and other forms of illicit behaviour.

Mr. Deputy Speaker, it is in this context that the disclosure of the beneficial owners of corporate enterprises is important. So whilst we maintain that the vast majority of legal vehicles are used for legitimate purposes such as to undertake a

business, for example, to sell goods and services, it has been recognized that this widespread use for legitimate purposes and goals and the ease in which they can be created or terminated also make these corporate vehicles attractive for the criminal elements.

Mr. Deputy Speaker, the hon. Attorney General, in presenting the Bill, pointed out to some alarming statistics and when you look at the extent of those statistics, you will recognize that this is not a tea party. This is not something to quibble about. When you look at level of transactions: 2015/2016, 149 companies, value, \$270 million; 149 matters, 149 companies, 26 million blocked; in 2016/2017, \$14.7 billion, 117 companies, 911 million transactions completed, \$13.6 billion was stopped. This is a very grave matter affecting our economy.

The question that I have to ask and which occurred in my mind and I think that the point was made by the hon. Member for Caroni Central, you have a pattern of behaviour emerging on an annual basis. You have a certain 100-and-something-plus companies engaged in this activity. It gives you that investigative necessity to go after these companies to lift the veil on those transactions also, so that therefore, you have a situation in this country in which, with that kind of money flowing, with that kind of transaction taking place, you cannot contemplate that that is coming from the normal economy. There is another economy that is taking place, Mr. Deputy Speaker. And Daurius Figueira, in a text entitled: *Cocaine and Heroin Trafficking in the Caribbean: The Case of Trinidad and Tobago, Jamaica and Guyana* points out the extent to which, in the 1990s, our economy was a narco-economy and he dealt with that in the context of a response to the adjustment that was taking place under the IMF. So Daurius Figueira has done a study, it exists and I know my friend from the University may question but he is also a University lecturer, Daurius Figueira. Mr. Deputy Speaker, so it tells you about the narco-

economy here. So when you look at the level and the extent of the transactions then it means that money laundering is taking place through an explosive situation. Now, the hon. Attorney General said that this Bill is a nuclear Bill and hopefully it will blast that out of the system. Now, I do not share that point of view, I am of the view that the narco-economy is well entrenched in this country and it is in every arena, every agency and that therefore that is why it is sustainable and that is why we are getting these numbers every week and on an annual basis.

Mr. Deputy Speaker, if one were to cursorily glance at what was happening in the area that you look at, you look at throughout, you look at the newspapers, you will see that throughout this process, you have a whole plethora of narco-trafficking taking place and you have the situation where the newspapers point to that. So you have a situation where you have goods—I think the Attorney General made reference to the fact that you had \$100 million worth of cocaine in the juice tins, \$100 million worth of cocaine.

Mr. Deputy Speaker, in the newspaper of 22 September, 2011 and I quote:

The central businessman in whose container the 34 million marijuana shipment was found is said to be denying responsibility for the illegal drugs. The drugs were found in a shipment of frozen meat which came from Atlanta, USA via Jamaica.

So given the laws in—[*Interruption*]

Mr. Deyalsingh: What publication?

Mr. G. Singh: The *Guardian*, 22 September, 2011. Given the laws already on the law books of Trinidad and Tobago, has there been any verifiable outcome in this matter? Has this matter been resolved? Is the matter still before the Director of Public Prosecutions or still under investigation by the police? The murder of Dr. Eddie Khoury and his company ISKO that was selling products to Colombia, has

that company veil been lifted? ISKO Enterprises. Has that company concealed any kind of bearer shares? These are things that you would find that a normal investigator will look after because you see, whilst we talk about bearer shares and you are lifting the veil to find out the beneficial owner, the reality is that in the crime environment in Trinidad and Tobago, matters are not solved that way, you are beheaded. So that there is no lifting of the veil in the conventional sense. The criminal element is so well entrenched that they are beheaded. Persons are beheaded if the business deal goes awry.

Jamaica Observer, 18 January, 2014:

“\$600m...hidden in Trinidad Juices tins busted in Virginia.”

And you had a well-established company in two matters. One in their soft drink and now in orange juice. The question is: Given the long history of this family company, has it been determined whether there was any direct involvement in illicit activity or indirect involvement through affiliated or related companies? Because if we do not lift the veil, you cannot tell me that now that you are going to establish a registry to determine whether there are bearer shares or not or a bearer's warrant, only then you will determine the beneficial owner.

And then when my colleague, the Member for Caroni Central, raised the issue of the strengthening of the SEC, Trinidad *Guardian*, 12 March, 2014:

“First Citizens boss sells shares for \$12m profit.”

What is the status of this investigation? Mr. Deputy Speaker, I know of situations with TCL and with other institutions in which there were insider dealings and that therefore nothing happened out of it. It seems to me that the investigation into—
[Crosstalk]

Mr. Deputy Speaker: Members, please, please. Proceed.

Mr. G. Singh:—investigation into this matter is coming to naught. So whilst there

was a big hue and cry about insider dealing and so on, we await the outcome of this investigation. So if you are going to start to deal with the disclosure of bearer shares holders and the settlers of trusts, then at some point in time, you have to deal with the reality of what is happening in our society because the point made by my colleagues: when you embrace the law, you have to ensure that the confidentiality and the privacy factor—which this legislation does not deal with—that that is kept. So that therefore, there ought to be some kind of confidentiality clause for those who work in the registry so as to ensure that when you expose yourself and embrace the law, that your business is not out on the streets and the criminal element does not have access to information so that you can be the subject or your family, of distortion or kidnapping. And this is a legitimate concern that we have.

02 March, 2016 in the Trinidad *Guardian*:

“Two years after US bust Progress in coke in juice tins case.”

So that therefore you have no progress. This is what Supt. Lloyd Mc Alpin, head of the Organised Crime Narcotics and Firearms Bureau said yesterday, that:

“...some progress is being made, albeit very slow.’ He did not elaborate.”

So that no enforcement, no follow-up. Is there an investigative breach that is taking place?

The *Guardian* of 06 November, 2016:

“Senior cops link US\$2m seizure to drug trade: AG waits for probe result.”

Mr. Deputy Speaker, this is what the hon. Attorney General said:

“The cash is just one aspect of a larger picture, but the country can be assured there are a range of laws to treat with it...”

But the laws cannot be applied because there is no person or persons that are being prosecuted. So, Mr. Deputy Speaker, nowhere is sacred.

Loop News, 20 April, 2018:

“Police find drugs on Ministry compound.”

The Ministry of Works and Transport compound in El Socorro. You know, Mr. Deputy Speaker, police investigations are continuing.

November 09, 2018:

“Major drug bust in central, prominent businessman detained.”

So we continue to investigate.

“Drugs everywhere.”

Newsday, 16 December, 2018:

“The discovery of 400 kilogrammes of high grade marijuana in a container at Caribbean Bottlers TT Ltd, continues a welcome discovery of large caches of illegal drugs in TT.”

Well, I think—

“The drugs, worth \$6 million, were found in 12 black duffel bags and one crocus bag behind cases of Cereza beer, which the company explained; it imports from Mexico.”

So another find and you are making the link with the level of suspicious transactions; the quantum of moneys. It cannot be through the normal economy, it cannot be through the mom and pop operation, it cannot be through small business, this level of activity.

“Cops found drugs and guns in apartment raid.”

Trinidad Express, 04 December, 2018:

“Police have made a multi-million dollar drug, firearm and ammunition bust at an apartment in Regent Gardens, Westmoorings a short while ago.”

“Govt goes after white-collar criminals.”

November 01, 2018, the *Trinidad Guardian*. This is what Dr. Rowley said with

respect to that.

And I think earlier on today, the question was raised by my colleague, the Member for Oropouche East, on the CL Financial and Clico debacle and the AG indicated that over half a billion dollars was spent in pursuing this matter, but it seems that this matter is—how can I—anchored in the Office of the DPP. The Office of the DPP owes a duty to the taxpayers of this country to expedite the resolution of this matter. It is several years now.

Mr. Deputy Speaker, you know, I could recall the Deputy DPP, Honore-Paul, talking about “emailgate” investigations very, very glibly without any relation to the anchoring of that. So you find almost a decade, a decade, and I lay these things at the feet of the narco-economy and I go back to the publication: *Cocaine and Heroin Trafficking in the Caribbean: The Case of Trinidad and Tobago, Jamaica and Guyana* by Daurius Figueira. Mr. Deputy Speaker, I just want to indicate that these are the things that Mr. Figueira, the University lecturer, had to say:

Key fronts for narco traffickers that exploded in size and scale of operation:

1. Fishing and export of fresh, chilled and frozen fish.

—And he goes on to explain how that is utilized.

2. The creation of front operations that allow continuous contact with Piarco airport. The provision of goods and services to the airport and its users in conjunction with the export of fruits, vegetables, cut flowers were the ideal fronts chosen. Car rental firms, travel agencies, tourist resorts were and are fronts that mask the movement of product predominantly out of Trinidad to the metropolitan markets.
3. Cocaine exports via ships that dock in Trinidad with their destination being US or European ports. Narco trafficking cartels target specifically

the export of commodities to US and European ports via the port at Point Lisas.

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4. The use of pleasure craft and the inter-island schooners freighters.
5. Export manufacturing, the narco-transhippers through the export manufacturing fronts utilize the cargo containers containing the product and/or the product itself to move cocaine out of Trinidad.

Mr. Deputy Speaker, this is what Mr. Figueira says—can I quote?—at page 162:

It is readily apparent that sustainable narcotrafficking requires the status, the networking, the financial resources and political influence that are the preserve of elements of any ruling elite in any society.

There is no complicity here by Members of Parliament. But when you look at the multi-billion dollar suspicious transaction, you know that it is not coming from the formal economy; that there is a parallel system in place, Mr. Deputy Speaker.

Mr. Deputy Speaker, so you have the utilization of companies, of partnerships, of trust, and foundations in money laundering and tax evasion schemes. So that, therefore, it is necessary that in order to enforce the law, that the disclosure, the anonymity that is required with the bearer shares, that that must be removed and that therefore there must no longer be anonymity associated with that, no more concealment.

You see, Mr. Deputy Speaker, a real prospect of a prison sentence for criminal activity can act as an important deterrent for engaging in that activity. Instead, if a person manages to remain hidden behind legal vehicles, authorities will be unable to enforce the law. A company that only exists in a piece of paper cannot be prosecuted and as the hon. Attorney General indicated and lamented that

with respect to a major drug haul, the persons that appeared as the directors of that company were in fact dead and a shell company. So they utilize the database of the current registry in order to deal with that.

Mr. Deputy Speaker, if criminals are under no threat of prosecution, crime will flourish, affecting society both in providing—forsaking a culture of impunity, as well as suffering from the consequences of tax evasion, money laundering and terrorism financing.

Now, Mr. Deputy Speaker, during the tea break, I got an email entitled: “The calypso caliphate: How Trinidad and Tobago became an ISIS recruiting hotspot”. This is released by the University of Kent on the 7th of March, 2019, and they go on to itemize the level—that the fact that we have, from the period 2013 to 2016, over 130 persons gone. They do an analysis of the composition from lawyers, footballers, truck drivers, security guards, and they also did an analysis of today, the International Women's Day, that all the women who went there but one was unmarried. So that therefore there is very little jihadi brides going from Trinidad to that caliphate den. They were all married and with children. So this is what—this is the kind of—this legislation assists in helping to lift the veil, so that therefore the whole question of terrorism financing, as the Attorney General mentioned in his contribution that some of the money in the suspicious transactions were related to terrorism financing.

Mr. Deputy Speaker, beneficial owners will have no fear of being identified by authorities if the legal vehicle is not required to register any information about its owner or when this information is simply impossible to know. For example, a company that issues bearer shares is owned by anyone holding the paper bearer shares at any given point in time. So as indicated by the speakers previously, the holder of the share—that the possession of that share gives you the ownership and

that you can transfer it easily from point to point, from A to B and that therefore you understand the vehicle for that and the capacity for that and the capacity for the criminal element in that.

So, Mr. Deputy Speaker, it is also necessary that where the legal vehicle is registered with the authority and if there is a complex controlled structure, may blow who is really in control, usually happens with the question of trust. So that the legislation deals with the question of trust and the disclosure of the settler and the beneficiaries and the trustee.

There are other secrecy strategies, Mr. Deputy Speaker, involved using nominees or interposing many entities, so that you have many layers. I think the Member for Port of Spain North/St. Ann's West talked about layering, layering throughout the process, and that therefore there may appear to be many layers and then you have the beneficial owners. So that therefore, Mr. Deputy Speaker, it is in this context we can look at this whole question of the legislation before us.

But before I do so, I want to indicate that there are cases, case studies on money laundering done by the OECD. There is the case of a loan back scheme in money laundering, in which the Dutch criminal, a supplier of drugs, transported it to the United Kingdom. So that, therefore, you have a situation where a Dutch criminal utilized the drug and then went on to move it and utilize bearer shares in order to—that he brought from an intermediary and then layered the transaction. I do not have time to go into the elements of it.

There is another case—[*Crosstalk*]

Mr. Deputy Speaker: Members, please.

Mr. G. Singh: “I ain doing your work fuh you today.” There is another case, Mr. Deputy Speaker, in which you seek to hide and shield assets from creditors and other claimants, and this is a case that demonstrates how difficult it is in tracing

assets hidden in overseas companies and trusts and the obstacles encountered in attempt to repatriate the illegal proceeds. It is the Alan Bond case. Mr. Deputy Speaker, Mr. Bond, not James, Alan, was an Australian billionaire. And Mr. Alan Bond's company went into liquidation and he hid all his assets.

Mr. Deputy Speaker: Member, just a second. Your initial speaking time of 30 minutes has elapsed. Care to avail?

Mr. G. Singh: Yes, thank you.

Mr. Deputy Speaker: Kindly proceed.

Mr. G. Singh: So Mr. Bond went through a multi-layered concealing the property. Eventually, because the matter was so complexed and so highly layered, instead of the over 470 million Australian dollars, they had to accept \$10.2 million as a settlement, because of the complexity of the matter.

Mr. Deputy Speaker, you understand, we understand the objective and the mischief that this Bill intends to cure. But before I go on to deal with the areas in the Bill, because it was dealt with by my colleague and also by the Attorney General, I want to give an appreciation to this honourable House of the extent and of what is happening next door and extent of the drug economy that is taking place in Venezuela.

The New York Times:

“Venezuela, the new regional crime hub”.

This is the *New York Times* of the 7th of the 3rd, 2019. November 23, 2018, *New York Times*:

“Jets, Horses and Brides: How a Venezuelan Official Became a Billionaire as His Country Crumbled.”

Alejandro Andrade became a bodyguard—who was a bodyguard of Chavez subsequently became the secretary for the treasury of Venezuela and he, from a

bodyguard to a billionaire in US dollar terms. It is an article worth reading, Mr. Deputy Speaker, a stunning array of bribes, and he had to settle. He, by his own admission, indicated he received more than a billion dollars in bribes. So that, therefore, the Americans imposed sanctions upon him and he did a plea bargain.

Mr. Deputy Speaker, the Times of May 17, 2018:

“Drug Trafficking Within the Venezuelan Regime: The Cartel of the Suns”. Because, with the epaulets that the generals have is the sun, so they talk about the widespread narco-trafficking by the army, the national guard and the police within the Venezuelan system, Mr. Deputy Speaker, an investigative analysis. Now you want to know why so much money is being found in suspicious transactions in Trinidad, when we are in bed with Maduro? [*Desk thumping*]

Mr. Deputy Speaker, so, when you recognize that reality of where we are engaged in, the proximity of Venezuela, the elements indicated, the points of entry and the points of export indicated by Darius Figueira, you understand why this legislation is important for the benefit of the people and for good commerce in Trinidad and Tobago, Mr. Deputy Speaker. It is only a minority, you know, Mr. Deputy Speaker. Only a minority of businesses engage in this activity.

Now, I have a concern. I want to go quickly into the legislation within the time I have. I have a concern with respect to the nature of the registry. We know government offices. The registry is really an archival and depository. It is just—it does not have any kind of quality checks, verification checks. The fourfold nature of the registry is to record the birth of a new legal entity, to compile information required by the registry or law, to keep the register up to date and to make certain info available to the public. The question I have to ask, having regard to the Global Forum requirement: Is this information going to be shared? Is this information—from what I understand, we are required to share this information.

So that, therefore, the value of the company registry and divulging this information has its limitations.

So, Mr. Deputy Speaker, I have also the issue in which you have the Chief State Solicitor being the receiver, but you also have a situation where Clico, in liquidation, and a shareholder within Clico, had to go to court, by virtue of the law, in order to get the liquidator to provide him with new share certificates, Mr. David Hannays and the company NEVICOTT, that is requiring to purchase shares, the Clico and repaying that debt. [*Crosstalk*] I do not know how many assets they have. That is for you to find out, not me.

So, Mr. Deputy Speaker, when you recognize the reality of what we have here today, is that, what is the role—and I think my colleague, Dr. Tewarie spoke about it—of new currencies? I see that the Eastern Caribbean countries are now utilizing Bitcoins. Criminals are also using Bitcoins to pay for drugs. What in the future? Clearly we have to deal with this matter. We have a good start and I agree with the approach we are taking. I agree with the approach we are taking. I agree with the approach. It is central to what the international community wants. There is a convergence between our national objectives and the international objectives and it is found in this legislation. But what are we doing about cryptocurrencies? Well you see, you can bury your head in the sand but the reality is that you have people in Trinidad who are significant investors in Bitcoin; significant investors in Bitcoin. [*Crosstalk*]

Mr. Deputy Speaker: Minister of Finance, please. [*Continued crosstalk*]
Members, I spoke. Go ahead.

Mr. G. Singh: Mr. Deputy Speaker, you know, when you at look this legislation, it reminds of a statement by Nelson Rockefeller. The secret to success, he said, is to own nothing but control everything. So this legislation, and this is what this

legislation will seek to remove, the anonymity, and to remove the concealment of the beneficial owners.

This legislation also tells us as a society that we are against money laundering, we are against corruption, we are against bribery, we are against tax evasion, and what it allows us to do is not only to hate the sin but also to hate the sinner, because there will be the disclosure requirement in this area. So you hate the sin and you can fine the sinner, given the pathway that it is clear.

So I would like to find out from the hon. Attorney General whether or not this information, that will be where there is the disclosure of bearer shareholders and the registration into ordinary shares, whether that would be shared by the international community. Because it is my view that that data ought to be accessed. There is a requirement that it ought to be accessed, but there is need for confidentiality in who can access it for purposes of extortion and kidnapping and decriminalize. We have to tailor the legislation to deal with the culture of our society. So that therefore, it is a public registry. We recognize that.

Mr. Deputy Speaker, but what is the purpose of requiring a company to identify and declare its beneficial owners? So you identify and you declare but what prevents a company from lying to the registry officials? And that therefore the content of the information will be lacking in verification and therefore, authenticity. What are we doing to correct that potential loophole in the legislation? Now it is a question of resources, and I know that the depositories, the registry and so on, are pressed for proper personnel in their area. But, Mr. Deputy Speaker, we have to find a way in which they must be given the personnel and the capacity to deal with that.

So, Mr. Deputy Speaker, I think that this legislation is good legislation. It is not often that we are able to give kudos to the hon. Attorney General but I want to

say that I am very pleased that the ACIB was removed, removed from your offices and placed under the Commissioner of Police, in the police, because that is where it was supposed to be in the first place, and that therefore that is a good move. That is a move that will benefit the society. I do not know what transpired prior to the movement there, but that is where it ought to have been from the very birth of that institution and agency within the structure. So I want to commend the AG, and I also want to commend him for bringing this legislation. It is an important piece of legislation. It is the beginning of a process, but there is more for us to do in order to hate the sin and follow the sinner. I thank you very much, Mr. Deputy Speaker. [*Desk thumping*]

Dr. Tim Gopeesingh (*Caroni East*): Mr. Deputy Speaker. This Bill—
[*Interruption*]

Mr. Mitchell: You have on a red tie?

Dr. T. Gopeesingh: We took that colour back from you long time. Mr. Deputy Speaker, this Bill, the amendment to the Companies Act, it is an amendment to a 620-plus page— My colleague from Oropouche East just showed me a copy earlier this afternoon, where his team made a photocopy. I would not display it, but this is the photocopy of the Companies Act.

Now, you are making amendments to certain areas within the Companies Act, and as the Attorney General indicated, basically I think there were 11 major clauses. Clause 4 deals with warrants and certificates and local companies. Clause 8 deals with—it treats with the external companies. Clause 11 deals with the regulations to Schedule 2, and so on. And he spoke about four aims of the amendment, this Companies (Amdt.) Bill.

Now, I am a layperson in terms of this issue and you have very distinguished attorneys on the other side and on this side as well, but this companies issue has

bothered my mind for many, many years when we dealt with the Insurance Act and the Insurance Bill, where a number of companies were escaping the investigations from Central Bank, and so on. But that is another story.

We know that the Attorney General and the Government wants to move us from the black area, where we are blacklisted, to probably a grey area and then we will be off the list, and this requires necessary legislative amendments. But I want to ask the Attorney General: There were supposed to be about five pieces of legislation that were supposed to be together AG, and if we had brought all these five together, we might have been in a position now to have dealt with them, because one impacting upon the other, rather than bringing this isolated one and then bringing the others isolated from time the time. Why is it that you chose to go through this route and not to put all together where we have worked collectively and come to a conclusion to help you through? And we as a responsible Opposition want to get Trinidad and Tobago out of the blacklisting. We do not want to be associated with the other countries that are blacklisted, and we know that you have certain things to fulfil for CFATF and for FATF, and so on.

We remember that, in April and July 2016, the G20 Finance Ministers and Central Bank Governors called on the Financial Action Task Force and the Global Forum on Transparency and Exchange of Information for Tax Purposes, the Global Forum, which we were discussing recently and debating, to make initial proposals on ways to improve the implementation of the international standards on transparency, including on the availability of beneficial ownership information and its international exchange and a lot of the discussion and presentation from the Attorney General focused on the issue of beneficial ownership. And you really want to get to who is the beneficial owner so that you can unmask a number of illegal issues and processes that take place within companies.

When we look at the FATF Recommendations 24 and 25, transparency and beneficial ownership, FATF established standards and transparency so as to deter and prevent the misuse of corporate vehicles, which we are discussing, and private companies as well. The FATF recommendations require countries to ensure that adequate, accurate and timely information on the beneficial ownership of corporate vehicles is available and can be accessed by the competent authorities in a timely fashion, risks and deficiencies in Trinidad and Tobago.

Let me pause for a minute, Mr. Deputy Speaker. Part of this amendment deals with the exclusion of public companies away from the purview of this companies amendment. So, a number of public companies are not going to be brought under this inspection and requirement for the purposes of bringing transparency to the whole table. But, Mr. Deputy Speaker, we have seen, and my colleagues from Chaguanas West and Caroni Central have indicated that the real culprits in terms of the lack of transparency, insider trading and illegal activities really revolve around some of these large conglomerates. And they have been seen to be some of the biggest violators which are beneficial to their friends. So that the EU FATF and Global Forum want to have these people under the watch from this Companies (Amdt.) Bill. But they are being excluded from it, Mr. Deputy Speaker. Why are they being excluded from it? It is said that they are under the control in the stock exchange and they are basically related to the Securities and Exchange Commission which do the investigation into these companies.

I just pulled out from one of the newspapers just a while ago. I wanted to get the Trinidad and Tobago Stock Exchange and I see about 28 companies here, Mr. Deputy Speaker, that have ordinary shares that are trading on the stock exchange. There are two companies trading with preferential shares; one in the second tier market, five on the mutual fund market and one on US dollars equity

shares. Now the values of these shares, Mr. Deputy Speaker, are really high values. Like one is \$23 per share, \$55, \$35, \$52, \$118, \$96.63, et cetera.

Mr. Deputy Speaker, a number of these large conglomerates, which we say should be under the purview and the watch of the Securities and Exchange Commission and the stocks and shares market, you do not have the capacity to deal with these amount of companies that are trading on the stock exchange on a regular basis; so a number of things are happening. My colleagues mentioned just a while ago to some extent the issue of the Guardian Holdings Limited and NCB Jamaica, where share prices went from \$15 to \$20 per share in just a little time.

People bought in shares and went from a small percentage to a large percentage to take over and close to \$1.4 billion is involved in that process of takeover, which I think is before Ministry of Finance. And I read somewhere that the Minister of Finance said that they are going to allow the taking over of NCB Jamaica with the Guardian Holding Limited shares.

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So that is an area that has escaped the scrutiny of the Securities and Exchange Commission and the stock exchange. And if we really want to get to the people who do the insider trading and the beneficial owners that is where we have to look. But they are being exempt now from this. So why hon. Attorney General, are they being exempt? Is that a recommendation of the Law Association which told you all that these companies should be exempt and you are readily bought into it? If you really want to get rid of the corruption and you want to have transparency that is where you need to focus, not the small man and the middle man. This is where the money, the bulk of money, is moving, similar to the Clico issue.

I could remember the whole issue with Trinidad Cement Limited. Trinidad Cement Limited was doing well until somebody tried to buy over most of the shares in

Trinidad Cement Limited. We know the person who did that. They made their arrangement with CEMEX, the price of the shares went up substantially. They began to sell their shares at the higher price and eventually allowed CEMEX to take over Trinidad Cement Limited. Millions of dollars profit, millions eh, Mr. Deputy Speaker, were made individuals in just that matter of CEMEX taking over from Trinidad Cement Limited. And there was a strike and so on.

We have companies registered, some of these big companies have their head offices registered outside of Trinidad and Tobago. They are trading in Trinidad and Tobago, but their head office is registered in Barbados, St. Lucia and other places, but their trading is taking place here. And then—where is it, Attorney General, I know you are trying to do your best. What about these offshore companies where some these companies are registered in offshore countries around the world? Where does this come in and where is the introspection and the requirement that has to be fulfilled for these companies to declare beneficial ownership and so on?

So you have the multimillion dollar companies where the real problem lies being excluded from this dragnet that you want to achieve. So the hon. Attorney General has to tell this country why is it that these large 28 companies trading under Trinidad and Tobago Stock Exchange are being allowed to escape the dragnet of the beneficial ownership issue, which they are seeking to achieve. So as 28 and about 10 more, 38 companies. When they are registered offshore we know for a fact and some are registered in other Caribbean islands.

So, when you look at these companies, they escape the scrutiny of what this Companies (Amdt.) Act supposed to be providing—bearer shares, bearer share certificates, bearer warrants, bearer warrant certificates, plenty words to speak about. I mean the only thing new that is brought in here is bearer warrants and bearer warrant certificates to be prohibited. Under old act, you had bearer

certificates and bearer shares prohibited, but the ones that are added now are bearer warrants and bearer certificates. Basically, there are about the same. Nothing new that you have added, but you really want the beneficial ownership or who are the beneficial owners. So look for the beneficial owners in these large conglomerates and companies and you would find that is where the issue is, not the thousands of small persons who register a company and the medium sized companies. You would find—and follow the money where this is, and that is where you supposed to be looking for the money.

Mr. Deputy Speaker, I was outside for a part the presentation by the Attorney General, the few minutes when he gave the statistics, but I ask my colleagues—*[Interruption]*—I was summoned by the Clerk of the House. How many companies are there in Trinidad that are registered? I was told 104,000, Attorney General, and 86,000 are active. Now can I ask, what type of oversight can you—and where is the personnel, or where are the personnel for the registration of 86,000 companies into a registry at the Registrar General's Office to register bearer certificates, bearer shares, bearer warrants and bearer warrant certificates? All these have to be registered. And 86,000 companies have to do this. Where hon. AG, can we have that ability to accept all these companies coming to register within a short period of time whether—

Mrs. Gayadeen-Gopeesingh: The timeline.

Dr. T. Gopeesingh: The timeline; six months in some situations, 12 months, three months and the reporting sometimes 30 days. So, I know you mean well, but you need support. Can the Registrar General's area facilitate this type of movement and requirements for these companies to come and re-register? That is a no, no. You see the practicality of it. Why is it that 86,000—do you think Attorney General—86,000 companies—who monitors the annual returns? Is that ever monitored? And

as my colleague from Chaguanas West says, “they could put up any fictitious thing in these companies and make any type of fictitious statements and nobody monitors them whatsoever”.

So, while you are trying your best to follow the money, in short transparency and accountability, reduce corruption and so on, you do not have the capability and the capacity to do what you really want to do. And you really have to tell this country how 86,000 companies can fulfill these requirements under the Companies Act—and the Companies (Amdt.) Bill and the Companies Act to go and re-register.

I have a problem as well, my third area. Is the issue of making this thing retroactive to some of these companies that are existing already? I did a little bit of reading about—a longtime and law and so on, and I read about some case where retroactive legislation cannot be accepted very easily. I think there was one case or two cases that were reported, all the law students and the lawyers will speak about it.

But, how can we pass laws now that will affect retrospectively or retroactively companies that have been registered, and you are asking them to come and re-register now bring in your bearer certificates, or bearer share certificates and so on, and all these 86,000 companies to come and re-register. Is that legal to have retroactive legislation? I want to proffer that unless I am convinced otherwise, I feel this is not something correct and you have to be able to justify why you are asking that all these companies that had been registered before to come and re-register now. Is that not illegal in some way? Can it be challenged in the court? Can someone challenge it? So the aspect of retroactive legislation has to be looked at carefully. And I want to say that I believe it is illegal.

I do not think—there is one more point I wanted to make on this issue about the companies and that is the question of the threshold for which these companies

should be reported. If you have a company with 2 per cent and you have 50 people with 2 per cent shares, so all these 50 people have to report? And I believe, Mr. Deputy Speaker, that all natural persons are not legal persons with significant or substantial benefit, ownership, and control or interest in any company be publicly stated in law through the establishment of a minimum threshold, I want to say 10 per cent share ownership and above in the company and this be clearly stated in the legislation. I choose 10 per cent, perhaps the Attorney General may want to say otherwise. So you will have a plethora of individuals with 2 per cent, and 5 per cent. What is your threshold? Is it 10 or 20 or 30 per cent?

The second area in this. There must be specific measures in the Bill to address the issue of related or connected parties in order to unmask, unravel, and lift the veil of corporate secrecy over the illicit activities of entities both in the private and public areas and sectors. And this is generally done through intermediaries such as lawyers, trustees, notaries, foundations as well as licensed corporate service providers. So, what measures have you put in specifically in this Bill to address the issue of related or connected parties, hon. Attorney General?

And you had mentioned it and one of my colleagues mentioned, the issue of the Prime Minister at the Anti-Corruption Summit in May of 2016. And the member for—the National Security Minister, the Member for Port of Spain South/St. Ann's West, mentioned he was privy to the information and he was quite happy to be there, and in a small room that did not have—and you were face to face with some of the leaders of the world, which is good.

Dr. Moonilal: “Who then loss dey job.”

Dr. T. Gopeesingh: And then but he was—Prime Minister Cameron, who lost his job shortly after as mentioned by my colleague. But your Prime Minister at that time committed, that is Prime Minister Rowley, committed this country to the

establishment of a public beneficial ownership—public beneficial ownership registry—a public registry and the free and full of exchange of information with this country's international partners as well as the public. So, Prime Minister Rowley agreed at that time, and which is important. We want to carry the country to a higher level in the eyes of the world.

But I understand when the question was asked across the floor, the Attorney General said, if I got him right, that the registry at the Registrar's General Office is a public registry. Is this public really Attorney General? We know that people who are seeking to get information from the Registrar General's Office have to pay a lot of money sometimes, they have difficulties in getting it, they have to pay about \$500 in some instances, and they do not get the information. You might be able to clear that up when you respond.

I want to ask you that FATF noted that beneficial ownership information can be obscured through the use of shell companies, complex ownership and control structures, bearer shares and bearer share warrants, unrestricted use of legal persons as directors, formal nominee shareholders and directors where the identity of the nominator is undisclosed. They also know about informal nominee shareholders and directors, trusts, and other legal arrangements. I have not heard any information about trusts, what you do with the issues of people putting things in trust and use of intermediaries.

And we all know that these problems are greatly exacerbated when different aspects of a corporate vehicle implicate numerous countries. So, we want to ask you to comment on this issue of the intermediaries. We want you to comment on the fact of retroactive legislation, whether it is legal. We want you to make a statement on why are you exempting these major corporations from this amendment Bill. And with those words, Mr. Deputy Speaker, I thank you. [*Desk*

thumping]

The Attorney General (Hon. Faris Al-Rawi): [*Desk thumping*] Mr. Deputy Speaker, I rise to answer the very commendable observations of my learned colleagues opposite, and to perhaps resonate a few of the points raised by my colleagues so capably and so pellucidly. I have to say that I do enjoy today's sitting genuinely. I thought that the contributions made by my learned friends opposite were very intelligent today. [*Crosstalk*] Of course, there are a few lapses in memory that I will be compelled to jolt so that my learned friends can understand, perhaps remember a few things, but I will try to do that as gently as I can.

Mr. Deputy Speaker, the Member for Caroni Central said something which resonated with the Member for Caroni East, and which was perhaps in contradiction to a submission from the Member for Chaguanas West, but Chaguanas West's contribution was with a different purpose in mind. And I start off with the Member for Caroni Central saying that, "You may not believe this, but I do not think that you have gone far enough". And I heard the Member for Caroni East raise a similar sentiment. But I heard a very important qualification from the Member for Chaguanas West. The Member for Chaguanas West made the point about tailoring legislation for Trinidad and Tobago and he reminded of certain realities, targeting of individuals because of wealth, the kidnapping aspects, et cetera, that do happen.

And there is the balancing act that one has to have in transparency, and I think that the Member for Caroni Central put it in a few reflective senses; the individual safety aspect, the media sensationalization, the potential detraction away from business, because your business would be too much in the public street because not everybody is built the way politicians are, who prepare themselves for

the hurly-burly of public life and ridicule. But, I think that the Member for Chaguanas West's contribution has to be answered. Yes, there is a risk in transparency. The question is whether we are striking an appropriate balance.

I think that the Member for Caroni Central asked the point about the balance and constitutionality from his perspective and I must put that yes this Bill does balance rights. Yes we recognize the section 4 rights in the Constitution, in particular, the right to privacy effectively and private life; the right to the ownership of property; et cetera, the right not to be deprived thereof except by due process. But we are balancing that against the larger utilitarian principle of the right of the good for the rest of the society.

And in today's society, having given the statistics of 104,000 companies odd, 20 per cent of them not being in active measure, but still on the register which is a problem in and of itself, in giving the statistics of 2015/2016, 270 million, the year after 14 billion, nearly 15, the year after 134 million. And if we take that that is 14, 15, nearly \$16 billion of suspicious activity in three years across—the Member for Caroni East was right—149 companies, plus 117 companies, plus 87 companies. We are looking at barely 400 companies having had the benefit of \$15 billion of suspicious activity, some of which were carried out and some of which were thwarted.

And in balancing that perspective of the general good in society in tracking the money, because as I said before, the statistics coming from the FIU tell us that the suspicious activity resided in attempted murder, breach of exchange control, corruption, drug trafficking, extortion, financing of terrorism, fraud, human trafficking, illegal gambling. These are very serious ills. And this Government takes note and I am sure my colleagues opposite agree that when we see 19 babies—because I still count my daughter, who is under 16 years of age, my last

child, as a baby—when we see 19 babies sold into prostitution, drugged, raped, and we know that we have an offence of trafficking in persons, we have an offence of prostitution, we have an offence of procuring prostitution, harbouring prostitution, Sexual Offences Act, Children Act. We have laws coming out of our ears and nose in this country to treat with those ills. But you know what found them? The money. The suspicious activity, and tracking the illicit gains, and whistleblowing is how we manage as a country to save 19 little girls. [*Interruption*] It is before the courts.

So Mr. Deputy Speaker, I am giving an example of the utilitarian balance between, on the one hand the right to privacy, and on the other hand the good of the larger society. Look, I share the concern as all colleagues opposite do, all colleagues on both sides of the Benches. It is not easy to be in public life, to be ridiculed, to be worried about your children, all of us have that problem, all. And my heart goes out to all. Because it is not easy to be in that position. But we, having put ourselves in that dance, the courts from the Privy Council come down say, “Not that you ought to have thicker skin, you know. You are expected to have thicker skin”. And so we take it. And for those of us who came into the gayelle a little bit later than others, it took a little while to learn to take the lash on the back, it is a fact. I am sure that my colleagues do not have pleasure in “bussing lash”. But sometimes lash passes, I understand that. [*Crosstalk*].

So, Mr. Deputy Speaker, I think from a proportionality point of view, from a constitutionality point of view, from a due process point of view, which is an enshrined principle in our preamble in our Constitution within the interpretation of section 13 of the Constitution even. I think the law is quite constitutional and proportionate; and while I am on constitutionality, let me deal with one of the points that the Member for Caroni East mentioned, whether this law is retroactive,

and whether it is therefore vires or lawful in that sense. The law is not retroactive. What the law does—now first of all, retroactive law can be lawful. The principle in law coming out of the interpretation of the Privy Council in the *Lee v Ash* case in particular says, that if you are going to have retrospective law you need to state expressly in the law that the law is retrospective but that there is nothing wrong with it being retrospective.

What you have to do is to take the presumption of constitutionality first, and then you apply the law. You presume that laws passed by Parliament are constitutional and then the courts interpret constitutionality on a presumption of constitutionality. And then they make sure insofar as our 1975 Constitution and '62 Constitutions are concerned that your law is within what the law currently understands. That is why our section 6 of the Constitution allows saved law. Because other countries have said the death penalty is unlawful, but it is saved because our Constitution recognizes the law at a particular point. So the state and condition of your law is tied into the proportionality principles. That is umpteen dicta: Maharaj, Suratt, De Freitas, Oakes, you name it, Northern Construction. There are umpteen cases from Privy Council, Court of Appeal, et cetera that have well traversed that point.

But it is not retroactive but one may confuse it to be, because what it does is that it establishes a principle in law. It says, upon the proclamation of this Companies (Amdt.) Bill, 2018, the law going forward is; treat with bearer shares by banning them and certificates, bring them into the register, convert them, cancel them, allow for them to be restored in a registerable form, same thing for beneficial ownership, treat with it, manage it, et cetera. But it is a go forward, and it says things that happen in the pass you have an opportunity to bring it forward. Let me give you the classic example. For those who were in practice at the turn of the

Companies Ordinance, Ch. 27:1, which was the old companies' law, when we birthed the Companies Act.

What we did then was we had something called continuance of companies. And back then you would have had 70-odd thousand companies, let us assume tens of thousands of companies on the register. They all had a specific time frame to continue themselves, bring themselves in a form of re-registration called "continuance". They had to file a Form 16, they had to file an annual return, a notice of secretary, a notice of registered office, they had to do the resolutions, et cetera. We know it by heart for those of us that did thousands and thousands of them.

So has the country had an experience with re-registration? Yes. The record in transferring from the old Companies Act to the new Companies Act is testimony of that, but this law does not require that. Because, even though we have 104,000 companies odd, not all of them will have bearer shares certifies or warrants, and not all of them will have beneficial owners. It will be a percentage of the company, because—of the number of companies because it is just not in that number. In fact, I can tell you now that our initial searches for bearer share warrants and bearer certificates, as stated capital share certificates, et cetera, in companies has turned up nothing. So I checked the registry in advance. We have not found it, but that is not to say that a smart lawyer would not use it.

And let me explain this, or rather let me remind Members this time, I am sure they understand this. Let us use the analogy of tax evasion and tax avoidance. Tax evasion is illegal, tax avoidance knock yourself out, avoid as much as you want. *IRC v Tomlin* classic case established years ago tax avoidance is lawful. Similarly, the use of bearer share certificates or bearer share warrants is a genuine scheme that can be operationalized for a lawyer who knows what to do.

Look, it is not often that I sing having competence in a particular area but in the corporate law, I know the corporate law well. And, I will use the phrase again. It is not lost upon me that in the many Attorneys General that we have had, none of them have come from a corporate law background. All have been public law, administrative law, mostly professionals, which is why the focus that we take has been so very different on this occasion. Because, as an Attorney General coming with a corporate law background and coming with a transactional law background, where I am accustomed as a professional to dealing with complex layering structures and perfecting the bonds and transactions, handling the money, my job was to avoid being in court. Minister Young, would have taken as the Member for Port of Spain North/St. Ann's West great pleasure and relish as he was so ably competent in being in court. My job was to be in and out as quickly as possible. My win was not being there but when being there to take advantage.

6.30 p.m.

And under the Companies Act it is where the relief from oppression remedies, the derivative actions—section 242, et cetera—all of these things come to life. So our focus as a Government, a collective focus—Minister Young having been able to accompany the Prime Minister and be able to sit in the Anti-Corruption Conference—that did not happen by mistake. It happened because Trinidad and Tobago as a country, very early in 2015, announced what we were going to do in treating with following the money, and the British took note of that and invited our Prime Minister as the sole Prime Minister of the size of country that we come from, and it coincided with the other work what we are doing. So it is not retrospective, it is constitutional.

The Member for Caroni East also asked: Why not bring the five Bills in one, et cetera? The hon. Member is referring properly to the Global Forum package, in

which there were four pieces of legislation, now down to three. The Global Forum, even though they have adopted the FATF methodology; that Global Forum is not what we are on about. We are on about the CFATF and FATF obligations married up with the PNM Government's pursuit of anti-corruption and fighting white collar crime and following money. And I do not even want to say white collar/black collar crime, because this is something, if you think, Mr. Deputy Speaker, that crime is only for the sophisticated when you are talking about money, drugs, guns, gang leaders, they reside in serious money—killing has money, drugs has money, prostitution has money, illegal gambling has money.

Dr. Moonilal: You must wear a merino.

Hon. F. Al-Rawi: Yes. [*Laughter*] And they wear a merino. And what we are saying is that we must deal with all. Let me draw to your attention, remind you, Mr. Deputy Speaker, that is why in the anti-gang legislation—I do not know if my colleague mentioned this—we included in the Schedule of gang offences what we did—the money laundering, corruption, perversion, et cetera. So, Mr. Deputy Speaker, this is something that is completely correct in coming forward— [*Crosstalk*] I am coming to that. It is intended to treat with the Companies Act.

Look, I will say publicly now. We only have three Bills left to achieve 100 per cent marks in FATF; I will tell you what they are. This Bill, the Non-Profit Organizations Bill which we should lay very shortly, and the last one is the Civil Asset Forfeiture Bill. Three Bills and we are 100 per cent in compliance. Our review is going to be in May of 2019 and Trinidad and Tobago is on track. We have kept our word, we have shown our results, which is why we have had public statements issued by the FATF commending Trinidad and Tobago for its progress today. [*Desk thumping*] And that was not an easy thing to do, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker, I would like to say, in answer to the stock exchange and public aspects, it is true, Mr. Deputy Speaker, that there is an exclusion of public companies from the legislation. The public companies are excluded properly in section 337, which is clause 9, under the new Part VA. 337E says that:

“Sections 337A to 337D shall not apply to companies publically traded on the Stock Exchange.”

Yes, we specifically chose that route. Why?

Number one, we looked at the nature of the regulatory environment for publicly-traded companies, and for the record, there are 129 public for-profit companies on the register; 129. We looked at that and we looked at the volume of trades. You see, Mr. Deputy Speaker, in this legislation we are requiring that for every transfer of shares you must within 30 days of that transfer give notice to the registry for the first time. Remember Form 23, Form 28, Form 29 of the forms are the annual returns where you declare shareholding for the three types of companies that we are treating with—we are dealing with externally registered for profit and non-profit companies. When we deal with those types, 30 days make sense, because you are looking at low volume trade—a share, two shares, a sale. When you go to the stock exchange, you are looking at thousands of shares trading hands in an instant, one way and then the other with composite sale transactions. Therefore, it became an insanity for us to try to marry this regulation to public companies. So that is a mischief found. Why not treat with it otherwise under this law? I will tell you why.

It comes about because when one appreciates the ramifications of the Securities Act, Chap. 83:02, and you deal with section 137(1), (2), (3), (4) and (5), together with the other provisions of the Securities Act, when you look at the manner in which the stock exchange know your customer information is recorded,

managed, et cetera; when you look at the fact that brokers are regulated, when you look at the fact that trading between principal and beneficiary are also recorded in immutable form in what we call a dematerialized environment—we no longer are handing share certificates over. It is digital. It is dematerialized. So that dematerialization of the transfer of stock and shares in an environment of supervision under the Securities Act where beneficial ownership is a mandatory condition of securities under the SEC and under the stock exchange, then you realize that your public companies are covered 100 per cent.

Let us go on to the other point. The other point raised by my learned colleagues, it is a genuine point. Other jurisdictions have thresholding requirements, similar to what we have for controlling shareholding interests as we have in the Insurance Act or in the securities legislation, and it is usually set at the 25 per cent marker—Financial Institutions Act, et cetera. When we look to these things, you will see that there is a threshold. Now, that thresholding is a requirement of the Financial Action Task Force because you come up with the application to the Financial Action Task Force on a risk-based analysis position. The larger your risk, the smaller your risk the different remedies you choose.

The FATF in its prescriptions with respect to recommendation 24 and IO.5, immediate outcome 5, they say: “Look, you have two options for beneficial ownership.” You can have beneficial ownership done at the company or you can have it on a register, and we in fact selected the Indian model. Beneficial ownership is new to the world. The legislation is new to the world. There are multiple versions of it. I read in my piloting the number of jurisdictions we considered, but we really looked at the Indian model as quite a robust model, in particular because the UK started then changed and came back, et cetera. So we looked at thresholding, but in Trinidad and Tobago we have moved away from

threshold because we have segregated public and private companies.

“Public” under the securities legislation, stock exchange rules, Financial Institutions Act, whichever versions there may be, depending upon the permeations and combinations, we looked after that—know your customer, know your customer’s customer, the financial obligations regulations—all of those things are covered. On the private side, we want every share. Why? Because it is doable. Now, let us deal with the very important point of operationalization, because all Members asked: Well, how are you going to do this thing? And I will like to take you, Mr. Deputy Speaker, into how it is to be performed.

I want to thank the hon. Prime Minister, Dr. Rowley, for doing one of the most sensible things. Long before I even took the position, he took a decision in managing the economy differently to reduce the number of Ministries, and in doing that the hon. Prime Minister gave the Attorney General the Ministry of Legal Affairs. So, it is not the first time that has happened. Ramesh Lawrence Maharaj as Attorney General was also the Minister of Legal Affairs. But I want to tell you this, as I reminded a little while earlier—and I do not often speak about self—but permit me for doing it there. It is like being a child in a candy store to come from my background and to have the Ministry of Legal Affairs. Why? Look at the registries we have. Three registries: Companies Registry, Land Registry, births and deaths. You understand what I am saying? From birth to death, to change of name, to adoption, to citizenship acquisition, to marriage, is a pot of the information.

Secondly, I have said before, you hide money in companies, in cash or in land. When you do as this Government has done and you focus on digitizing the registry— Mr. Deputy Speaker, I want to pay a compliment to the Ministry of Legal Affairs’ arm of the AG’s Office and, in particular, to the Registrar

General, Ms. Karen Bridgewater and her deputies, and I want to say this. We have taken millions of deeds and digitized them. Why are we digitizing millions of deeds? Why are we cleaning the Companies Registry? Why am I the first Attorney General in forever to come with statistics every time?—companies, number of births for children under 16, number of child marriages. You notice that we now have a trend in this country—FIU statistics, number of companies against fraudulent transactions and suspicious activities. We are opening up Trinidad and Tobago for the first time, and that is because of the extrapolation of information from the registries which we have control over, and what we have done to operationalize this law is three incredibly important things.

One, we have increased the human resources; two, we have changed the location of the registry; three, we have digitized the three registries in a very deliberate way with IT backbone. Let me explain these. We have established, and advertisements are out, all of the job positions to come to the registry. Why? Because we took the decision as a Government to occupy the Government campus which was empty—which was empty for nine-plus years. We moved the registry—[*Crosstalk*]—yes, the last Government outfitted it. Today, I am going to be generous. Let me not give any picong about the cost and the delay, et cetera. Well, I leave that alone. [*Crosstalk*] Right. I will give jack his jacket, as Caroni East says.

I thank Mr. Patrick Manning, a PNM Prime Minister, for having the foresight and vision to birth and to do that [*Desk thumping*] and I thank Dr. Rowley as Prime Minister of Trinidad and Tobago for having the decision to move in [*Desk thumping*] and I also thank my colleague past, for getting the outfitting done in-between. I complain on some other things, but I am going to be generous today. I am not going there today. [*Crosstalk*]

Mr. Deputy Speaker, I was saying, we actually decided in occupying that building, we closed the registry; we moved the registry in one month flat, 28 days. Thankfully to the Minister of National Security and the Minister of National Security—one outgoing, one incoming—where the army moved 11 million records, hundreds of thousands of company records, and all the Civil Registry and the IT servers and all the people. And I will tell you this, Mr. Deputy Speaker. Whenever it rained—and I see the Deputy Registrar is here, Mr. Sandy, and I want to compliment him for being the iron man as he is down there. When we had Bret—the tropical storm Bret “come” to threaten Trinidad and Tobago—it was the RG’s Department and Mr. Sandy, outside South Quay filling bags of sand to put behind the doorways to make sure the books of Trinidad and Tobago would not get wet and destroyed. Thank God it did not come. We were arranging depots—where to get the sand to fill, et cetera. When we moved into the registry, I called the RG down to the ground floor—and it was “pelting cats and dogs” one day—and I said to her: “RG, look outside the door, what do you see?” This is in the new building. She said: “Well, AG, it is raining and there are lots of people, but you know we are moving smoothly today and we have more chairs and the signs are up and things looking good.” I say, “No RG, look again.” I said: “You noticed something?” She of course asked me, what? I said this is the first time that you are standing in a Registrar General’s building and the water is moving away from your building and not into the building”. Now, I say that in “ah lil” humorous point but to tell you, moving the registry, retrofitting the vault, getting the positions done was the first aspect of operationalizing this law.

Secondly, when we came into office, none of the software was up-to-date. They had expired. They were not in licence. The server for the Registrar General’s office was 12 computers that looked like the old Curtis Matheson

television sets, the big boxes, daisy chained to each other and that was the server for the RG's division. And what we did was to specifically go out and take the software up-to-date, and in getting the software up-to-date, we procured two new IT solutions: one, Axiell is the name of the service provider that does the entire Civil Registry. They do births, deaths, et cetera, and they have done a brilliant job. Secondly, they won the aspects for the Companies Registry. That is to allow us to operationalize this law. We could do it right now, but that puts us on steroids. And the third thing that we did was to hire a specialist entity—

Mr. Deputy Speaker: Hon. AG, your initial 30 minutes has expired.

Hon. F. Al-Rawi: Thank you.

Mr. Deputy Speaker: You have an additional 15. Would you like to avail yourself?

Hon. F. Al-Rawi: Yes, please. Thank you.

Mr. Deputy Speaker: Proceed.

Hon. F. Al-Rawi: And what we did was to put out the RFP for a property business real estate solution. That contract is afoot now. It is an 11-month contract with two months into it. We are nine months away, and let me tell Trinidad and Tobago what we are nine months away from. On the Companies Registry, on the Civil Registry and on the Property Registry, full integration; everything. You go on to a property, you will know the owner, you will have the geographic information system mapping, you will have the cadastrals, you will have the title search; everything. But we went further, and here is where I want to again brag about the staff at the registry and the IT division in-house in the AG's Office. *[Interruption]*

Mrs. Gayadeen-Gopeesingh: Faris, nothing happening in—

Hon. F. Al-Rawi: We developed—

Mr. Deputy Speaker: Members, now, now. Please, please, please. We have been going fine. Right? Please. **Hon. F. Al-Rawi:** I could handle myself, Mr. Deputy Speaker. Thank you for your protection. It was not meant badly. Mr. Deputy Speaker, I was saying, what we did is to develop an in-house application for e-payment and that e-payment is already in test phase. Law firms are already using our e-payment and we will be in a position where you can register everything that you do at the registry—all services at the registry—online by e-payments and we are going to do that in the next couple of months. We have drafted all of the laws, the financial instructions, to have that done.

Now, I heard the exhortation from my learned colleague, the Member for Oropouche West [*Laughter*] and I know she is anxious, the hon. Member, to see delivery, but I think she is just getting excited on the prospects of what is coming. [*Laughter*] I would say it is coming soon, it is nearly there, but I will tell you this. I think Trinidad and Tobago will be exhilarated at the thought of doing these things, Mr. Deputy Speaker, for the first time in the history of our country.

Now, Mr. Deputy Speaker, [*Interruption*] the media often looks for bad news, it sells, but this is all good news. The Member for Caroni East said that there was a lot of expense for the pulling of information from the registry. I would just advise the hon. Member searches at the registry are prescribed bare dollar figures, and you can do an entire search for a full company for the glorious sum online of TT \$20. So, it is actually a very affordable service. Again, if the commercial hat went on you would raise the fees, but that is not what we are doing. We have a very robust system.

In fact, the Member in charge of legal affairs and other positions in St. Lucia, the Member of Parliament, the Minister, was just here at the registry, and they were blown away by what they have seen in the Registrar General's division, Mr. Deputy

Speaker.

Mr. Deputy Speaker, a couple of my colleagues asked questions about consolidated or interrelated parties' relations. That IT system that we have just described takes care of all of that. The same way that I can ping who owns a property in Florida and find out who owns a property in Florida, every property right now, it is the same way we will be able to do that for companies, for properties, for businesses all across the board, and that is a matter of a month away, two months away.

Dr. Gopeesingh: Somebody whispered it is California.

Hon. F. Al-Rawi: California, no. I was going to say if the Member for St. Augustine was here, as he has often fallen into that story of being able to deal with that.

Bitcoin, just quickly. Bitcoin and gaming, gambling, have a lot of similarities. A chip in a casino has nobody's name on it. It is not registered to somebody. A million dollars in chips in a casino, I am told, could pass hands easily and somebody cashes out what somebody else had. Same thing with Bitcoin. Now, the Central Bank has openly said that FinTech, which is the side of regulatory environment that treats with this end, is something that they are watching. The Minister of Finance and the Minister of National Security have already mentioned, in different places, that this is something that the country is not ready for just yet. The evolution of this thing is still under test. There is, of course, great value in blockchain technology from a digital security point of view and the immutability of transactions, land registries, et cetera, and that is certainly something that we have our eyes on in a serious way. You would have heard the hon. Prime Minister speak to the President of Estonia and the vision for e-commerce and transactions that is a realistic prospect and which we are looking at

properly.

Mr. Deputy Speaker, there is one thing I want to probably end with and that is to say there is an incredible publication that I recommend to all Members, and the young lady who gave it to me who is a brilliant young lady in my office, Ms. Sharma, gave this to me and made me promise to bring it back. It is sacred to her. It is called *The Puppet Masters: How the Corrupt used Legal Structures to Hide Stolen Assets and what to do About it*. It is by Emeli van der Does de Willebois, Emily M. Halter, Robert Harrison, Ji Won Park and J.C. Sharman, and this is a publication of 2011 and it is underwritten by the Stolen Asset Recovery Initiative, the World Bank (UNODC), and this particular publication, Mr. Deputy Speaker, goes into the need for beneficial ownership, following the money, et cetera. But, Mr. Deputy Speaker, it does—and I am not going to offend this rule by speaking about a piece of litigation in a manner such as to prejudice it, but I will say there is an entire position on Case Study No. 9, the Piarco International Airport scandal—and in treating with that, they have gone into the abuse of corporate vehicles and how that mechanism was used in the US convictions that have long come and gone—people forfeited assets, et cetera. They have gone into excellent treatise on this particular point. And what I am going to do, I am going to copy this and give it to the Parliament Library and I genuinely recommend that Members have a look at this. It is something that I think is important to look at.

Just for the record, Mr. Deputy Speaker, when hon. Members talk about the ACIB, and I would like to say, this Government always intended under our watch that the ACIB should have no part of the Attorney General and I will tell you why. It is important that the spectre of political interference is not there, one. Two, for the record, the ACIB in its original incarnation was born in 1999 under Ramesh Lawrence Maharaj. In 2002, it was formed into the Corruption Investigation

Bureau which became the Anti-Corruption Investigation Bureau, and the only Attorney General in the history of Trinidad and Tobago to fall into odium on an abuse of the ACIB was Anand Ramlogan. He stood on a platform waving Anna Deonarine's file with the stamps on it dealing with a Range Rover issue. The DPP said publicly that that should never have happened. But I want to just say, for the record, not a man opposite had a word to say then, not a man opposite.

Now, I have spent time opposite, Member for Chaguanas West. I learnt a great deal from the Member for Chaguanas West when he was the Leader of Government Business in the Senate, and I have great regard for my learned colleague as he knows, but I will tell you this. On this side, "we eh fraid to speak our mind." We are not afraid. [*Desk thumping*] And moving the ACIB was not just by "vaps" or because the DPP had something to say about it. I will tell you what it was. After having a Commission of Police come into the saddle who was upfront and prepared to do the job, after looking at a couple of my colleague's faces opposite—let me not single them out today—but there were Members opposite who wanted to support Commissioner Griffith's nomination, but could not because of the direction of the Member for Siparia who did not want that particular position.

Hon. Members: No, no.

Hon. F. Al-Rawi: And when we came down to the vote, the Members opposite could not say yes. [*Crosstalk*] Do not worry, Mr. Deputy Speaker, I got it. So, I am saying, it was in getting a robust Commissioner of Police, an independent person, because I say of Commission Griffith something that I would say publicly now, you do not graduate from Sandhurst by mistake. That is how I categorize Commissioner Griffith from my perspective of him. And I first met Commissioner Griffith opposite me in the Senate—as many Members who in the Senate would

know—and had great regard for the good gentleman in his capacity then. But I want to say this. It was because in doing the work in the CFATF arena, we recognized that Trinidad and Tobago needed a financial investigation division. Minister Young and I, both with Minister Dillon sitting previously, urged Commissioner Williams to marry the FIB, the Financial Investigation Branch, the Fraud Squad, cybercrime and the ACIB into one division called the Financial Investigation Division. Why? When you look at statistics for money laundering, et cetera, they are paltry because nobody is looking at the left hand what the Fraud Squad is doing versus money laundering, and we made a recommendation which Commissioner Griffith picked up and ran with—perhaps, Mr. Killa was speaking about him [*Laughter*]*—he picked it up and he ran with that idea of a Financial Investigation Division, and that is how this Government did the right thing by saying the ACIB will return to the Commissioner of Police.*

So, there was one other point I think the Member for Caroni East raised, which is the fact that we do not seem to have investigations from public companies coming to the fore. The one that stands out for me is the IPO issue with FCB.

Dr. Gopeesingh: And you have Cemex too.

Hon. F. Al-Rawi: Yes, there is Cemex. There are lots of other ones, but the IPO issue in the FCB matter, what I recall, the only person who stopped that was a gentleman name Wade Mark who came to the House one day when a Motion to discuss that about the Minister of Finance—Minister Howai, came on the floor to talk about that and Wade Mark, as Speaker of the House, stood up and said he got a letter from the Judiciary telling him that the Government could not discuss this matter and there it died.

Mr. Deyalsingh: Total falsehood.

Hon. F. Al-Rawi: Where were your voices then, hon. Members? Where were

your voices then? Okay? So, hon. Members, I think—oh, one last point.

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

Hon. F. Al-Rawi: Thank you. The register is completely public. Why is it public? Section 473 of the Companies Act says that all documents that are in the registry are available for everybody to have a look at. I put it on the record, 474 and 475 as well. In 473 it says this:

“A person who has paid the prescribed fee is entitled...to examine and make copies of or extracts from, a document, required by this Act or Regulations, to be sent to the Registrar.”

So, the beneficial ownership registry is 100 per cent public. It is 100 percent public under 33(4), 33(12), 318(1)(n), 333(2) and (12), 337(b)(5) and (6) and 337(d). So the beneficial ownership registry is completely public pursuant to the existing law which is sections 473, 474 of the Companies Act, Chap. 81:01.

Mr. Deputy Speaker, I think I have answered all the issues. I look forward to any further questions that may come in the committee stage, if there is any, and I beg to move. [*Desk thumping*]

7.00 p.m.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Mr. Chairman: Ready, Mr. AG?

Mr. Al-Rawi: Yes, Sir.

Mr. Chairman: Right. Hon. Members—welcome to two senior technocrats. Is it the agreement of the House, with no amendments, that we can take all the clauses together?

Hon. Member: No.

Dr. Tewarie: I would just like to suggest one amendment for consideration by the AG.

Mr. Chairman: For which particular clause? Member for Caroni Central, what we will do, we will start and when we come to that particular clause we will hear your amendment or your suggestion, as you rightfully said. Fair enough?

Dr. Tewarie: Fine.

Clause 1.

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

Mr. Al-Rawi:—numbers 1 to 3.

Mr. Chairman: I asked earlier.

Mr. Al-Rawi: Short title, interpretation and—

Mr. Chairman: All right, so 1 to 3, we will deal with 1 to 3.

Clauses 1 to 3 ordered to stand part of the Bill.

Clauses 4 to 11 ordered to stand part of the Bill.

Mr. Chairman: Member for Caroni Central, you—

Dr. Tewarie: Actually, I wanted to suggest to the AG, if you would consider it, a new clause 12 having to do with the registry. This clause would read something like this, subject to your agreement:

A company no later than 30 days after each anniversary of its continuance, in cooperation or amalgamation under this Act, shall deliver to the Registrar a list of all persons holding beneficial interests in the company by way of shares or otherwise. A director or officer of the company shall certify the contents of every list submitted under this section, and if default is made in complying with this section, the company and every director and officer who is in default shall be guilty of an offence.

Mr. Chairman: AG, you got it?

Mr. Al-Rawi: Yes.

Dr. Tewarie: It is in the interest of establishing a transparently public—

Mr. Al-Rawi: I understand the point, may I address?

Mr. Chairman: Yes, go ahead, AG.

Mr. Al-Rawi: I think the Member is pointing quite correctly to making sure that there is an obligation that there is a precision in terms of timing for the disclosure of this on the annual basis. During the course of my debate, wrapping up in particular, I mentioned that there were three forms that you fill out right now, Form 23, Form 28 and Form 29, which deal with external companies, regular companies and then not-for-profit companies, respectively, and that is done on the anniversary of incorporation, et cetera, on the existing front. What we have provided for in this law, in 337E, which is part of clause 9—is it? In 337E, Mr. Deputy Speaker, you will see that—sorry, it is not that, now it is the exclusion for public companies. It is C(5)—no, it is 337B(5):

“...company shall annually verify information on record at the Companies registry through the filing of its annual return.”

So this particular section, it is 337B, subsection (5), ties the beneficial ownership into the annual return. The annual return is of three types, Form 23, Form 28, Form 29, that is done on the anniversary of incorporation or continuance, and that is already stated in the parent law, and then, of course, the access comes via 437, 434, et cetera, of the Companies Act. So it is provided for already in the law.

Dr. Tewarie: And you are saying all of this information on the registry will be on a website? It will be online? It would be available, easily accessible?

Mr. Al-Rawi: The access to the Companies Registry is done either physically or you can go onto the Ministry of the Attorney General and Legal Affairs website;

go to the companies portal. If you have an account, you can deduct from your account, it costs \$20 to check everything that has to do with a company. And very shortly, what we are going to do, if you do not have an account, you will be able to access your e-payment. We have developed the software for that already. We have developed the financial instructions. We are just waiting on the Treasury Solicitor and Comptroller of Accounts to give us the green light on that, and we would be up and running. Two o'clock in the morning in your night wear you would be able to access that and pay for it with credit card or debit card.

Dr. Tewarie: All right. Could I ask one more question? It is not related to this, and really has to do with the fact that public companies have been excluded.

Mr. Young: What public company is that?

Dr. Tewarie: Publicly-traded companies who have been excluded. One of the biggest problems we have had in Trinidad and Tobago, without calling the names of companies, is that shares have been transferred even though they are public companies, listed public companies on the stock exchange and blocks of shares have been transferred from one dummy company to another, to another, et cetera. *[Interruption]* I am not talking about anybody. And on the basis of that, you have had an accumulation of ownership or sales and purchases and transfers of shares, et cetera, in the country. Now, how is this Bill, or the SEC in its present form going to address issues like that in the future?

Mr. Al-Rawi: So, Mr. Deputy Speaker, this Bill does not address that.

Dr. Tewarie: I know that.

Mr. Al-Rawi: It is not intended to address that.

Dr. Tewarie: Yes.

Mr. Al-Rawi: That is properly a subset of the Securities Act and also the stock exchange management. Stock exchange is not pursuant to legislation, as I know

you are aware, but the Securities Act treats with that, and whether that offends the rules as to market manipulation, et cetera, et cetera, is where that goes. So I think that is something that will continue along its path. It is something we are paying attention to, obviously, but we are obviously driven by what the stakeholders in the industry have to say on that. But it has come within square attention, but this Bill is not intended to capture that, nor should it.

Mr. Lee: AG—

Dr. Tewarie: All right, I am okay.

Mr. Lee: Thank you, AG. If no other, may I ask a question? When the hon. Member for Port of Spain North/St Ann's West was debating he had mentioned how easy it is to incorporate a company, and I was wondering why steps in these—you all did not bring amendments to sort of make it a bit more difficult in.

Mr. Al-Rawi: Sure. Mr. Deputy Speaker, we are fighting something called, “the ease of doing business”, and the ease of doing business for companies, ideally it is intended that they should be able to do a company registration in a day. Three days is where other people do it. So the entire world and what Trinidad and Tobago, and under your Government also committed to the reverse. What you want is to make sure that you have scrutiny and that it is done properly. Now, the Registrar General is just a record-keeper. In telling the country what we were saying about our IT developments, that is where the inspectors get it, the FIU, the FIB, law enforcement and the public. That is where the whistleblowing legislation, campaign finance, public procurement; there are lots of articulating pieces of law that will use this public registry for the right purposes, but the RG, the Registrar General, is not intended to be anything other than, does it meet registrable form or not.

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

House resumed.

[MADAM SPEAKER *in the Chair*]

Madam Speaker: AG.

Hon. Al-Rawi: Much obliged, Ma'am, as I welcome you back. Madam Speaker, I wish to report that the Companies (Amdt.) Bill, 2018, was considered in a committee of the whole and approved without amendments. I now beg to move that the House agree with the committee's report.

Question put and agreed to.

Bill reported, without amendment, read the third time and passed.

TRESPASS (AMDT.) BILL, 2018

Senate Amendment

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to move the following Motion standing in my name:

Be it resolved that the Senate amendment to the Trespass (Amdt.) Bill, 2018, listed in Appendix II be now considered.

Question proposed.

Question put and agreed to.

Clause 5.

Senate amendment reads as follows:

Delete paragraph (a) and substitute the following:

(a) deleting the words "in the night-time".

Madam Speaker: Attorney General.

Mr. Al-Rawi: Madam Speaker, this amendment is really just to correct something that is very simple, instead of deleting the entire definition of "night-time", we intend only to delete the words "in the night-time", and what we are doing is therefore keeping it in certain parts of the parent Act and removing it in other parts,

and therefore I recommend and beg to move.

Question proposed.

Madam Speaker: Attorney General.

Mr. Al-Rawi: Madam Speaker, I beg to move.

Question put and agreed to.

RELATED MOTIONS

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, do I have the leave of the House to debate Motions No. 2 and No. 3, both standing in my name together?

Madam Speaker: Is this the wish of the House?

Assent indicated.

Madam Speaker: Yes, you may proceed.

ECONOMIC SANCTIONS (DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) ORDER, 2018 (IN FORCE UNTIL REVOKED)

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to move the following Motions standing in my name, the first being Motion No. 2, the Economic Sanctions (Implementation of the United Nations Resolutions on the Democratic People's Republic of Korea) Order 2018, which Motion reads:

Whereas by section 4 of the Economic Sanctions Act, Chap. 81:05 ("the Act"), the President may for the purpose of implementing a decision, resolution or recommendation by a regional or an international organisation of States or association of States, of which Trinidad and Tobago is a member, that calls on its members to take economic measures against a foreign State make an order with respect to-

- (a) the restriction or prohibition of any of the activities referred to in section 5 in relation to a foreign State;

- (b) the seizing, freezing or sequestration in the manner set out in the Order any property situated in Trinidad and Tobago that is held by or on behalf of-
- (i) a foreign State;
 - (ii) any person in that foreign State; or
 - (iii) a national of that foreign State who does not ordinarily reside in Trinidad and Tobago.
- (c) the exclusion of any person, property, goods, technical data, services, transactions, ships or aircraft or any class thereof from the application of the Order.

And whereas the United Nations Security Council has issued resolutions requiring members of the United Nations to impose economic sanctions against the Democratic People's Republic of Korea, including resolutions 1718 (2006), 1874 (2009), 1928 (2010), 1985 (2011), 2050 (2012), 2087 (2013), 2094 (2013), 2141 (2014), 2207 (2015), 2270(2016), 2276 (2016), 2321(2016), 2345 (2017), 2356 (2017), 2371 (2017), 2375 (2017), 2397 (2017) and 2407 (2018).

And whereas the aforementioned resolutions require countries to freeze, without delay, the funds and other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations.

And whereas the President, by Legal Notice No 184 of 14th December, 2018 signed the Economic Sanctions (Implementation of United Nations Resolutions on the Democratic People's Republic of Korea) Order, 2018

(“the Order”).

And whereas the President, in accordance with section 4(4) of the Act, did cause to be delivered on the 17th December, 2018 to the Speaker for presentation to the House of Representatives, a statement setting out the specific grounds on which the decision to make the Order was based.

And whereas the statement of Her Excellency the President, was debated in the House of Representatives on 11th January, 2019 and approved and was published as Legal Notice No. 14 of 2019.

And whereas section 4(3) of the Act provides that subject to section 4(5), an Order made under section 4(1) shall, unless previously revoked, remain in force for three months.

And whereas section 4(5) of the Act provides that before the expiration of an Order made under section 4(3), the Order may be extended, either indefinitely or for a specified period, by a resolution supported by a simple majority vote of the House of Representatives.

And whereas it has become necessary to extend the life of the Order until such time as it is revoked:

Be it resolved that the Order shall remain in force until such time as it is revoked.

This, Madam Speaker, I beg to move, in addition with the other Motion, No. 3, standing in my name, which is the Economic Sanctions (Implementation of United Nations Resolutions on the Islamic Republic of Iran) Order, 2018, which Order reads as follows:

Whereas by section 4 of the Economic Sanctions Act, Chap. 81:05 (“the Act”) the President may for the purpose of implementing a decision, resolution or recommendation by a regional or an international organisation

of States or association of States, of which Trinidad and Tobago is a member, that calls on its members to take economic measures against a foreign State make an order with respect to-

- (a) the restriction or prohibition of any of the activities referred to in section 5 in relation to a foreign State;
- (b) the seizing, freezing or sequestration in the manner set out in the Order any property situated in Trinidad and Tobago that is held by or on behalf of-
 - (i) a foreign State;
 - (ii) any person in that foreign State; or
 - (iii) a national of that foreign State who does not ordinarily reside in Trinidad and Tobago.
- (c) the exclusion of any person, property, goods, technical data, services, transactions, ships or aircraft or any class thereof from the application of the Order.

And whereas the United Nations Security Council Resolutions 2231(2015) relative to Iran, United Nations Security Council Resolution 1540(2004) and its successor resolution, Member Countries of the United Nations were called on to impose economic sanctions on the Islamic Republic of Iran.

And whereas Trinidad and Tobago is required to implement the Financial Action Task Force's Recommendations 7 relative to the Islamic Republic of Iran which requires that countries implement target financial sanctions to comply with United Nations Security Council Resolutions (UNSCRs) relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing.

And whereas the aforementioned resolutions require countries to freeze,

without delay, the funds and other assets of and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations.

And whereas the President, by Legal Notice No 185 of 14th December, 2018 signed the Economic Sanctions (Implementation of United Nations Resolutions on The Islamic Republic of Iran) Order, 2018 (“the Order”).

And whereas the President, in accordance with section 4(4) of the Act, did cause to be delivered on the 17th December, 2018 to the Speaker for presentation to the House of Representatives, a statement setting out the specific grounds on which the decision to make the Order was based.

And whereas the statement of Her Excellency the President, was debated in the House of Representatives on 11th January, 2019 and approved and published as Legal Notice No. 14 of 2019.

And whereas section 4(3) of the Act provides that subject to section 4(5), an Order made under section 4(1) shall, unless previously revoked, remain in force for three months.

And whereas section 4(5) of the Act provides that before the expiration of an Order made under section 4(3), the Order may be extended, either indefinitely or for a specified period, by a resolution supported by a simple majority vote of the House of Representatives.

And whereas it has become necessary to extend the life of the Order as follows:

- (a) Clauses 21, 22 and 23 of the Order shall continue in force until 18 October, 2020 and then expire;

- (b) Clauses 12, 19 and 20 of the Order shall continue in force until 18 October, 2023 and then expire;
- (c) Clauses 16 and 17 of the Order shall continue in force until 18 October, 2025 and then expire; and
- (d) Clauses 1 to 11, 13 to 15, 18 and 24 to 28 shall continue in force until revoked.

Be it resolved that the life of the Order be extended as follows:

- (a) Clauses 21, 22 and 23 of the Order shall continue in force until 18 October, 2020 and then expire;
- (b) Clauses 12, 19 and 20 of the Order shall continue in force until 18 October, 2023 and then expire;
- (c) Clauses 16 and 17 of the Order shall continue in force until 18 October, 2025 and then expire; and
- (d) Clauses 1 to 11, 13 to 15, 18 and 24 to 28 shall continue in force until revoked.”

Madam Speaker, having put those two Orders conjunctively, with the desire of the House that they be debated together, I beg to move.

Madam Speaker: Hon. Members, I will now put the question, and I would have to put them in a sequential order so we will first deal with the first one.

Question proposed.

Madam Speaker: Hon. Members, I remind you that both Motions, No. 2 and Motion No. 3, shall be debated together.

PROCEDURAL MOTION

The Minister of Health (Hon. Terrence Deyalsingh): Madam Speaker, in accordance with Standing Order 15(5), I beg to move that this House continue to sit until the completion of the matters before it.

Question put and agreed to.

**ECONOMIC SANCTIONS (DEMOCRATIC PEOPLE'S REPUBLIC
OF KOREA) ORDER, 2018
(IN FORCE UNTIL REVOKED)**

Madam Speaker: Member for Tabaquite.

Mr. Al-Rawi: Madam Speaker, I apologize, I was advised by the Procedural Clerk to say, to beg to move in respect of both, notwithstanding my advice to her to the contrary because I needed to give the preamble. She had indicated that it was necessary because we were doing two Motions together. May I have your guidance because there is a small run-up that I would need to put onto the record?

Madam Speaker: Hon. Members, as indicated, leave was granted for both to be done together, but, hon. AG, you had to put one, and then while Members would be allowed to debate both, the question would be put with respect to the first one, then I would put the question with respect to the second one. Okay? And then the resolutions would be passed with each one in sequential order. Okay?

Mr. Al-Rawi: Proceed. Madam Speaker, for your guidance—

Madam Speaker: So I have already put the question in respect to the first Order, which is the Korea one, so that the debate, while it would be allowed with respect to both, what the question is, it is on one, and the resolution would be on one, and then you will deal with the other one.

Mr. Al-Rawi: I am sorry, I asked a direct question, Madam Speaker, about being able to pilot them. I was advised by the Procedural Clerk to do it this way, and I took the advice because the Procedural Clerk is your Procedural Clerk and the House's Procedural Clerk. So I just want to know at what point you will permit me to pilot the two together, insofar as they are done together.

7.30 p.m.

Madam Speaker: What has happened, Attorney General, as I indicated, the House gave leave for both to be debated together. But in putting the question I could only put the question in respect to Motion No. 2 which I have done. In the debate, the Members can speak to the two. I will then ask that Motion No. 2 be passed. I will call upon you, you will then read Motion No. 3 into the record, and then the question would be put and Motion No. 3 passed. Okay?

Mr. Al-Rawi: Madam Speaker, I am sorry I am no clearer. When may I be permitted to pilot the two Motions?

Madam Speaker: What should have happened is—[*Interruption*] And that is precisely the point. When you stood up and you spoke you said you beg to move.

Mr. Al-Rawi: Okay.

Madam Speaker: Okay.

Mr. Al-Rawi: Your Clerk gave me the wrong information.

Madam Speaker: All right? You said you beg to move. Member for Tabaquite.

Dr. Surujrattan Rambachan (Tabaquite): Madam Speaker, this matter that we are debating with respect to economic sanctions for both North Korea and Iran comes to this Parliament following what has been tainted as a failed summit between the President of the USA and the President of North Korea.

Madam Speaker, when you look at it very carefully, the threat from North Korea to other States, not just to the United States, but including Japan, South Korea, remains very real, especially in the context of the demands that were being made by the President of North Korea to get him to agree to denuclearize North Korea, and of course his demands being such that all economic sanctions be removed, and the President of the USA of course diplomatically walked away from it. So in my view it is very important that the sanctions continue against North Korea because a threat to the US is not just a threat to the US, it is a threat to world

peace. One of the unfortunate things about the world at this moment is that sometimes we feel that we are sitting on the edge. We are sitting on the edge the way nations are at war, whether in open conflict or otherwise. But, you know, wars are going on that threaten peaceful existence of other human beings, and, you cannot just have leaders of countries who just want to do what they want without recognition of the rights of others, whether it be the President of the United States or whether it be the President of North Korea. Therefore, it remains for the rest of the world not to have a silent voice and not to be a mere spectator to what is going on. Very often we think that countries like Trinidad and Tobago cannot punch above its weight and have an influence, but we have proven otherwise with the International Criminal Court, and on several occasions in the past Trinidad and Tobago has stood up and made its position very clear, and has been noted by the world.

But you know, Madam Speaker, in speaking about this, again I wish to reiterate like I did on the last occasion about the dangers of terrorism, and the nature of terrorism sweeping into our own space. Now, in that regard, I heard the Minister of National Security, the hon. Member for Port of Spain North/St. Ann's West, commenting on the travel advisory that referred to terrorism that was issued by the United States of America, and indicated that there was virtually no difference between the travel advisory of February 22, 2018 and March 06, 2019. But the fact is that the United States continues to make this assertion that terrorists may attack with little or no warning, targeting tourist locations, transportation hubs, markets, shopping malls, local government facilities, hotels, clubs, restaurants, places of worship, parks, major sporting and cultural events, educational institutions, airports and other public areas.

Now, it would be very nice of the authorities in the United States of America

to tell us on what kind of information they are basing this kind of assertion. I know the Minister said that he was speaking to the United States' embassy about it. But if the United States is doing their own independent analysis of what is going on in Trinidad and Tobago, and they are coming up one year ago with that statement, and one year ago the very statement again, and they are virtually refusing to withdraw it or to modify the travel advisory, then what is the ordinary man, the ordinary citizen of Trinidad and Tobago to assume? What are they to assume?

You know, the Opposition is not sitting on Marli Street doing the research. The Member for Port of Spain North/St. Ann's West continues to blame the Opposition for everything, and said that the Opposition went on social media and was exaggerating this and so on, but the Opposition did write this statement. Kamla Persad-Bissessar was not sitting in Marli Street and writing this statement. This statement was written by the United States of America. The reality is that you and I know that the intelligence officers from the US are all over Trinidad at various points in time doing different things. One wonders whether the story about them being in Moruga, what are they really doing in Moruga. Are they doing social work or are they doing intelligence work with respect to what is happening between Venezuela and Trinidad?

So the question, hon. Minister, is not about what the Opposition is doing or not doing. The Opposition has a right to question. The Opposition remains the loyal Opposition to the nation of Trinidad and Tobago, [*Desk thumping*] and to the citizens of Trinidad and Tobago, and that loyalty requires us to ask questions on behalf of the people and if another country is claiming this kind of state of affairs and advising its citizens as such, then obviously we have to ask a question on what information are they basing this. Because you cannot ignore the fact that people in

Trinidad and Tobago have actually admitted that they recruited people to go and fight for ISIS. They actually recruited people. It is factual now that there are people who are locked up in jails, and they have been deemed terrorists.

I am very happy to note the work of the Commissioner of Police and his new intelligence unit and so on in trying to dig up intelligence and to be proactive in terms of what they are doing. I have always said, and my parliamentary records are there to show it, that we needed in this country an operational Commissioner of Police, and in Gary Griffith, Commissioner, we have gotten such a commissioner, an operational commissioner, and that is what the country needs. Leadership at different times requires a different kind of style. Leadership is a function of the situation, and the function of the situations requires a person of the calibre of Gary Griffith, and he ought to be commended. He ought to be commended for what he is doing.

You know, Gary Griffith was a trusted people in the People's Partnership to be elevated to the position of Minister of National Security, because we knew of his capability. [*Interruption*]

Hon. Members: "Allyuh fire him!"

Dr. S. Rambachan: Madam Speaker, I will not go into that incident, or those incidents. I am concerned about the performance of the individual. It is above par and he is doing an excellent job.

But, Madam Speaker, the reality of this situation is that North Korea continues by its behaviour to pose a problem. In fact, we are now being told that following the failed meeting that other things have begun to happen, and that North Korea suddenly appears to be rebuilding a key long range rocket test site it promised to scrap in a possible sign of its displeasure over the collapse of nuclear talks at that second summit.

In fact, it is the Centre for Strategic and International Studies and the 38 North think tank that separately issued reports citing commercial satellite imagery showing that North Korea had restored part of the Sohae Satellite Launching Station which it began to dismantle after pledging to do so at President Kim's first summit with Trump last June. Now, I think that that is important, because the Sohae facility which is also known by the name of the location Tongchang-ri is the site from which they launched satellite in 2012 and 2016, and it is also the site of a test stand that the North has used to fire some of its most powerful rocket engines on the ground. So that North Korea by its behaviour following the failed summit, continues to be a threat to countries with whom the US have allies in terms of Japan and also South Korea.

In fact, the President himself of Japan has been very clear in terms of the position that Trump took at the meeting with North Korea. In fact, everyone wants to improve their relations with North Korea, Japan also and of course China, but it seems to be getting more and more difficult.

So, Madam Speaker, there is no question in my mind that the Opposition will have to support and will support in the interest of world peace, in the interest of dealing with terrorism across the globe and here in Trinidad and Tobago also. Speaking about terrorism, we heard that the Carnival was shut down at a particular hour and the music trucks were stopped because of possible disruption of the Carnival. I think the population would have loved to know what was the source of that information, because, you know, there was a lot of speculation that that was something that was just contrived at the moment, and it was a public relations gimmick. I do not think it was a public relations gimmick. I have faith in the words of the Commissioner of Police, but I would think that the Commissioner of Police may want to say to the people that this is where the source of the

information came from.

You see, Madam Speaker, we cannot continue to live in this country with fear. We cannot continue to live with fear, and I think that that is something that is crippling this country. I do not know if people really understand the crisis that exists in this country because of the nature of the criminal situation, and the threat of terrorists, especially when it is being endorsed in a statement by the United States. Again I repeat, the United States cannot continue to make such a statement unless they have credible evidence of doing so. [*Desk thumping*] If they do not have credible evidence then what they are doing is threatening the perception of their integrity. Or is this continued reaction of the US some slap in the face for Trinidad and Tobago in terms of how the Government of Trinidad and Tobago has sought to treat with Venezuela and Maduro? One has to ask all of these questions. Where is the United States getting the information that causes them to write in these very strong, strong terms?

So do not blame the Opposition and say the Opposition is going on social media and doing X, Y and Z. Deal with the source of the problem. [*Desk thumping*] Deal with it. If it means you go to Washington and talk to Washington, go to Washington and talk to Washington about it, and clarify for the people of Trinidad and Tobago.

So, Madam Speaker, we are fully in support of what is before the House, and with those few words, I thank you very much.

The Attorney General (Hon. Faris Al-Rawi): I must ask, what am I to wrap up to, Madam Speaker, which one of the Motions? Can I just confirm for the record that both Motions were put for debate?

Madam Speaker: Attorney General, both Motions were put for the debate—
[*Interruption*]

Hon. F. Al-Rawi: Suruj, you answered both Motions?

Madam Speaker:—and they spoke to both Motions. You will now wrap up on both. I will then put the question with respect to the first one, and then we would vote, and you would read into the record the third Motion again, I will just put the question and we will vote. I believe we have a procedure by which we are guided.

Hon. F. Al-Rawi: Thank you, Madam Speaker. That is to debate both Motions separately for the record, and in any event, it has happened.

Madam Speaker, with respect to the first Motion, as you have put that question to the table, that is Motion No. 2, I beg to move.

Question put and agreed to.

Resolved:

That the Order shall remain in force until such time as it is revoked.

**ECONOMIC SANCTIONS (THE ISLAMIC REPUBLIC OF IRAN)
ORDER, 2018
(EXTENSION OF LIFE)**

The Attorney General (Hon. Faris Al-Rawi): I have already read Motion No.3 into the record. I beg to move.

Question proposed.

Question put and agreed to.

Resolved:

That the life of the Order be extended as follows:

- (a) Clauses 21, 22 and 23 of the Order shall continue in force until 18 October 2020 and then expire;
- (b) Clauses 12, 19 and 20 of the Order shall continue in force until 18 October 2023 and then expire;
- (c) Clauses 16 and 17 of the Order shall continue in force until 18

October 2025 and then expire; and

- (d) Clauses 1 to 11, 13 to 15, 18 and 24 to 28 shall continue in force until revoked.

ADJOURNMENT

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Madam Speaker. I beg move that this House do now adjourn to Friday 22 March. On that day we will do a Bill entitled an Act to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct in the public and private sector, to protect persons making those disclosures from detrimental action, to regulate the receiving, investigating or otherwise dealing with disclosures of improper conduct, and to provide for other matters connected therewith.

Thank you very much, Madam Speaker.

Mr. Lee: Madam Speaker, the 22nd of March is the fourth Friday. The fourth Friday of March is Private Members' Day.

Hon. T. Deyalsingh: Sure, Madam Speaker, sorry. If that is Private Members' Day, could you please tell us which Motion you would like to do?

Mr. Lee: Madam Speaker, we have a Motion that we had filed and it has not reached on the Order Paper as yet. So I will have to communicate with the Leader of Government Business later on.

Madam Speaker: And that Motion will qualify by the 22nd of March, yes?

Mr. Lee: Yes.

Madam Speaker: Okay. So, Members, before I put the question, I invite greetings on the occasion of International Women's Day 2019. Member for Tobago East.

**International Women's Day
(Greetings)**

UNREVISED

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Thank you, Madam Speaker. As we celebrate the achievements of women everywhere and reaffirm our Government's commitment to gender equality and equity, we join with the international community to celebrate International Women's Day.

This year's theme, "Think equal, build smart, innovate for change", push innovation by women and girls for women and girls at the heart of efforts to achieve gender equality. Achieving a gender equal world requires social innovations that work for both women and men while leaving no one behind.

Innovation can take the race for gender equality to its finishing line by 2030 with a renewed focus on urban planning that places emphasis on community safety, e-learning platforms take classrooms to women and girls, affordable and quality child care centres and technology shaped by women.

As a nation we cannot move forward if half of us are left behind. Our Government seeks to create a better balance with its continued focus on gender equity and equality at its core.

In this regard, I am pleased to announce that the National Policy on Gender and Development will be laid in this honourable House within the coming weeks. The gender policy will support key objectives of the Vision 2030, the National Development Strategy for Trinidad and Tobago, which has identified advancing gender equality and women's empowerment as a key thematic area.

To this end, yesterday the members of the Trinidad and Tobago delegation to the United Nations 63rd session of the Commission on the Status of Women held their briefing meetings as they head to New York to participate in this global forum. This year is a particularly significant year since our Ambassador to the United Nations, Mrs. Penelope Beckles-Robinson, is the current President of the

Greetings International Women's Day
 Hon. A. Webster-Roy

2019.03.08

Executive Board of UN Women, while Prof. Rhoda Reddock is a member of the CEDAW Committee whose mandate is to advocate, promote and support member States to endorse and monitor the Convention on the elimination of all forms of discrimination against women.

Every single one of us has a role to play in achieving gender equality. Let us celebrate women's contributions, stand up for women's rights and listen to women's voices.

As a Government we encourage all men, women, boys, and girls to accept the call to "Think equal, build smart, innovate for change", to extend the campaign for women's equality beyond International Women's Day, March 08, 2019, by keeping the message alive through the use of "#BalanceForBetter". Trinidad and Tobago can only become a better place and reap positive and social economic benefits for women being empowered to be active partners and contributors to all national development.

Happy International Women's Day to the women and girls of Trinidad and Tobago. [*Desk thumping*]

Ms. Ramona Ramdial (*Couva North*): Thank you very much, Madam Speaker. It gives me great pleasure to bring greetings on behalf of the Opposition on the occasion of International Women's Day 2019.

This year's theme is "#BalanceForBetter". The aim is to build a gender balanced world through collective action and shared responsibility by 2030. Gender imbalance is not just a challenge for women, it is a business and economic issue. The PEI Coalition for Women in Government reports from national and international research on corporate boards confirms that increased gender balance and diversity on boards result in better financial performance. Studies clearly show that when a board achieves gender parity, women and men tend to work

more collaboratively, generate more creative ideas, draw from multiple perspectives and devise robust solutions to problems. Madam Speaker, economic effects are also personal. Earnings and income levels affect equality and women's incomes remain unfairly out of balance.

Back here at home only 31 per cent females are in the Lower House and 35 per cent females in the Upper House. So clearly the respective political parties need to do a lot more work at attracting more women in politics.

No doubt in 2010 the hon. Kamla Persad-Bissessar broke the glass ceiling by becoming the first female Prime Minister of Trinidad and Tobago. [*Desk thumping*] Today she continues to inspire young girls and women in T&T. Today, the Opposition Leader celebrates International Women's Day 2019 as a guest speaker at an event in Barbados organized by the American Chamber of Commerce for Barbados and the Eastern Caribbean, and I want to wish her well as she proudly represents Trinidad and Tobago with her story.

As I end, let me make the call for gender balance in our boardrooms, our Government, our Opposition, our protective services, in the media, in sports and many other sectors. Gender balance is essential for communities and economies to grow and prosper. I thank you.

Madam Speaker: Hon. Members, as a world community and as a society we have certainly come a long way from the early days of women lobbying for basic rights in the world. This year International Women's Day calls upon us to think equal, build smart and innovate for change. Now in this time to uphold women's achievements, recognize challenges and focus greater attention on women's rights.

Innovation and technological advances have created unprecedented opportunities for women to take part in their own development, in the removal of barriers to progress and in the attainment of the sustainable development goals.

In 2019 we look towards the women in traditional and in non-traditional sectors who are making significant contributions without much fanfare. These women include entrepreneurs, athletes, inventors, officers in the protective services and artistes who have been recognized for their extremely valuable contribution they have made to the fabric of the national society.

As part of the Parliament of Trinidad and Tobago's initiative to celebrate International Women's Day, the Parliament Channel has interviewed women who have made a difference in traditional and non-traditional roles, and who continue to break barriers, all while serving as an inspiration to others. A few of the women you will see featured on the Parliament Channel within the next few days include not only politicians, but chefs, scientists, skilled workers, entrepreneurs in various fields and community activists. Every day these women and so many others in our society defy the odds, overcome challenges and rise above their circumstances to become exemplars of our two national watchwords of "discipline" and "production".

Today, let us reaffirm our commitment to women's rights and move forward with courage and determination towards the goal of achieving gender equality. I wish the national community and the Members of the House here a happy International Women's Day. [*Desk thumping*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.56 p.m.