

**HOUSE OF REPRESENTATIVES***Monday, June 10, 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 hon. Ayanna Webster-Roy, MP, Member for Tobago East and Mr. Barry Padarath, MP, Member for Princes Town, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**PAPER LAID**

Ministerial Response of the Ministry of Rural Development and Local Government to the Sixth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Establishment of Systems for the Maintenance of Drainage and Roadways. [*The Minister Planning and Development (Hon. Camille Robinson-Regis)*]

**PRIME MINISTER'S QUESTIONS****(Deferral of)**

**Madam Speaker:** Hon. Members, leave having been sought and obtained on the 7<sup>th</sup> of June, 2019, for the absence of the Prime Minister from the 7<sup>th</sup> to 11<sup>th</sup> of June, 2019, this item shall be considered at the next sitting of the House. Whip.

**Mr. Lee:** Thank you, Madam Speaker. Madam Speaker, I seek your clarification—if absence is granted, could the House state through the Leader of Government Business, who is the Acting Prime Minister, please? [*Desk thumping and crosstalk*]

**Madam Speaker:** All right, so I am now on my legs. Clerk, continue. Member

for Oropouche West.

## URGENT QUESTIONS

### Venezuelan Nationals (Medical Attention)

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the Minister of Health: With regard to a social media post indicating that senior staff members at both the Port of Spain and San Fernando General Hospitals stated that many Venezuelan nationals seeking medical attention are HIV positive or have malaria, could the Minister indicate whether these claims are true?

**The Minister of Health (Hon. Terrence Deyalsingh)**: Thank you very much, Madam Speaker, and thank you Member for the question. Madam Speaker, I have made no secret of the fact that malaria continues to be a source of concern. I have a reply to the Senate Question No. 253 which I gave to the Senate, in which I gave the breakdown of malaria cases from Venezuela. For 2019, we have 17 cases of malaria, 16 are imported and one local. Of the 16 imported, 13 are from Venezuela, one from Uganda, one from Guyana, and one from Ghana. We are treating all cases as we always do.

On the issue of HIV, this country has signed on to the United Nations' policy of "test all, treat all", and all persons in Trinidad and Tobago, regardless of their status, whether they are a citizen, a resident, CSME, a migrant, will be tested and will be treated for HIV.

Madam Speaker, in thanking the Member for this question, I want to reiterate that we do not want to drive anybody underground who may have malaria or HIV. They should feel comfortable coming to our facilities to be tested and treated. We treat this as a public health issue, and I have said publicly that these matters will be given free of charge to anyone. There should be no discrimination, no stigmatization, and no sensationalism of this public health issue, and the

Government has taken a proactive stance to deal with it. Thank you very much, Madam Speaker.

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

**Mrs. Gayadeen-Gopeesingh:** Hon. Minister, are there sufficient antiviral or antiretroviral drugs to deal with this high incidence?

**Hon. T. Deyalsingh:** Thank you again, Member, another excellent question, and the answer is yes. And I will explain how. Since this Government took a decision about two years ago to switch our source of antiretrovirals to the PAHO strategic fund—and I said this in Parliament on several occasions—we have saved this country about \$78 million, most of it due to the decreased prices of HIV antiretrovirals. And because of that, we have more than enough, and can source more than enough to treat anyone, regardless of their citizenship or other status, who have tested for HIV. Let me reiterate, we have signed on to the United Nations' doctrine of 90-90-90 by 2020, test all, treat all. Thank you very much, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Fyzabad.

**Dr. Bodoë:** Thank you very much, Madam Speaker. Minister, as part of the registration process for the Venezuelan nationals, is consideration being given to securing medical history, and possibly identifying registrants who might need medical attention?

**Hon. T. Deyalsingh:** In working with the Minister of National Security from day one, on this issue as to how the registration process will go, I can assure the Member from Fyzabad that those questions are being asked. So, there will be a database on this, so we could reach out to them afterwards. So, thank you for that question. It clarifies the issue. Thank you very much, Madam Speaker.

**Heritage Petroleum Company Limited  
(Details of Security Provider)**

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you very much, Madam Speaker. To the Minister of Energy and Energy Industries: Given a recent report which stated that Heritage Petroleum Company Limited has lost over \$20 million due to thieves and saboteurs, could the Minister state who is the security provider as well as the total cost for their services in the past six months for the said company formed under Trinidad Petroleum Holdings Limited?

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)**: Thank you very much, Madam Speaker. Madam Speaker, the company contracted by Petrotrin's successor companies to provide security services effective December 01, 2018, it is Amalgamated Security Services Limited. They are being paid approximately \$2.8 million per month for providing such services.

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

**Dr. Moonilal**: Thank you very much. Hon. Minister, could you indicate whether or not these reports of larceny at the installations have been properly reported to the Trinidad and Tobago Police Service.

**Sen. The Hon. F. Khan**: From my understanding, yes they have been. Most of the pilferage and stealing is taking place not at Pointe-a-Pierre, which is fairly well secured because it is a gated facility, it is taking place in the fields, which is the exploration and production field, in particular, the Palo Seco/Santa Flora area.

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

**Mr. Lee**: Thank you Madam Speaker. To the Minister, have any—given the areas that the theft is happening—is any consideration being given to hire back past security officers who have the experience under Petrotrin in securing those particular areas? [*Desk thumping*]

**Sen. The Hon. F. Khan**: Madam Speaker, the security contract is with Amalgamated Security Services Limited. It is a six-month contract, after which it

is my understanding that the whole security services will be re-tendered, but this time under three packages. One, Paria/Guaracara which will be the Pointe-a-Pierre aspect of it. Two, Petrotrin non-petroleum assets, which will be the bungalows, the clubs, the houses and what have you. And thirdly, a dedicated contract for Heritage, which will be focusing entirely on field operations, which is difficult to manage because it is so widespread over the entire south-western peninsula. You will need some community support, which we are working on, and I want to urge the citizens of Trinidad and Tobago who are involved in this activity to desist, you are breaking the law.

**Madam Speaker:** Member for Naparima. New question.

**Venezuelan Nationals  
(Adequacy of Medical Resources)**

**Mr. Rodney Charles** (*Naparima*): To the Minister of Health: Can the Minister confirm his recent statement that this country has adequate medical resources to deal with the growing needs of Venezuelan nationals in respect of urgent health demands?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much again, Madam Speaker. Madam Speaker, the answer is yes. And I would give you an example. We just spoke about malaria; to treat a Venezuelan for malaria costs \$4 US, only \$4 US, under this administration. We have also received support both programmatic and others, from UNHCR and IDB. From those two international agencies we have received not only advice, but medical supplies, and drugs, we have received bed nets, we have received two vehicles—one which has gone to the Trinidad Public Health Lab, and one gone to the Expanded Programme on Immunization. We have also received IT support. So not all the resources are coming from the taxpayer of Trinidad and Tobago. We are also getting resources from UNHCR and the IDB to deal with the urgent medical needs of migrants.

Thank you very much Madam Speaker.

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

**Dr. Gopeesingh:** Hon. Minister, is your proactive approach incorporating the area of testing for diphtheria and measles, which are two new endemic issues in Venezuela with CDC reporting more than 6,000 cases about measles and diphtheria.

**Hon. T. Deyalsingh:** Thank you very much, and I thank the hon. Member for his question. And the answer is yes. And that is why those two vehicles, one which has gone to Trinidad Public Health Lab, one to EPI, the IT support is part of the strategy of reaching the Venezuelans especially for public health issues, and diseases, which can be controlled via vaccinations. We are treating them for measles and everything else, the flu vaccine, HIV, malaria, anything that is communicable we are treating them. Thank you very much, Madam Speaker.

**Madam Speaker:** Supplemental, Member for Fyzabad.

**Dr. Bodoë:** Thank you, Madam Speaker. Minister, in terms of the Venezuelan nationals accessing acute care at the emergency departments of the various hospitals, is any sort of record being formulated so that at some point in time you will be able to give an assessment of the impact of these visits on the health care system?

**Hon. T. Deyalsingh:** Thank you very much, Madam Speaker, and the answer to that again is yes. Actually, I mandated the RHAs about four months ago at the start of this year to do just that, and we are collecting data not only on Venezuelans, because it would surprise you to know how many non-nationals, outside of Venezuelans, access health care services. So the issue of treating with Venezuelans has forced us to look at all the data, and I will have no problem at a future time making that data available to you. Thank you very much, Madam

Speaker.

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

**Robberies Involving Venezuelans  
(Measures to Address)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. To the Minister of National Security: Could the Minister indicate what measures, if any, have been implemented to address the increase of robberies involving Venezuelan nationals?

**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, through you, I would like to inform the public of Trinidad and Tobago here today at 1.44 p.m. on the 10<sup>th</sup> of June, 2019, at a very disturbing occurrence that is coming from those Members on the opposite side and the Opposition. There is no doubt in our minds whatsoever that what they are promoting is xenophobia.

In fact, this morning, starting off my day with the heads of National Security, I drew it to their attention that there is a specific plot by certain persons—

**1.45 p.m.**

**Mr. Charles:** Madam Speaker, Standing Order 48(6), imputing improper motives by making negative references to persons on this side. I object. [*Desk thumping and crosstalk*]

**Madam Speaker:** Please continue.

**Hon. S. Young:** Thank you very much, Madam Speaker. As can be seen this afternoon by all of the—three of the four Urgent Questions all based on Venezuelans. The Venezuelans are not the major cause of crime in Trinidad and Tobago and what I can say what we are doing to deal with it is, as I said this morning, we started off with a meeting with the heads of security and one of the

issues that we dealt with is how to deal with the continued suggestion that the Venezuelans are the source of all crime, but we are also targeting human trafficking, we are targeting those elements of organized crime and we are also targeting those elements who may be involved in criminal activity and of a Venezuelan nationality but they are not the only ones involved in crime.

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

**Dr. Moonilal:** Thank you very much. Mr. Minister, do you agree with statement of the Commissioner of Police that the ill-advised and ill-conceived opening of the borders and failure to protect the borders has left this country at the mercy of criminal elements coming from Venezuela. [*Desk thumping*] And he is not a member of the Opposition?

**Hon. S. Young:** Thank you very much. First of all, Madam Speaker, I do not know that the Commissioner of Police made those statements and this continued tone of xenophobia by those on the other side.

**Madam Speaker:** Member for Naparima. No? All right. Member for Oropouche East, supplemental.

**Dr. Moonilal:** Thank you. Mr. Minister, do you agree with the statement made by the new ambassador from Venezuela to Trinidad and Tobago in the newspapers today that the provision of registration cards would be a stepping stone for citizens of Venezuela to attain the status of residence of Trinidad and Tobago?

**Hon. S. Young:** Madam Speaker, the answer is no as we specifically said when we announced this policy, and it was announced eight weeks ago at post-Cabinet, nothing with the registration of these persons from Venezuela gives them anything under the Immigration Act towards becoming citizens or residents of Trinidad and Tobago. We were very specific in that. This is a one-year period for humanitarian purposes and again, the continued introduction of misinformed information by

those on the other side is very disheartening. [*Crosstalk*]

### ORAL ANSWERS TO QUESTIONS

**Madam Speaker:** Hon. Members, I wish to advise—[*Continuous crosstalk*]  
Could the crosstalk be contained, in fact, wiped out? Hon. Members, I wish to advise that written notice has just been received from the Member for Couva South withdrawing Question 231 on the Order Paper.

*Question No. 231, by leave, withdrawn.*

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

### ORAL ANSWERS TO QUESTIONS

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**  
Thank you very much, Madam Speaker. We will be answering Question Nos. 218, 219, 221, 231.

**Madam Speaker:** 231 has been withdrawn.

**Hon. C. Robinson-Regis:** Well, we were going to answer that. And, Madam Speaker, let me just take this opportunity to say that I find it quite disingenuous that the Member would only today indicate that he is not asking this question because that is—[*Crosstalk*] The Prime Minister indicated since last week that he would not be here and asked for permission not to be here. [*Continuous crosstalk*]  
If I could continue, Madam Speaker? And I find it totally disingenuous because the Minister, if he did not have another question, would have been brought to the Parliament—he is not a Member of this House—to answer a question which he did prepare and now is being told he is not being asked the question and I find that totally unacceptable. But, Madam Speaker, we are here to answer the others that are being asked.

**Madam Speaker:** May I ask 230? I did not hear 230.

**Hon. C. Robinson-Regis:** Madam Speaker, with regard to 230, we are asking for

a two-week deferral. Thank you very kindly.

*The following question stood on the Order Paper in the name of Mr. Rudranath Indarsingh (Couva South):*

**Teenage Pregnancies  
(Perpetrators before the Court)**

**230.** Could the hon. Attorney General state:

Given the recent disclosure that there were 3,772 cases of reported teenage pregnancies for the period 2014 to 2018 and that 570 of such pregnancies were between the age group of 13 to 16 years, could the Minister provide the number of perpetrators from the 570 cases that are before the Court as at April 30, 2019?

*Question, by leave, deferred.*

**Galeota Fishing Port  
(Status of Operationalisation)**

**218. Mr. Rushton Paray (Mayaro)** asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister provide a status of the operationalisation of the Galeota Fishing Port?

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

Madam Speaker, on behalf of the Minister of Agriculture, Land and Fisheries, I find it passing strange that this question should come from the Member for Mayaro, especially given the fact that this particular fishing facility was built by the UNC at a cost of \$60 million [*Crosstalk*] similar to the library that they built and tried to open. Not the library, the fire station.

Madam Speaker, let me also indicate that the current fishing facility is available for use by fisherfolk. However, the site is underutilized because the offshore design does not facilitate ease of landing and off-loading of catches and

gear. And so, Madam Speaker, it is going to be very expensive to reengineer this facility so fisherfolk can land their fish from their boats into the facility despite the fact that it was built for \$60 million.

**Mr. Paray:** Thank you very much, Minister, for the response. Taking note of the cost of the facility, is there any opportunity to use the facility for any other purpose rather than leaving it at such minimal usage at this time?

**Hon. C. Robinson-Regis:** Thank you very kindly, Madam Speaker. This was supposed to be a purpose-built facility at that cost. If we have to use it for any other purpose, we will have to have discussions with the fisherfolk and the people of Mayaro. But it is a shame and it is sad that an attempt was made but it cannot be used for the purpose for which it was built because it is not purpose-built.

**Naparima/Mayaro Road  
(Works for Tableland to Rio Claro Segment)**

**219. Mr. Rushton Paray** (*Mayaro*) asked the hon. Minister of Works and Transport:

Could the Minister provide a list of the major repair works to be undertaken for the Tableland to Rio Claro segment of the Naparima/Mayaro Road?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. The following is a list of repair works to be undertaken for the Tableland to Rio Claro segment of the Naparima/Mayaro Road:

- On-going spot patching work in the district are being conducted in-house.
- Areas have been identified with line diagram for filling depressions and road strengthening for the Naparima/Mayaro Road and Rio Claro/Tabaquite Road. A draft tender document for this has already been prepared and awaiting final approval after which tenders will be invited for work.

- A tender document has been prepared for road strengthening and paving works on the Naparima/Mayaro Road 3.5 kilometres to 49.3 kilometres to be issued after the depression work has been executed.
- Tenders were invited for replacement patching, strengthening and paving work on the Manzanilla/Mayaro Road 75.5 to 87.8 kilometres. The tender is currently being evaluated.
- The PURE Unit executed road strengthening, rehabilitation and spot paving works in Fonrose Village around the 30.8 to 31.9 kilometre mark.

Within the district, nine landslips have been identified. They are being dealt with by the Highways Division or have been sent to the BLT or PURE for execution. Details are as follows:

- Landslips and retaining walls: the Naparima Mayaro Road, 46.4 to 46.50 kilometres.
- Agostini Village, contracted work which was completed and supervised by PURE.
- Naparima/Mayaro Road in the vicinity of LP 810, House 2246, BLT.
- The Mayaro/Guayaguayare Road, 11 to 11.1 kilometre BLT.
- Dates Road, 4.4 kilometre BLT.
- Tabaquite/Rio Claro Road, 48.4 to 48.57 kilometres. Contracted work which was completed and supervised by the Highways Division.

Landslips that require piling and shoring:

- Tabaquite Road, 46.125 to 46.175 kilometres. Tenders invited by the Highways Division.
- Tabaquite Road, Rio Claro, 30.5 to 31.0 kilometres. Tender documents prepared by the Highways Division and are awaiting approval.

I thank you, Madam Speaker.

**Mr. Paray:** Thank you. Mr. Minister, any indication of when some of those—the key landslips that you would have advised us, actual works may start on it because it has been a bane of complaints that constituents are coming to me with? Any idea of when these landslip works may start?

**Sen. The Hon. R. Sinanan:** Madam Speaker, there is a process for the landslips where they have to be designed and we do have a landslip programme. Unfortunately, on that programme, we have way in excess of 300 landslips, so they are being done based on the priority listing and the availability of funding. Thank you.

**Land Settlement Agency Plots  
(Status Update—Guayaguayare)**

**221. Mr. Rushton Paray** (*Mayaro*) asked the hon. Minister of Housing and Urban Development:

Could the Minister provide an update on the status of the Land Settlement Agency Plots which were developed in the La Savanne Circular and Nurse Trace areas of Guayaguayare?

**The Minister of Housing and Urban Development (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. The Le Savanne is approximately 11.3 hectares and consists of both brown field and green field areas. Civil works were undertaken at this site during the period February 2015 to September 2015, and again in September 2016 to January 2017. These works include: water reticulation, installation of fire hydrants, drainage and construction of a new road network and pavement structure. This site can yield a total of 111 residential lots, approximately 51 lots are occupied with 60 vacant. There are two additional spaces assigned for agriculture and an open space comprising of 0.68 hectares and 2.18 hectares respectively.

With respect to Nurse Trace, Nurse Trace is approximately 6.6 hectares and

consists of brown field development where full infrastructure works were undertaken during the period February 2015 to September 2015. These include: water reticulation, installation of fire hydrants, drainage and construction of new road networks and pavement structure. This site contains 64 residential lots of which approximately 29 are vacant. There are also two additional spaces for open space and commercial use which comprise of 1.64 hectares and 1.65 hectares respectively.

For both Le Savanne and Nurse Trace, the relevant statutory approvals have been received from both the Drainage and Town and Country Divisions and an application for the completion certificate from the Water and Sewerage Authority has been submitted. Final approval for general plan surveys and individual lot plans from the Director of Surveys is also being sought. On receipt of all relevant approvals, a completion certificate from the Trinidad and Tobago Fire Service will be sought as with all other approvals and certificates from the regional corporations.

**Mr. Paray:** Thank you, Minister. Minister, any idea of when this bundle of authorizations would be completed so these lots can be given out to the appropriate applicants in those areas? Any idea of a time frame?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, I am unable to give a time frame, however, what I can give you is a update in terms of with respect to Drainage Division, final approval has been received; with respect to Water and Sewerage Authority, we are awaiting issues of completion certificates; Town and Country Planning, we have received final approval; Trinidad and Tobago Fire Service, a completion certificate will be given after WASA completion certificate is received; Director of Surveys, we are awaiting the Director of Surveys final approval for a general plan survey on individual lot plans. So as soon as those are given, we are

good to go.

## **STATEMENT BY MINISTER**

### **Government's Strengthening of the Energy Sector (Update on)**

**The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan):** Thank you very much, Madam Speaker. Madam Speaker, I have been authorized by Cabinet to make the following statement to this honourable House and I thank you for the opportunity so to do.

Madam Speaker, as has been previously outlined on numerous occasions, the country's energy sector in September 2015 was not in a good place. There had been neglect of the gas contracts on both the upstream and downstream sides and the country faced billions of dollars in claims and significant shortfalls of gas supplies.

In March 2018, the Government held the first public account of the energy sector of Trinidad and Tobago titled "Spotlight on Energy". The objective was to provide the people of Trinidad and Tobago, the resource owners, within an account of the state of the sector and plans for the future. Madam Speaker, it is important to note that the main criticism to the "Spotlight on Energy" came from the Opposition, United National Congress and certain members of the Energy Chamber. Both the UNC and members of the Energy Chamber accused the Government of being anti-investment and pursuing action that would constitute a violation of the sanctity of contracts executed with the international oil companies. The suggestion was that the revelations at the Spotlight would result in the multinational oil companies declining to further invest in Trinidad and Tobago. This suggestion was not surprising and it was uninformed.

The Government immediately upon assuming office in late 2015 had been working assiduously on the energy sector and in particular, the relationship with

the international players in the sector. Under the leadership of the Prime Minister, we had been building the platform of mutual respect and an ability to sit in the same room as equals with these sophisticated multinational companies. The Spotlight was held against a backdrop of an inadequate economic return from the exploitation of our natural gas resources. The stark reality, Madam Speaker, of revenue foregone, particularly from LNG, was revealed in the Gas Master Plan produced by UK consultants, Poten & Partners.

Poten & Partners, in the Gas Master Plan, advised that it was arguable that Trinidad and Tobago had been denied the full benefits of its revenue entitlement. They deduced that the commercial and contractual structures of the Atlantic Trains had been such that little of the benefits of high global energy prices had flown back to the Government and therefore to the citizens of Trinidad and Tobago in the period under review 2010 to 2014. Poten estimated that the country lost up to US \$6 billion annually from transfer pricing practices during the period 2010 to 2014.

In April 2018, Madam Speaker, the Government team led by the hon. Prime Minister, Dr. Keith Rowley and including Minister Stuart Young and myself met, in separate discussions, in London, with Shell and BP to advance the matter of improving the country's position. Arising from these discussions, both Shell and BP agreed to establish empowered teams to engage Government separately on LNG marketing arrangements, gas-related issues and other important issues raised by the companies. The GORTT team entered into negotiations with bpTT in August of 2018 after a few months of preparation, which included reviewing the complex legal positions and planning our strategy.

The first part of Phase 1 of the negotiations with bpTT was completed and resulted in the approval of Atlantic Train 1 marketing arrangements which contained a significant increase in revenue to the Government based on a new

formula and LNG cargoes for NGC for the first time. The extension of bpTT South East Coast Galeota licence which led to the sanctioning of the Cassia project, settlement of legacy royalty gas issues and NGC domestic gas shortfall. On December 14, 2018, Government and bpTT executed their agreement with respect to the first part of Phase 1 issues. This was followed by a payment by bpTT of approximately TT \$1 billion as settlement of the legacy issues of royalty gas and an interim payment to the NGC on its domestic gas shortfall. The negotiations with Shell began in August but were deferred to December 2018.

However, in the interim, Shell, as a major stakeholder, 46 per cent in Atlantic Train 1, was an integral part of the negotiations with bpTT on the marketing arrangements for Train 1. Arising from these negotiations, a pricing formula for Train 1 FOB price that comprised, for those of you who can comprehend this: one-third Brent, one-third UK NBP, which is the National Balancing Point which is the UK market, and one-third, the JKM, the Asian LNG market which is the high price market set by Japan Korea markets, and which included the fixing of regasification and shipping costs were agreed by bpTT and Shell and accepted by the other Atlantic 1 shareholders CIC and NGC.

This new marketing arrangement was projected to provide Government with significant incremental revenue of approximately US \$118 million or TT \$800 million per annum. While there has been an unforeseen delay in the life extension of Train 1, due to bp's concern about its availability of gas for the Train, the shareholders are due to meet later this month to determine the way forward. The Shell specific issues were centred around Atlantic LNG marketing arrangements for Trains 2, 3, 4 and its upstream operations.

LNG consumes, Madam Speaker, in excess of 50 per cent of the country's natural gas production and was identified by Poten & Partners as the sector

attributable to substantial value loss experienced by Trinidad and Tobago. Shell is the majority off-taker in the LNG Trains with 68 per cent in Train 2, 73 per cent in Train 3 and 51 per cent in Train 4. Its LNG contract Train 2 expires in 2022, Train 3, in 2023, and Train 4, in 2027. BP is the other significant shareholder in Trains 2, 3 and 4.

Consequent on Government's push at an improved revenue stream and after months of complex and challenging negotiations—let me repeat that. Consequent on Government's push for an improved revenue stream and after months of complex and challenging negotiations, there was agreement that Shell would enhance the revenue to the Government. These enhancements are estimated with approximately US \$944 million over the period 2018 to 2027. [*Interruption*] US 944—US \$1 billion [*Desk thumping*] before the expiration of Trains 2, 3 and 4.

It was also agreed that in Phase 2 of the negotiations, the issue of restructuring of the four LNG Trains into single unit would be in focus. The Government will be seeking to increase the shareholding throughout Atlantic LNG. At present, Government, through the NGC, has a 10 per cent equity holding in Train 1 and 11.1 equity holding in Train 4 but none in Trains 2 and 3.

Shell through its investment in the redevelopment of the East Coast Marine Area, E, 5a and 6b, has seen an increase in its gas production from an average 500 million cubic feet per day in 2017 to currently 750 million cubic feet per day. The production sharing contracts for these blocks expire over the period 2022 to 2026. To facilitate the continued production from these blocks, Shell requested an extension of the PSCs. This forms part of the Phase 1 of the Shell's negotiation. Government eventually agreed to the extension of the PSCs to 2030. It was also agreed to use the new Train 1 FOB price formula for future investments which will provide improved and increased revenue to the Government. Shell also requested

an extension of its NCMA-1 PSC which expires in March 2022. Shell requested the extension of the terms of the PSC to facilitate continued gas production and access to future projects such as Dragon Project and Colibri Project. Government agreed to the extension.

It was also agreed to use the new Train 1 formula for further investment which, again, will provide increased revenue to the Government. In addition, we negotiated that subject to projected available facility capacity, Government will be entitled to utilize up to 50 per cent of the NCMA infrastructure capacity with no liability for any historic capital cost. There will be an equitably sharing of operational cost and any new capital cost.

In keeping with its investment programme, Shell has embarked on the development of its Colibri and Barracuda Projects. For the Barracuda project, 5c, first gas is projected for 2020. First gas for the Colibri project, bloc 22 and NCMA-4 is projected for 2021. The Government and Shell also agreed that gas supplied from these PSCs and any new sanctioned PSCs for the production of LNG will be based on the new Train 1 FOB formula. It is estimated that the value of approximately US \$3.3 billion will be accrued to the Government from these two projects. In relation to downstream activities, Madam Speaker, the Government and Shell agreed on an equitable allocation of a gas supply between the domestic market, that is the sale to the NGC, and the export market LNG.

Another major outcome of these negotiations has been the resolution of ambiguity in the interpretation of contractual arrangements between the Government and Shell. A consequence of varied interpretation of these arrangements has been a suite of claims raised by the Ministry of Energy and Energy Industries and NGC and Shell. In charting the way forward, a zero settlement was agreed for all such claims except those that were not in dispute and

areas of ambiguity were resolved and Shell, Madam Speaker, agreed to make a payment to the Government of Trinidad and Tobago without any admission of liability. [*Desk thumping*] The outcome of these Phase 1 negotiations with Shell resulted in an agreement to pay the Government approximately US \$397 million to the end of 2019 and the parties are moving into Phase 2 of the negotiations which surround the restructuring of Atlantic LNG.

The agreement of the upstream issues has also cleared the way for the finalization of a new Shell gas supply contract with the NGC. The finalization of the negotiations with Shell and BP has been a major achievement. The impact will redound to the benefit of the country with improved revenues and increased upstream activity resulting in a stable and improved gas supply. [*Desk thumping*] The heads of agreement with Shell, embodying the above issues, was signed on Wednesday the 29<sup>th</sup> of May, 2019, in The Hague, Netherlands, at the Head Office of Royal Dutch Shell, Plc. and will be followed by definitive agreements which will be finalized over the next two months. For the record, the Minister of Energy and Energy Industries signed the agreement. [*Desk thumping*]

Madam Speaker, these have been landmark agreements that will benefit the people of Trinidad and Tobago. I wish to acknowledge the strategic direction of the Hon. Keith Rowley, Prime Minister of Trinidad and Tobago [*Desk thumping*] whose guidance enabled a successful and positive outcome to the negotiations.

### **2.15 p.m.**

I wish also to thank members of the Government Empowered Team which I chaired, but which also included, the hon. Stuart R. Young, Minister in the Office of the Prime Minister, Minister of National Security and Minister of Communications, advisors, US attorneys White & Case, and our UK consultants Poten & Partners. [*Desk thumping*] Madam Speaker, I will also go as far as saying,

never before, in the history of this country, has a Trinidadian team on energy negotiations been so well prepared. [*Desk thumping*]

Madam Speaker, it will be remiss of me, if I did not express sincere thanks also to the international oil companies, in particular Shell and BP, for the professional manner in which the negotiations were conducted and their appreciation of our concerns. This led to agreements which add to our mutual benefit. As part of the continuing development of our relationship with the IOCs, the opportunity was taken to meet the decision makers at the energy capitals of the world. Hence our visit to The Hague where we met with the hierarchy of Shell; in London, with the hierarchy of BP; in Houston, with the hierarchy of BHP and EOG. Madam Speaker, contrary to negative assertions by our detractors, all the IOCs, that is Shell, BP, BHP and EOG, have assured of continued investment in the upstream in Trinidad and Tobago. It is this commitment that has resulted in an increased gas production from 3.3 Bcf per day in 2016 to 3.8 Bcf, currently.

In closing, Madam Speaker, this Government has always stated that it welcomes investment, but that the resource owner, which is the people of Trinidad and Tobago must enjoy a fair economic rent. We make no apologies for that. Through our efforts, this is now clearly understood by the IOCs and has translated into the economic gains that we have collectively achieved. These benefits would accrue to the people of Trinidad and Tobago. This is in keeping, Madam Speaker, with the commitment of this administration to work for, and on behalf of, the people of Trinidad and Tobago. Madam Speaker, I thank you. [*Desk thumping*]

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

**Mr. David Lee** (*Pointe-a-Pierre*): Madam Speaker, 24(4) to the Minister. Minister, in the earlier part of your speech, you talked about transfer pricing, and loss of revenue between 2010 to 2014 under the PP Government. Could you state

how many billions of dollars have been lost under your Government between 2015 to present under transfer pricing please?

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

**Sen. The Hon. F. Khan:** We have not lost significant revenues. Madam Speaker, this is the solution, it took two to three years of serious negotiations, because as the multinationals had said, they broke no law, they breached no contract. It was engaging them around the table as equals and say, we have to sit down and talk, and it is the very UNC that accused us of breaking the sanctity of contracts, so if you were in power it would have remained, the status quo. Today we have changed the status quo. [*Desk thumping*]

**Madam Speaker:** The Attorney General.

**ADMINISTRATION OF JUSTICE (INDICTABLE PROCEEDINGS)  
(AMDT.) (NO. 2) BILL, 2019**

**Senate Amendments**

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

*Be it resolved* that the Senate amendments to the Administration of Justice (Indictable Proceedings) (Amdt.) (No.2) Bill, 2019, listed in the Appendix be now considered.

**Madam Speaker:** Now, Attorney General, these are not Motions.

**Hon. F. Al-Rawi:** Sorry. I am reading from the procedure given to me by the Clerk.

*Question proposed.*

*Question put and agreed to.*

*Senate amendment read as follows:*

*Clause 5.*

A In subsection (3)(d), delete the words “the evidence filed before the

Master discloses” and substitute the words “there is”.

B In subsection (3)(e), delete the words “child witness, or an adult witness who has been assessed as one subject to threats, intimidation or elimination.” and substitute the words “child accused or child witness, or an adult witness who has been subject to domestic violence, threats, intimidation or elimination.”

**Madam Speaker:** Attorney General.

**Mr. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, the Senate in its deliberations held on the 6<sup>th</sup> of this month considered that improvement to clause 5, which proposes an amendment to section 6 of the parent Act should be made, should be had, specifically with respect to subsection (3)(d), that the evidence as described coming before the court ought to be considered in a wider fashion than the Bill proposed.

Madam Speaker, this clause 5 in amending section 6 of the Act is treating with the circumstances where the DPP may prefer an indictment in very specific circumstances. They are very similarly to the substantive provisions contained in section 27(3) of Chap. 12:01, that is Act No. 12 of 1917, the current law. In section 27(3), and in section 6 of Act No. 20 of 2011, we have the position of the DPP being able to prefer an indictment in what we call usual circumstances—where there is a coroner’s inquest, where a co-accused is arrested at any time before arraignment, where the accused is charged with an offence involving serious or complex fraud, and where a magistrate was unable to complete a preliminary enquiry in certain circumstances.

It is in this situation, what I would call the Marcia Ayers-Caesar clause, now that that litigation is over, that subsection (d) finds life. The amendments which came from the Government included the circumstance of having an indictment

preferred by the DPP in the following circumstances—where a magistrate or a Master could not complete a sufficiency hearing or a preliminary enquiry: firstly, where there is a physical or mental infirmity; secondly, a resignation; thirdly, retirement; fourthly, death; and fifthly, where there was an inability for any other compelling reason. It is that fifth aspect which is novel.

Those circumstances were put within another context, and that is the evidence in those proceedings, that is the sufficiency hearing or in the preliminary enquiry which for want of a better expression had to be abandoned. The evidence as described which ought to follow into the indictment was described in the Bill as, “evidence filed before the Master discloses” in the opinion of the DPP, sufficient evidence.

Those words if we had used them alone would mean that we were only catching a sufficiency hearing, because it is only a Master that conducts a sufficiency hearing. In the circumstances, we proposed the deletion of the words “the evidence filed before the Master discloses” and simply refer instead to “and there is” in the opinion of the DPP sufficient evidence. That would allow us to catch the circumstance, of evidence which was led both in the preliminary enquiry before the magistrate, and in the sufficiency hearing before the Master. In those circumstances, therefore, we enlarge the evidential package moving with the indictment, and we do not confine it only to the circumstance of a sufficiency hearing. That is the rationale for the proposed amendment to subsection (3)(d).

When we turn Madam Speaker, subsection (3)(e), as in Echo, we are treating now with the circumstance where in the case of an offence of a violent or sexual nature and where there is a child witness, or an adult witness who has been assessed as one subject to threats, intimidation or elimination. Now, Madam Speaker, this is the circumstance where the DPP will avoid having a sufficiency

hearing before a Master or, avoid having a preliminary enquiry before a magistrate—that is one that was under the old law, if I may call it that—and instead prefer an indictment directly, skip past those preliminary matters, find constitutional treatment under the umbrella and protection of the Privy Council dicta in Hilroy Humphreys. And in these circumstances, Sen. Chote in fact made a very poignant and commendable recommendation that we should broaden the opportunity beyond just child witnesses, and in fact, include a child accused. Because a child accused being before a court, without proven innocence or guilt yet, i.e. on a charge, is as vulnerable as a child witness, and therefore it is apposite to the best interest of society, democracy and rule of law within the Constitution to consider an improvement of the category by adding in the concept of a child accused.

These, Madam Speaker, are the recommendations emanating from the Senate, and the reasons for the proposed amendments to clause 5 of the Bill. And, Madam Speaker, I take it that we are taking each of the clauses, clause by clause? Yes. And so, I beg to move those amendments with respect to clause 5.

*Question proposed.*

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

**Mr. Lee:** Thank you, Madam Speaker, I do not propose to be long as the Attorney General. I think I might be shorter than what the Attorney General said, but just to agree with the Attorney General, the amendments came from the Senate after a couple days of sittings, and they fleshed it out in the Upper House, Madam Speaker, and they brought three amendments, and they brought it back to our House to approve. And out of the three amendments I also want to compliment our Opposition Senator, Opposition Saddam Hosein, who worked with the Attorney General, especially in agreeing. I want to thank the Attorney General for agreeing

with clause 11 to delete that subsection. So Attorney General, I thank you for that.

**Madam Speaker:** Member for Pointe-a-Pierre, all that is before the House is the amendment to clause 5. Okay?

**Mr. Lee:** Oh, we are not doing all together? All right. Madam Speaker, if we are doing clause by clause I do not have anything at this point in time. So thank you.

**Madam Speaker:** Attorney General.

**Mr. Al-Rawi:** Madam Speaker, first of all I am surprised that not a single lawyer opposite could stand. I did not know Pointe-a-Pierre was schooled in law. So I accept the fact that he would have been as short as he because he is certainly quite less qualified than certain others. However, Madam Speaker, it goes a little bit further. These amendments to clause 5 certainly did not come from Sen. Hosein. So I do not know what my learned colleague was listening to, what he was reading or where he has come from. These amendments now stand before us as simply a prudential requirement coming from the Senate. So my learned friend is lost, he is in the wilderness in terms of the origin of these matters and I beg to move.

*Question put and agreed to.*

**2.30 p.m.**

**Madam Speaker:** May I enquire if there is agreement to do the amendments to clauses 10 and 11 together?

**Mr. Lee:** Yes.

**Madam Speaker:** So, Attorney General.

**Mr. Al-Rawi:** Madam Speaker, I beg to move that this House agree with the Senate amendments to clauses 10 and 11 of the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 2) Bill, 2019.

*Senate amendments read as follows:*

*Clause 10.*

Delete subsection (6) and substitute the following new subsection:

“(6) Depositions taken in, witness statements filed in, exhibits admitted in, and any relevant portion of the record of, proceedings instituted prior to the coming into force of this Act may be admissible as evidence at the trial of an accused.”

*Clause 11.*

In section 32A, delete subsection (5)(b).

**Mr. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, in taking these two clauses together, the amendments to clause 10 and to clause 11, in clause 10, it is in fact here that Sen. Hosein made an input, and I thank him for that. It joined the input—

**Mrs. Persad-Bissessar SC:** And 11. Okay?

**Mr. Al-Rawi:** “Doh get too anxious nah, Siparia.” Let us take it clause by clause. So, in clause 10, Madam Speaker—[*Crosstalk*] Madam Speaker, would you control Naparima?

**Madam Speaker:** Attorney General, please continue.

**Mr. Al-Rawi:** My learned friend thinks that calling Siparia, “Siparia” is obnoxious. Has no concept of the rules of this House.

**Mr. Charles:** “Take yuh 23 million and shut up.” [*Crosstalk*]

**Mr. Al-Rawi:** Madam Speaker, I do not know what possesses Naparima. Anxiety or perhaps condition?

Madam Speaker, we are dealing with clause 10. Clause 10, despite my friend’s discomfort opposite, involves an amendment to subclause (6) of section 29 of the Act. Section 29, as originally posed, which treats with depositions taken, exhibits admitted in proceedings instituted prior to the coming into force of the Act, shall be admissible as evidence of the trial of an accused. Sen. Chote and Sen.

Vieira considered that we should be a bit more expansive in language. It was at this point that Sen. Hosein commendably agreed with that position, and the Government in any event had proposed some considerations in the context of debate and we instead proposed, Madam Speaker, even though the language in subclause (6), that is in clause 10, is clear and replicated, Act No. 20 of 2011, i.e. the original law passed by the UNC and supported by the PNM in 2011, before the proclamation of section 34, that original law, that subsection (6) is word for word the same.

So it is not that there was any newfound novelty on the UNC bench for this position. Instead, in the rules of legislative contemplation, Sen. Vieira pointed to quite an interesting point saying that we ought to consider larger parts of the record, more than just the reference to depositions taken, exhibits admitted in proceedings.

Taking a view of erring on the side of expansive caution, the Senate agreed instead that we would amplify the language in subsection (6), so that we now would introduce into continuing proceedings:

“Depositions taken in, witness statements filed in, exhibits admitted in, and any relevant portion of the record of, proceedings instituted prior to the coming into force of the Act may be admissible as evidence at the trial of an accused.”

Now, it is important to note that the relevant part of this is really part, relevant portions of the record of proceedings, insofar as there may have been an endorsement on a document which is other than a deposition or a witness statement. We went with that parts of the record of proceedings.

And secondly, even though the language specifically in 2012/2011, referred to evidence being automatically introduced by virtue of the word “shall”, we opted

to use the word “may”. This is in deference to the admissibility being a judicial function. And therefore, just out of a little bit of extra caution, to ensure that we do not have to rely upon the rules of statutory interpretation, where “shall” is read as “may” in certain circumstances, and so that we could not find ourselves in any argument that we were usurping judicial discretion in the admissibility of evidence. These are the considered reasons for the amendments to clause 10.

Madam Speaker, if we turn to clause 11, and clause 11 is the clause that introduces a new 32A. Section 32A is the companion procedural clause which runs alongside clause 4 of the legislation. The parent Act is amended in clause 4 of the primary legislation so that we can treat with a process of bringing someone before the court in circumstances where they were not brought via sufficiency hearing and therefore they were just simply brought before the court. The application function, which is what section 4 is, says that:

“Subject to subsection (2), this Act shall apply to proceedings which are instituted on or after the coming into force of this Act.”

We amended it as a House, by modifying subsection (2) and we are saying:

Subject to subsection (3), where proceedings were introduced prior to the coming into force of the Act the prosecutor or the accused may elect to have the case determined in accordance with the Act and section 32A shall apply accordingly.

New section 32A is the process where we now get into bringing forward how you come before the court. Now, I must underscore that the UNC’s on-the-record position, the Opposition’s on-the-record position for preliminary enquiries to be abolished and therefore how we treat with the arrears, their on-the-record position is that they would not support the fact of either party electing. They insisted in the Senate as a matter of fact, that the consent must be had between the prosecutor and

the defence. That would make a mockery of the 32,000 cases that are in arrears. That was said in the House by the hon. Members when we debated the Bill the first time.

And in the Senate, the insistent every single person on the Bench position of the UNC, was that the defence and the prosecution had to consent. It was pointed out to the Members of the Opposition that that would effectively mean that defence attorneys who wish to prolong hearings for 10 and 20 years further would ride roughshod over a prosecution which was ready, and we would have none of that, and dare I say it appeared that the Independent Bench would have none of that. For the issue of management of shame, it was when we got to the voices being collected, that the Opposition stayed fairly quiet.

But I want to go on record to say true to form, perhaps in the spirit of the early unseemly proclamation of section 34 of the legislation, clause 34, the UNC's position was defence must agree with prosecution to convert the matter out of a preliminary enquiry, and I find that an incredibly offensive position from logic and cost perspectives.

Madam Speaker, it is in section 32A, as it is introduced here, that the process of management falls for consideration and 32A provides in the transitional proceedings, where the prosecutor or accused elect under 4(2) and subject to 4(3):

“...to have a case determined in accordance with this Act, the Magistrate shall order that the accused be brought, as soon as practicable, before a Master...”

That situation is, in causing after the election, the movement of the file out of the Magistracy and to the High Court. The subclause that is being amended here, when we look at 32A, 3(a) and (b):

“Where a Magistrate makes an order under...(1) or (2), the Magistrate shall

issue a notice to the Registrar specifying the offence or offences with which the accused has been charged and the Magistrate shall cause—

- (a) a copy of the notice to be filed in the High Court and served on the accused; and
- (b) a copy of the record of the proceedings...”—et cetera.

When we get down to subclause (5), which is what the Senate is now proposing be amended we said:

“Where an order is made...”—above, that—“the accused shall appear before a Master on—

- (a) the next available session day as determined by the Registrar;”

Subclause (b) provided for a very useful mechanism and that is where either party could consent, together with the Master, to vary the date on which you appear. In other words then, exactly like the Civil Proceedings Rules which allow for a variation of a court timetable or orders of the court by consent, where you file a consent application, both parties sign the consent application. You serve that consent application. It would have avoided the need for people attending at trials to only have their dates removed.

This novelty, this commendable process by subclause (5)(b), the hon. Sen. Chote felt that it was prudent to take this in steps. Hon. Sen. Chote asked us to consider simply allowing the route (a) option to pass, which is that you would appear on the next available session day as determined by the Registrar, and avoid the aspect of attending by consent. The Government was prepared to agree with that, because under the Criminal Proceedings Rules we have the option to do some case management. My own preference in terms of advice, is that I would have felt a little bit more comfort in the parent law speaking to this provision, but I thought it an important step towards operationalization that we took it in careful measure.

For those reasons we took Sen. Chote's recommendation and are now recommending that we delete subclause (5)(b) and leave only the availability to appear on the next available session day, as determined by the Registrar. These, in the round, are the amendments proposed from the Senate, with respect to clauses 10 and 11 and I beg to move.

*Question proposed.*

**Madam Speaker:** Whip?

**Mr. Lee:** Thank you, Madam Speaker. Madam Speaker, I am so heartened to hear the Attorney General, and these are just two simple amendments. I have listened to the Attorney General for the last 10 minutes or so talk about clause 11, and clause 11 just states:

“In section 32A, delete subsection 5(b).”

That is what it is about. It is a simple thing. So Madam Speaker, I would not belabour the point and I just want to put on the record, the deletion of that amendment was due to the input by our Opposition Senator, Saddam Hosein, and it is there on the record.

Madam Speaker, as I close, it is often said that the road to hell is paved with good intentions. And, Madam Speaker, it is not enough by the Attorney General to simply mean to do well. I want to tell him his action must do well. So, I thank you.

**Mr. Al-Rawi:** Madam Speaker, simplicity is often in the complexity of the mind or lack thereof of the person appreciating the argument. [*Desk thumping*] I cannot assist my learned colleague who has no training in the law, as to what is simple or not simple. For the Government, this is a serious matter. For Naparima, it might be a joke, similar to sojourns in the United Nations. For this Bill, this is a serious matter. And if the best that the Opposition could do is to try and tell us who came

up with a suggestion, and how simple a deletion of a clause is, yes sometimes simplicity resounds that way; best found when you decide that you are going to simply proclaim section 34; simple measure, massive consequences. So, Madam Speaker, in dealing—

**Mr. Lee:** Standing Order 48(1).

**Mr. Al-Rawi:** Again, Madam Speaker, simple consequences have profound circumstances. And in answering my learned colleague's position, that it is a simple matter, Madam Speaker, it is no simple matter. Let us deal with something further. Again, my learned colleague would be reminded that the Parliament has invested a whole lot of money in the transcription of words, a whole lot of technology and money in the *ParlView* mechanisms. It was Sen. Shaikh who actually made contribution on this particular aspect, after Sen. Chote spoke. And again my learned colleagues will just not pay attention. There was a young attorney appearing on behalf of the hon Members.

**Mr. Charles:** Standing Order 48(6). I pay attention.

**Madam Speaker:** Continue, Attorney General.

**Mr. Al-Rawi:** Thank you. I do not know what you pay attention to. Madam Speaker, the lack of generosity of spirit is for other people to decide. In terms of dealing with the proclamation of the abolition of preliminary enquiries, this Government will march on to make sure that every matter of complex fraud and corruption and abuse of the tax-paying dollars finds a chance to find life within these amendments before us now, where the DPP can proffer the route by which you come to bring existing proceedings before the court within the context of 32A, (5)(b) being abolished.

My learned friends do not understand that. It was Pointe-a-Pierre on a previous occasion, in refusing to support legislation, said they will not support

legislation because they are now seeing the pieces of the puzzle come together. And this simple amendment to 32A, (5)(b) is to allow for persons who are under the existing preliminary enquiry route to be brought with alacrity before a court. And that might panic my learned friends opposite, to know that persons who are charged will find themselves before a court to answer for their criminality. That might panic my learned friends opposite. It does not panic the Government. So, Simple Simon, simple statement, complex issues. These issues are of important measure to us. It may be that Naparima cannot contemplate that but we understand Naparima's limitations, Madam Speaker.

And I ask, Madam Speaker, that we remind that sometimes education takes you out of certain lurches of comprehension and management. Sometimes people might believe that money takes you out of that lurch. But, Madam Speaker, one's management of intelligence against one's prosperity has nothing to do with commonsense or morality. And I will understand why some people have great difficulty in understanding those measures. I beg to move.

**Mr. Charles:** Madam Speaker, Standing Order 48(4).

**Hon. Members:** For what?

**Mr. Charles:** Insulting and offensive language.

*Question put and agreed to.*

**MISCELLANEOUS PROVISIONS (FINANCIAL INSTITUTIONS,  
SECURITIES AND INSURANCE) BILL, 2019**

*Order for second reading read. The Attorney General (Hon. Faris Al-Rawi):*

Madam Speaker, I beg to move:

That a Bill to amend the Financial Institutions Act, Chap. 79:09, the Securities Act, Chap. 83:02 and the Insurance Act No. 4 of 2018, be now read a second time.

Madam Speaker, we come before this honourable House to treat with a

continuation of measure of improving our technical compliance, as well as our efficiency matrices, as we are gauged by the Financial Action Task Force. It is a matter of public record that in January 2015, Trinidad and Tobago underwent its Fourth Round Mutual Evaluation. We were selected by the Kamla Persad-Bissessar, Member for Siparia Government to be the first country in the Caribbean Financial Action Task Force regime and one of the first countries in the world to undergo Fourth Round Mutual Evaluation.

This decision was taken even though this country was not ready for a Fourth Round Mutual Evaluation. And that is evidenced by the fact that we have not in fact completed our Third Round Mutual Evaluation. But prudence, UNC-style, decided that we would roll up the Third Round Mutual Evaluation together with the Fourth Round Mutual Evaluation, and put Trinidad and Tobago into the matrix of being assessed first in the world.

Needless to say, Madam Speaker, what happened was nothing short of a catastrophe. Trinidad and Tobago failed in significant measure its Fourth Round Mutual Evaluation. We were put into two levels of compliance. The first level of compliance is called enhanced follow-up in the Caribbean Financial Action Task Force regime. And the second level of compliance was being placed on a public listing under the Financial Action Task Force ICRG, or that is your International Corporation Review Group, where Trinidad and Tobago was placed on a list, effectively by the Financial Action Task Force, telling the whole world that this country has strategic deficiencies in its anti-money laundering and terrorist financing laws, Madam Speaker.

In that determination by the FATF and the CFATF, Trinidad and Tobago had to commit itself after the publication of its Fourth Round Mutual Evaluation in

June 2016. We had to commit ourselves to a three-year action plan. That three-year action plan saw Trinidad and Tobago under an obligation to improve its ranking with respect to compliance, against the 40 Recommendations and also to improve its ranking on the Immediate Outcomes, the 11 of them, against those technical compliance positions.

Let me explain that. The fourth round says, “Let me see if you have a law”. “If you have a law to treat with certain things, you would be deemed to be technically compliant.” But the immediate outcomes say, “Let me see what the outcome of your technical law is”. In other words then, “do you have something to show for it”? What we have here, Madam Speaker, is the determination by the Financial Action Task Force, that Trinidad and Tobago has a strategic deficiency in its compliance with Recommendation 7 and Immediate Outcome 11. This, Madam Speaker, is something which is of great importance to us in the Government.

Now, Madam Speaker, I am able to say in very guarded senses that Trinidad and Tobago just had, last week, its review by the Caribbean Financial Action Task Force. We cannot speak publicly or prematurely as to what that review came in, but I am going to say now that Trinidad and Tobago can expect to be very pleased at the work that this Government has done, and when those results are capable of being published, after the technical compliance and quality and consistency issues happen, the country will be, by way of publication, in a much better position.

Madam Speaker, my friends opposite will not even bother to control the murmuring. Could you ask them please?

**Mr. Lee:** “What trouble is dis?”

**Madam Speaker:** Okay, so I just—Whip, I am sure you did not mean to suck

your teeth. Okay? But I will just ask us all to be mindful of how low our ceilings are and to control our volumes. Member for San Fernando West.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. So, Madam Speaker, the Financial Action Task Force has its meeting on Sunday, 16<sup>th</sup> of June. We are now at the 10<sup>th</sup>. This Sunday coming, Trinidad and Tobago is required to face the music. We will be called upon. I as the representative for the Government will be required to attend before the ICRG group, the International Corporation Review Group, and we will have to be assessed by the Financial Action Task Force to see where we are on our action plan, where we are on the implementation of technical compliance, how we have performed on our Immediate Outcomes, and that begins this Sunday in Orlando, in the United States of America.

The recommendations coming from the International Corporation Review Group will go to the plenary session, which will be held Wednesday, Thursday, Friday. And Trinidad and Tobago will be at the table with all 190 countries of the world watching as to whether we have achieved what we can. And, Madam Speaker, this is of serious import. Because we will be the first country to come to the end of the railroad; the tracks end. And as those tracks end, having compliance from the technical compliance and the Immediate Outcomes, what is your effectiveness falls into sharp focus.

Madam Speaker, permit me to tell you this. When we appeared before the Joint Review Group, in April of this year, Trinidad and Tobago sat, I sat, together with our team for Trinidad and Tobago, across a room full of assessors. That room full of assessors, coming from the World Bank, Mexico, Spain, the United States of America, England, France, a number of jurisdictions, the FATF. They looked at us and, Madam Speaker, do you know what they did? They read out our

newspaper articles to us. They read out the comments of the Opposition to us. And, Madam Speaker, I had the obligation, with a straight face, to try and explain to the international assessors, “doh take on de UNC too seriously”. And, Madam Speaker, I am being very serious now. We were told, “But this is your Opposition condemning laws against civil asset forfeiture, condemning laws on explain your wealth, condemning the law on nonprofit organizations”. “This is your Opposition.” And we had to explain to the world that we have a unique Constitution; that our Republican Constitution casts with its three-fifths majorities, two-thirds and three-quarters majorities, pursuant to section 54 of the Constitution as they relate to section 4 and 5 rights that have an obligation to gain acceptance.

But, Madam Speaker, there was a large elephant in the room and that elephant was trying to explain, in diplomat speak, why it is our opponents opposite cannot agree to things which the whole rest of the world see as axiomatic and proper for agreement.

So, Madam Speaker, one of the observations hitting us by the FATF, by the joint group is that we have to make an improvement to Recommendation 7 and to Immediate Outcome 11, in particular Recommendation 7.3. Recommendation 7.3, coming from the methodology of the FATF, effectively says:

“Countries should adopt...measures for monitoring, and ensuring compliance by, financial institutions and DNFBPs”—that is designated nonfinancial businesses and professional entities—“with the relevant laws or enforceable means governing the obligations under Recommendation 7. Failure to comply with such laws, or enforceable means should be subject to civil, administrative or criminal sanctions.”

Let me explain that technical speak. This Recommendation 7 anchors squarely in

what we call proliferation financing. Proliferation financing is a term of art which we in this Bill propose an introduction.

We say in this Bill, Madam Speaker, across the several clauses, and if you treat, Madam Speaker, with clause 2, with clause 3, and clause 4, you will see that in causing amendments to the Financial Institutions Act, the Securities Act, the Insurance Act, we introduce into each one of those laws a definition for “proliferation financing”. Proliferation financing refers to any means of:

“...providing funds or financial services...used, in whole or in part, for the manufacture, acquisition, possession, development, export...”—et cetera—  
“of nuclear, chemical or biological weapons...their means of delivery...”—  
et cetera.”

In other words then, we are treating squarely with the movement of funds and we would be foolish to think that funds do not move through our offshore accounts, as they exist in our jurisdiction, or through our onshore accounts, because they may be innocuous movements and the movement of funds, as it relates to proliferation financing, has to be managed across the regulated sectors.

Now, Madam Speaker, the Financial Intelligence Act, that is an Act of Parliament in 2009. That Financial Intelligence Act vests in the FIU a very wide-ranging function. That wide-ranging function includes the imposition of guidelines, monitoring, effectiveness, powers of entry, supervision, et cetera. But, Madam Speaker, we do not have, for the other articulating laws, the securities laws, or the insurance laws, the same type of structures that we have for the FIU legislation. It is imperative for us to anchor down the performance of financial institutions and non-designated financial institutions. Effectively, everybody else.

The Fifth Schedule of the Proceeds of Crime Act sets out what listed

businesses are, what entities that have to comply with what the regulations look like. But, Madam Speaker, we did not have, in required detail, the mechanisms to treat with proliferation financing as we manage it. Now, Madam Speaker, our jurisdiction elected to manage proliferation financing by the publication of Orders under the Economic Sanctions Act. We did a debate. We brought these Orders forward. We affirmed those Orders in this House. We heard a song and a dance from Naparima, threatening that the publication of the Iran Orders was something which contravened the United Nations. The Member threatened to come back and move a Motion of privilege on the Iran Orders. We are now six, going on seven months later and the hon. Member cannot yet produce a scrap of paper to justify his charges and he will be properly answered when I wrap up this debate; again, hopefully not as embarrassingly as the first time when he raised it.

**3.00 p.m.**

But, Madam Speaker, our Economic Sanctions Act and our Orders manage our proliferation financing. And I would like to say, Madam Speaker—Madam Speaker, what time is my full time in end?

**Madam Speaker:** 3.32.33.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. Our implementation of our proliferation financing regime is intended to treat with the operationalization of our UNSCR obligations, our United Nations Security Council Resolutions implementation as they relate to the North Korea situation and the Iran situation. Now, the North Korea situation is a very large context, effectively there is a heavy blacklisting of North Korea. Iran has been the subject of a lifting of the weight of sanctions and the joint group that dealt with the lifting of Iran's sanctions really only left a few of those sanctions into effect, but the United Nations listings have

confirmed the prevalence and existence of sanctions against Iran.

In Trinidad and Tobago, I am pleased to report that our High Court has listed 80 individuals and 75 entities against UNSCR 1718 and we have done 23 individuals and 61 entities against United Nations Security Council Resolution 2231; those are the sanctions listings. So let me repeat that, Trinidad and Tobago's High Court has approved the issuance of sanctions under the North Korea sanctions regime and under the Iran sanctions regime. And our High Court could only have done that on the back of the UN confirming the validity and existence and non-removal of those sanctions. Both for North Korea and for Iran.

Madam Speaker, what is required in terms of our operationalization of this law is a position of improvement of, firstly, the Financial Institutions Act; secondly, the Securities Act; and thirdly, the new Insurance Act, Act No. 4 of 2018. When we look to the Bill, the first clause which treats with the first laws to be amended, we propose in clause 2 to amend the Financial Institutions Act. The first thing we do is we amend section 2 of the Financial Institutions Act, we insert a definition of "proliferation financing". We then, Madam Speaker, cause an amendment to section 10(c) of the FIU legislation and then 32(2)(o), "o" as in Oscar.

Clause 2, in amending the definition, we take one definition as it is harmonized under the economic sanctions regime, we introduce the definition of proliferation financing. Secondly, we deal with section 10. In section 10, we are treating with the issuance of guidelines. We say that the Central Bank may issue guidelines on any matter it considers necessary to (c) aid compliance with the Proceeds of Crime Act and the Anti-Terrorism Act, we are adding in the Economic Sanctions Act or Orders made thereunder as they relate to proliferation

financing.

And, Madam Speaker, we actually propose a few amendments to this legislation, we have been asked by the Securities and Exchange Commission and the Central Bank to consider improving the wording, by adding in “Act and any Regulations made thereunder”. So that we would be treating with the Regulations also under the anti-terrorism regime, not just the Proceeds of Crime Act or the Economic Sanctions Act, but also the Anti-Terrorism Act by incorporating its regulation regime.

Madam Speaker, of course, in this clause 2, we also propose who is to be debarred from management and under Part IV of the Financial Institutions Act, forgive me I keep saying FIU, it is the Financial Institutions Act, Chap. 79:09. Under the Financial Institutions Act, Chap. 79:09, we deal with clause 2 definition of proliferation financing. We deal with section 10, which is to put how guidelines can be issued by the Central Bank for all of the entities that it regulates. And under Part IV of the FIA, Financial Institutions Act, we are saying who shall be disbarred from management, and we are adding in that category of persons who have been the subject of Orders made under the Economic Sanctions Act or the Anti-Terrorism Act and its Regulations. So we are specifically making sure under the Financial Institutions Act that we debar this category of persons.

Madam Speaker, clause 3 proposes amendments to the Securities Act, Chap. 83:02—[*Interruption*]—Sure.

**Mr. Lee:** You just mentioned the Financial Institutions Act, where do credit unions fall in—I know it falls under the Trinidad cooperative and I did not see it in your—

**Hon. F. Al-Rawi:** Credit unions are not a financial institution. That has been the

subject of a small 30 years of debate in this country. They regulate approximately 7 per cent of our sector; this Government is actually managing that sector by way of an active project right now. We have explained that situation to the Financial Action Task Force, they are comfortable with that at present, because we have calculated the risk behind that sector. There are guidelines and regulations albeit not in the best way possible for modern standards, but we have engaged the credit union sector, already we are in discussions with them on that.

Madam Speaker, clause 3 of the Bill treats with the Securities Act. The Securities Act, Chap. 83:02 we propose amendments to section 4(1), section 6(1), section 57(1)(j), section 58(2)(6), section 87(1)(a)(iii), section 89(1), section 90(1)(c), section 146(1)(c). And, Madam Speaker, effectively the amendment to section 4 of the Securities Act is to add in the definition of proliferation financing. The amendment to section 6 is an important one, because it is here in section 6 where we treat with the functions of the SEC, the commission's functions. It was important for us to add in language to subsection (i) as in indigo, and instead of only having compliance for the Proceeds of Crime Act we are adding in the Anti-Terrorism Act, the Economic Sanctions Act or any Orders or Regulations that those may traverse as amendments to be circulated would also amplify.

Madam Speaker, we then look at section 57 of this SEC legislation, we are causing an amendment to 57(1)(j) and again we are treating with the issue of warnings. We are allowing the commission to issue warnings to a registrant and we are saying that the registrant should be also warned that they may be prosecuted for breaches of, again, Proceeds of Crime Act, Economic Sanctions Act, Anti-Terrorism Act as they traverse that spectrum.

When we deal with the amendments to section 58(1) we are treating with

the revocation of registration. And again, we are allowing for express methodology in respect of a conviction by a court for things under the Proceeds of Crime Act, obviously that includes money laundering, et cetera. We treat with the offences under the Anti-Terrorism Act, the Economic Sanctions Act and proliferation financing Regulations and Orders, subsidiary legislation being enveloped into that.

Section 87 of this law is where we treat with the methodology for record keeping, and we propose that every market actor shall have a positive obligation to keep records as are required under Proceeds of Crime Act; now we amplify Economic Sanctions Act, Anti-Terrorism Act, et cetera.

Section 89 of this law treats with compliance reviews. We are saying in the performance of its functions that the commission can effectively manage and look at compliance reviews to determine whether there are breaches of the SEC legislation, the Proceeds of Crime legislation. Here at this point is where we add in the amplification for Economic Sanctions Act, Anti-Terrorism Act, et cetera. Compliance directions flow from section 90 of the SEC legislation. And again it was necessary to put in the concept of proliferation financing in subsection (c). The last one in clause 3, in the securities legislation, which is being amended, is section 146, where we say the commission may issue guidelines and this is critical because one of the failings of Recommendation 7.3 of the FATF recommendations of those 40 recommendations is the need to introduce guidelines under compliance directions for the market actors.

Madam Speaker, I turn next to clause 4, which is the final clause of this Bill. Clause 4 proposes amendments to the Insurance Act and in causing amendments to the Insurance Act we are amending the latest version of the

Insurance Act; that is Act No. 4 of 2018. Madam Speaker, you will know that it took almost eight years for that law to come into being; it went through two Parliaments, the Tenth and the Eleventh Parliaments. It was fortunately the hon. Minister of Finance, Colm Imbert, that managed to give life to this legislation in its final form in the amendments to the Insurance Act, Act No. 4 of 2018 and to cause its proclamation in parts.

And, Madam Speaker, we are proposing amendments to section 4, 34(1)(c), 65(2)(a), 121(1)(e), 136(3), 147(8) and 278(1)(c). Again, section 4 treats with the introduction of a definition for proliferation financing that is the definition section of the Insurance Act. Section 34 deals with the revocation of registration. And now, we are putting again a positive obligation upon the insurance businesses to see the implementation and observation of laws for Proceeds of Crime Act, we now amplify to the Anti-Terrorism and Economic Sanctions both primary and secondary law regime.

Madam Speaker, when we treat with the amendment to section 65 of the Insurance Act, we are asking for amendments under the rubric of Corporate Governance. It is in section 65 that persons may be disbarred from management. And section 65(2)(a), which we seek to amend, is where we see a person who has been convicted—previously we had Proceeds of Crime and Anti-Terrorism Act and Regulations. We must now add Economic Sanctions and Orders to deal with the concept of proliferation financing.

Madam Speaker, we then deal with section 121(1)(o), “o” as in Oscar. In 121(1) we are dealing with revocation of registration. This is where an insurance company or a person registered under this part may have the Central Bank revoke the registration. And, Madam Speaker, we want to put a positive obligation where

a person has failed to comply with an obligation under more than just Proceeds of Crime and Anti-Terrorism legislation, but also the Economic Sanctions Act.

Madam Speaker, I turn next to the provisions which propose amendments to section 136(3) of this legislation, the Insurance Act. It is in 136 that we treat with financial statements of intermediaries and in dealing with the intermediary aspects, subsection (3) is where the Auditor of every agency and brokerage shall monitor and evaluate compliance with Proceeds of Crime and Anti-Terrorism Act and the subsidiary legislation. We are now putting a specific obligation to treat with the Economic Sanctions Act and the Orders issued in this case there are only two Orders, currently in effect—that against DPKR and that against Iran.

Madam Speaker, the next section to be amended is section 147(1). Section 147(1) treats with the auditor of financial institutions in the parameters of an audit of returns. It is 147(8) that we ask for amendment, where the auditor of an insurer or financial company shall monitor and evaluate. Again compliance beyond POCA and beyond the Anti-Terrorism Act, we are adding in the Economic Sanctions regime and the subsidiary laws.

Madam Speaker, the next section is section 278(1), where the Central Bank may issue guidelines, and 278(1)(c) is important where we allow for the Central Bank to issue guidelines to aid in compliance with the Proceeds of Crime Act, Anti-Terrorism Act. Now, here is where we said, or any other written law. We actually had a debate with the assessors that that formula allowed for obviously the implementation of the Economic Sanctions Act, because it is any other written law. We asked, but they insisted that we not necessarily treat with this. We had no problems in adding in a more expanded version, because we are now on this occasion adding in the express reference to the Economic Sanctions Act and the

Orders.

Madam Speaker, I would remind that the Economic Sanctions Act has life in it. That Economic Sanctions Act, Chap. 81:05 is a very useful piece of law. It is an Act of Parliament No. 15 of 1994, it has been around for quite some time. It lay without operationalization for the entire time the UNC was in office and other governments. Where it became in need of operationalization was when we were presenting ourselves in a huff and a puff as ready in January 2015. My learned friends opposite could not be bothered to put that into effect. I do not think it is the fault of the Members sitting opposite me currently, right now, that was the job of their Attorney General to point that out to them; that was not done—*[Interruption]*—the Member for Naparima says the best Attorney General. I would add, I would not like to be in his shoes, certainly, facing the best of the best, because, Madam Speaker, there are very unique circumstances facing certain people opposite. *[Interruption]* Which one? “Is two charges he against”, you know.

So, Madam Speaker, I do not know which one the Member for Naparima is referring to as winnable but I would not want to be the subject of a criminal charge. That is all I would have to say.

Madam Speaker, when we are dealing with the Economic Sanctions Act regime we have brought this law into effect. We have operationalized the law, it is an important piece of legislation on our matrix. We require the improvements to satisfy the conditions of Recommendation 7.3 and Immediate Outcome 11. This law monitoring and implementation requires dedicated effort and purpose; it is perhaps why this particular Eleventh Republican Parliament has been very busy in agitating the need to meet our compliance markers under this regime of FATF

and CFATF compliance. Madam Speaker, I look forward to the contributions of most of the Members opposite in coming to this debate and I beg to move. [*Desk thumping*].

*Question proposed.*

**Mr. Rodney Charles** (*Naparima*): [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, we are here to discuss a Bill to amend the Financial Institutions Act, Chap. 79:09, as you just said, Securities Act, Chap. 83:02 and the Insurance Act, No. 4 of 2018.

Madam Speaker, before I begin I would wish to place on record of *Hansard* that we consider it an insult of the highest order to give us a Bill on Friday evening to discuss today, Monday. [*Desk thumping*] No working days, no access to our staff, our research staff, in order to get—in a fulsome way to debate this bit of legislation. And I ask myself the question, why it is this Government brings hurried, ill-conceived legislation subject to little, minimum analysis that does not give us time to have adequate reflection on the Bill? And then speak about hurried passage of the legislation.

Madam Speaker, we on this side are fed up, fed up of the disrespect that has been accorded to us on this side. [*Desk thumping*] And the time has come for those on that side to recognize that democracy requires a fulsome engagement that cannot be a subject to lack of transparency and today we will be discussing a lot of Bills that deal with the question of hurriedness, rushed legislation and an attempt to reduce the information to which citizens have access.

Madam Speaker, I could not help but notice that my friend from San Fernando West was edgy today, nervous today. And, Madam, may I submit that it is because we have a powerful, large meeting in—massive meeting in San

Fernando, such that San Fernando West will not have seen. And he has seen the light, he has seen the light and that is why we have pensions and whatnot being put in place today. So that he could feather—

**Mr. Al-Rawi:** Madam Speaker, apart from the spitting—

**Mr. R. Charles:** Do so “doh” like so. Do so “doh” like so. [*Desk thumping*] Madam Speaker, but in the fullness of time, we shall see, we shall see where the nation shall speak and San Fernando West will be once more in the adoring hands of the United National Congress. [*Desk thumping*] I am getting tired on this side of blaming the Member for Siparia and the PP Government for all the failings of this Government. [*Desk thumping*] I heard it from the Member for San Fernando West. Probably he did not get the memo from the representative from Tobago West who said we in charge now and we will deal with it. So, Madam Speaker, I say deal with it. Do not blame the Member for Siparia, she is blessed, she is blessed.

Madam Speaker, before I get—I want to say, because I went to the market and people accuse me of wanting to fix my pension and all that. I want to Trinidad and Tobago I do not want no increase in my pension.

**Madam Speaker:** We are not dealing with pensions here. We are dealing with miscellaneous provisions, all right? Please.

**Mr. R. Charles:** That was for the record.

**Madam Speaker:** No. If you wish, Member, I am sure you can get an opportunity to speak then. Okay.

**Mr. R. Charles:** Thank you, thank you. Madam Speaker, we are here to discuss the incorporation of ideas and requirements to get off the various blacklists. We are basically constrained by Security Council Resolution 1540 of 2004 which says

inter alia:

“...all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery...”

We are here also to discuss the various FATF requirements and CFATF requirements.

In particular, Madam Speaker, that dealing with proliferation financing and they have defined proliferation financing and I will just read it, it is in the Bill, and has been included as:

“...the Act of providing funds or financial services which are used”—in part or in whole—“for the manufacture, acquisition possession, development, export, transshipment brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials, including...technologies and dual-use goods...”—et cetera.—et cetera, Madam Speaker.

It is—the question arises, Madam Speaker, of why are we here today? Why are we here—and we know, well, it is to meet the requirements of the international agencies to get us off the various blacklists. But I must comment that we are here today because of the sloth and incompetence of the Government of that side and in particular the Attorney General [*Desk thumping*]

Madam Speaker, as far back as June 2016—

**Mrs. Persad-Bissessar SC:** Who was in Government?

**Mr. R. Charles:** Who was in Government, then?—Siparia. We were in Government. The CFATF report to June 2016—where are we, June 2016, June

Miscellaneous Provisions (Financial Institutions,  
Securities and Insurance) Bill, 2019 (cont'd)  
Mr. R. Charles (cont'd)

2019.06.10

2017; one year. June 2018, two years; June 2019, we are here today, three years,  
Madam Speaker, CFATF told this Government-

**Mrs. Persad-Bissessar SC:** That Government.

**Mr. R. Charles:** And I quote—that Government, I am told. That we needed as a  
priority action, priority action, a comprehensive policy on the implementation of  
measures for targeted financial sanctions related to terrorism and terrorist  
financing needs to be done.

**Hon. Member:** When did they say that?

**Mr. R. Charles:** Three years ago.

**Mrs. Persad-Bissessar SC:** 2016.

**Mr. R. Charles:** And it hurts, Madam Speaker, to hear them come here today,  
blame Siparia, for heaven's sake you will blame her when she comes into  
Government in 2020. [*Desk thumping*] It also said the ATA, that is the  
Anti-Terrorism Act, needs to be amended to provide clearly for requirements of  
the recommendations pertaining to designated persons listing and delisting  
requirements, freezing and other related measures in keeping with the obligation  
of the UN sanctions regime. Madam Speaker, three years ago they were told and  
another subsection, a comprehensive policy on proliferation of financing of  
WMDs needs to be developed, weapons of mass destruction.

Madam Speaker, the only weapon of mass destruction, I know Trinidad and  
Tobago has—Member for San Fernando West, and the PNM. [*Desk thumping*]  
Madam Speaker, [*Crosstalk*] when you read this you cry, because you look at the  
slothfulness of this Government. Madam Speaker, the same document asked that  
Government to put in place a number of measures, Madam Speaker; when you  
read the measures we are still found wanting.

It is not by accident, it is not by accident that the FATF public statement issued on November 03, 2017, identified Trinidad and Tobago as one of nine countries as having anti-money laundering and financing of terrorism deficiencies and hear the countries we “liming with”, Bosnia, Herzegovina, Madam Speaker, “Oh Laud”, Ethiopia, Iraq, “ohh” Iraq, Sri Lanka, Syria; Syria has no Government, no Government. We little better than them, we have a PNM Government which is slightly better than no Government. Tunisia, Vanuatu and Yemen, those are the countries in which we are in company with.

Madam Speaker, and I would talk later on about Saint Vincent and I will speak on that with Marine Le Pen and I will get an opportunity to clarify something. Yes, I will get an opportunity, I will get an opportunity. Madam Speaker, the same document asked us, Trinidad and Tobago should ensure that financial institutions, primarily credit unions take immediate steps to identify and verify the beneficial ownership of all accounts including legal entities and arrangements that were in place prior to these amendments, right? And to take corrective action to rectify cases of noncompliance. So, sometimes you ask a question, what do we need to do to get off the list? Because we come and we hear stories and then when we legislate we realize that we still on the blacklist.

Madam Speaker, credit unions. Credit unions, the same place where they asked us to deal with proliferation financing. Credit unions, ECU, one of the largest credit unions in Trinidad and Tobago has eight branches in our country. Therefore, when you look at the figures from the Eastern Credit Union, where it has 180,000 members. It is worth \$2 billion in assets and has paid out \$47 million in dividends for 2018. One could see that this offers proper environment for money laundering and terrorist financing. But they come here today and they give

us half-baked legislation like the amnesty that when you look at it there are myriad and a plethora of inadequacies in that legislation.

Madam Speaker, it is sad, it is sad. There are reasons why we are here. We are here because when we left we had our country in line and ready to take off with respect to being delisted. When we demitted office in 2015—and they like to go back to Siparia and—when we demitted office in 2015 Trinidad and Tobago had an unenviable record not only in the struggle for nuclear non-proliferation, but in disarmament diplomacy. [*Desk thumping*]

Madam Speaker, according to the Institute of Disarmament Diplomacy, Trinidad and Tobago does not possess nuclear weapons, except I mentioned a colleague of mine, as a state party to the Nuclear Non-proliferation Treaty—

**Mr. Al-Rawi:** 48(4) and (6), Madam Speaker. He has now connected a very serious position and what does my friend mean about San Fernando West has weapons of mass destruction—

**Mrs. Persad-Bissessar SC:** What is the Standing Order?

**Mr. Al-Rawi:** “Yuh cah hear” 48(4) and (6). [*Crosstalk*] 48(4) and (6). Madam Speaker, that is an egregious insult. [*Continuous crosstalk*]

**Mr. R. Charles:** Madam Speaker, maybe the Member for San Fernando cannot read. But the definition says including—

**Madam Speaker:** Member for Naparima—[*Electronic device goes off*]—whoever it is that has that device, please go outside, take off the device and they can return. Okay? Member for Naparima, I will allow you to continue.

**3.30 p.m.**

**Mr. R. Charles:** Madam Speaker, the proliferation definition which [*Desk thumping*] they have included talks about the stockpiling or use of nuclear,

chemical and biological weapons. If the Member for San Fernando West cannot read and cannot understand then he should not interrupt me. [*Desk thumping*] He should not interrupt me. Frivolous, frivolous interventions.

So, I am making the point that we are introducing today, we were ahead of our international requirements when we demitted office in 2015. [*Desk thumping*] He does not like to hear that. All he wants to hear is what Siparia has done and what Siparia has not done. What have you not done and what you are still not doing. [*Desk thumping*] An embarrassment to Trinidad and Tobago. Yeah, embarrassment to Trinidad and Tobago.

So, Madam, the Institute of Disarmament Diplomacy states that:

“TRINIDAD AND TOBAGO does not”—produce—“nuclear weapons. As a state party to the Nuclear Nonproliferation Treaty...since 1986...It has signed and ratified the Comprehensive Test Ban Treaty”

I am just showing how we were up-to-date before 2015. [*Desk thumping*]

“TRINIDAD AND TOBAGO is a state party to the Biological and Toxin Weapons Convention”—which is mentioned here—“and is a state party to the Chemical Weapons Convention (CWC). As at January 2012”—and I was at the UN then, January 2012—“TRINIDAD AND TOBAGO is a state party to the Mine Ban Treaty and is a state party to the Cluster Munitions Convention. TRINIDAD AND TOBAGO signed the Arms Trade Treaty...in June 2013, and ratified it in September 2013”—[*Desk thumping*]  
—under the distinguished leadership of the then Prime Minister, Kamla Persad-Bissessar [*Desk thumping*] who I am proud to say—

**Mrs. Persad-Bissessar SC:** Under my hand.

**Mr. R. Charles:**—under her hand. She signed it. We were up-to-date at the time,

Madam Speaker. Not only that, Trinidad and Tobago signed the Latin American Caribbean Nuclear Weapon Free Zone Treaty. We were up-to-date. In October, 2013, Trinidad was one of 125 countries to sign the Joint Statement on the Humanitarian Consequences of Nuclear Weapons from the UN First Committee, and then came the Right hon. Faris Al-Rawi to Government. We were ahead of the game, Madam Speaker.

The FATF Guidance on Counter Proliferation Financing, February 2018, speaks on page 5, about:

“(c) inter-agency cooperation and coordination, which includes material to assist countries in establishing and implementing a cooperation mechanism to counter the financing of proliferation as required under”—the various conventions, in particular—“FATF Recommendation 2”

Now, this Attorney General believes in legislation and not understanding that the legislation has to be inter-agency comprehensive effort to deal with the question of proliferation financing.

Let me show you how we were different on this same issue, Madam Speaker. Let me show you how we were better, how we were superior on this same issue. [*Desk thumping*]

**Mr. Persad-Bissessar SC:** Tell us. Tell us. Tell us.

**Mr. R. Charles:** I will tell you, because the country has to hear. If we listen to fancy talk, but no action. The United Nations Office for Disarmament Affairs, UNODA, put out a release on April 15, 2015. Who was the Prime Minister then? The hon. Kamla Persad-Bissessar, former Prime Minister of Trinidad and Tobago—April 15, 2015. Remember we are talking. FATF is telling us we need

an inter-agency cooperation. Hear how we good, hear how we superior. I am quoting from their release:

“As part of its technical assistance to Trinidad and Tobago to strengthen the national implementation of resolution 1540 (2004)”—which is the same UN resolution. That is the basis for this financial proliferation—“UNLIREC cooperated with INTERPOL and FBI experts to train law enforcement officials in the detection and handling of sensitive dual-use chemical materials and improvised explosives from 3—5 March 2015...”

So, we were complying with the UN requirements. [*Desk thumping*] They brought experts from the FBI and the United Nations to help us.

“Issues such as the importance of interagency”—cooperation—“for effective border control...”

Well, they cannot even protect our south-west borders, notwithstanding what they say, but we were linking up with the best and the brightest and best practices abroad to deal with these issues.

“dialogue and outreach with the industry...”

Because you cannot pass legislation here and you have chemicals that could be put together to produce weapons of mass destructions. All right?

“dialogue and outreach with the industry, and control lists for dual-use chemicals...”

The same word I am hearing here, look:

“dual-use goods used for non-legitimate purposes...”

—in the definition. We were ahead of the game in the context of preventing the proliferation of weapons of mass destruction.

So, they were here. They came to Trinidad. We do not go abroad and fly

and spent money and per diems and all sort of things. We tell them come here. The experts come to Trinidad. So we had—

**Hon. Member:** They used to.

**Mr. R. Charles:** Well they used to. Thank you very much, my friend. Right? So, it dealt with related materials to non-state actors were highlighted during the three-day workshop and the participants were the police, defence force, customs and excise, the port authority, special forces—I did not even know we had special forces. It is only when I read the release—and the fire department. That is a government that acts proactively and not one that continually has to respond to blacklists and threats. We do not know that and blame everybody else, except their own incompetence, Madam Speaker. [*Desk thumping*]

We are meeting here—and I would not get into detail, I would just say, we are meeting here because really, really, this legislation has been brought hurriedly, like a thief in the night with other legislation which I would not comment on, because this is a cover-up to those legislation, in my view. I could be wrong and I move on from there.

I am concerned whether this AG, Attorney General, this hon. Attorney General, understands UNSCR and other requirements to get us off the various blacklists. I ask the question, how could a little island like St. Vincent—how Dominica and Bermuda get off the list and a big country like Trinidad, we are still huffing and puffing and bringing hurried legislation, even though we had three years warning from FATF. [*Desk thumping*] Hurried legislation. [*Desk thumping*] Friday for Monday, so that we would not take time to fully ventilate this.

Madam Speaker, my father always used to tell me, as a school supervisor,

watch anybody that comes with hurried—asking you to make hurried decisions. Always take the time to reflect, to have a dispassionate view on whatever is presented to you. I do not make hurried decisions. [*Crosstalk*] He was a wise man. My father, bless his soul, Rodney Theophilus Charles. Yeah. Good, good man. Yeah. Bless his soul. Yeah. I do not make hurried decisions except in this Parliament. Hurried! I know we cannot talk about subcommittees and joint select committees, and I would not go there, but one of these days when I publish my book on my sojourn in this Parliament [*Desk thumping*] when I follow the sojourn, it will make good reading for future citizens of Trinidad and persons on that side will not look good in that. Madam Speaker, I have dedicated my life, real life to—I have to give this to Trinidad, the arm's-length relationship with the Executive, et cetera.

Madam Speaker, CFATF speaks about two main approaches to its Mutual Evaluation Report, CFATF. I think we keep hearing, Global Forum. We get mixed up because it is hurried nice talk, and we cannot disaggregate what is the EU requirements, what is the OECD requirements, what is the Global Forum requirements, what is FATF requirements and CFATF. They give you no time in order to sit down and have a dispassionate reflection of it, Madam Speaker. But CFATF speaks about two main approaches in its Mutual Evaluation Report and that must be important to us.

A global approach as indicated in the UN Security Council Resolution 1540 (2004) and its successor resolution. So they have a global approach. Right, Madam Speaker? And then they also have a country specific approach under UNSCR 1718 (2006) and UNSCR 2231 (2015) and their future resolution. Madam Speaker, I am coming now to an important piece of information that I want

Trinidad and Tobago to pay attention to.

Earlier this year, I had reason to visit the United Nations Headquarters in New York where I was advised, Madam Speaker, that this Parliament was misadvised in the sense that in the preamble to—misled—misadvised?—that this Parliament was misadvised in respect of the preamble to Legal Notice 185, that the UN Security Council Resolutions 1696—and you could go and read it—1737, 1747, 1803, 1835 and 1929 were no longer enforced, and were therefore incorrectly used as a basis for the legislation. I was told that by the senior officials at the United Nations who are responsible for it. They are not enforced. It is only 2231. You have it? You have it? [*Crosstalk*] It is incorrect.

Madam Speaker, you see, you see why I do not—the problem in this Parliament, the Attorney General speaks after me, so he says whatever he says and I have no rebuttal. Right? That is really what it is. Now, I will rebut. Now I will rebut. [*Desk thumping*] Madam Speaker, *Hansard* will show that on three occasions, I acknowledged that Security Council Resolution 2231 existed and was valid and relevant to the debate. The three instances are recorded in *Hansard* January the 11<sup>th</sup> 2019 on page 208. That is one instance. In *Hansard* of the same date on page 211, I acknowledged that Security Council Resolution 2231 existed. Yeah. Also on page 216, I, again, for the third time told this House, Madam Speaker, that Resolution 2231 exists.

Now, Madam Speaker, ignoring—and he did it today, the hon. Member did it today—these three acknowledgments that are on the public record, he got up, minutes after, to base his entire 20-minute old talk—I do not want to use the word “diatribe”—fancy talk, so I had to pay the insults. Right? For 20 minutes, against me, that I had not acknowledged the relevance of UN Security Council Resolution

2231 to the debate. I will take his words. I am grateful, Madam Speaker, for the opportunity to correct this manifest untruth [*Desk thumping*] as recorded in the *Hansard* January 11<sup>th</sup> 2019 on page 227. I give facts. Hear what, and I quote the Member for San Fernando West:

“Naparima says ‘it doh exist’, the UN website generates it and today, the same list, 2231 of 2015 list pops up and Naparima ‘cyar pick up ah phone’. You know, we provided for Internet in this Chamber, we provided for the ability to access to research.”

Madam Speaker, you see why I do not trust this Attorney General [*Desk thumping*] and I defy him to do the research and prove me wrong, because I am right. Two faults on that side: blame Siparia and “cuss” Naparima. All right. Same negative and pejorative terms.

**Madam Speaker:** No, I think what will happen and what might lead you down that road is—okay? I understand the passion, but just remember we are not in a Carnival band. Okay? [*Laughter*] And, therefore, and for all Members, we will conduct ourselves in a parliamentary way and use parliamentary language. Continue.

**Mr. R. Charles:** Thank you. Thank you. Madam Speaker, there is lot of pent-up, frustration. Madam Speaker, I will drink a lil water and I will take a seat and ask the Member for San Fernando West to apologize if my information is correct. [*Desk thumping*]

**Mr. Al-Rawi:** Madam Speaker, I apologize that the hon. Member cannot read properly [*Laughter and desk thumping*] because I was not speaking to 2231 alone, and I will pull the *Hansard* and demonstrate the gross mistruth that my learned friend has said, but let me continue. [*Desk thumping*] Let him continue.

Miscellaneous Provisions (Financial Institutions,  
Securities and Insurance) Bill, 2019 (cont'd)  
Mr. R. Charles (cont'd)

2019.06.10

**Madam Speaker:** Yes, Member for Naparima.

**Mr. R. Charles:** Madam Speaker, you see why I do not trust the gentleman.  
[*Desk thumping*]

**Mrs. Persad-Bissessar SC:** We do not trust them.

**Mr. R. Charles:** He cannot even apologize. [*Desk thumping*] The Lord has said that apology and recognition of your sinful ways are important to salvation. [*Desk thumping*] And while we are at it, Madam Speaker, I will ask him to talk to the elderly people in San Fernando and they will tell him about a “Mr. Pinks” of the St. Madeline Sugar Factory and what he did, Madam Speaker. But, you see, that will be in my book, chapter 7. [*Desk thumping*]

**Mr. Karim:** We are coming to the launch. I am coming to the launch.

**Mr. R. Charles:** You see, I will invite him to the launch. I know he would not attend, Madam Speaker.

One of my faults in life, Madam Speaker, is I do not—one of my few faults.

**Dr. Moonilal:** Correct.

**Mr. R. Charles:**—very, very, few faults, is that I do not crave after money, Madam Speaker. I am a man of simple means and simple desires, Madam Speaker. This suit was bought off the rack. It is not a designer suit. I do not “zess”, Madam Speaker. I do not “zess”.

**Mrs. Persad-Bissessar SC:** Savile Row.

**Mr. R. Charles:** Savile Row? I have—where is the kerchief? I do not have kerchief in pocket and all this thing. I am a simple man, a man of the Lord, Madam Speaker. I wish I had \$23 million. I wish. I would donate. I would donate to charity, but we are here, Madam Speaker. All we have done today could have been done—where is this report, 2016? It could have been done in February

Miscellaneous Provisions (Financial Institutions,  
Securities and Insurance) Bill, 2019 (cont'd)  
Mr. R. Charles (cont'd)

2019.06.10

2017, because all we are doing is inserting proliferation definitions in critical parts of the Bill. Right? [*Desk thumping*] The Financial Institutions Act. [*Desk thumping*] Right? That is all we are doing. He comes and gallery like it is so much work. I could pay a two-by-four lawyer and give him three weeks and he will do exactly what was done here, Madam Speaker. The Financial Institutions Act, Chap.—

**Madam Speaker:** Hon. Member for Naparima, your original—[*Laughter*] Members on the front bench. Members on the front bench to my right. Your original 30 minutes are now spent. You have 15 more minutes to complete your contribution. [*Desk thumping*]

**Mr. R. Charles:** I would not take most of it. [*Desk thumping*] So, I had to read in two days, with no staff, I had to read the Financial Institutions Act, Chap. 79:09 which I learnt was replaced by Act No. 26 of 2008 and amended by Act No. 17 of 2012, again, in our time, and this Financial Institutions Act, is an:

“ACT to provide for the regulation of banks and other financial institutions which engage in the business of banking and business of a financial nature, for matters incidental and related thereto and for the repeal of the Financial Institutions Act, 1993”

Madam Speaker, and all we did was in the interpretative paragraph, he insert the thing—and, you know, when you listen to the Member for San Fernando West, you believe it is great things. You add a paragraph in the guidelines to indicate that part of the guidelines you will be guided by the:

“Economic Sanctions Act or Orders made”—thereto—“as they relate to proliferation financing...”

That is section 10(c). And in section 33(2)(a), persons debarred from management

are people who are involved or convicted in proliferation financing. Additionally, Madam Speaker, if there are any other statutory provisions related to proliferation financing that are not complied with, a person can also be prohibited from acting as a director or officer concerned with the management of a licenced institution or a financial holding company. Madam Speaker, that is one day work. That is one day work. I am not a lawyer, so maybe there are some, you know, some intricacies that are required to make it three years' work but, for me, for the life of me, I cannot see any serious, hard-working First World qualified person taking three years to do that.

Madam Speaker, we are also hear the Securities Act, and I had to learn. I start from scratch. What is the Securities Act? Well, I knew about the Securities and Exchange Commission, but I had to read about the Securities Act and the changes that were made and, again, it is what I call cleaning up to include provisions—

**Mrs. Persad-Bissessar SC:** Cut and paste.

**Mr. R. Charles:**—cut and paste provisions of proliferation financing to incorporate that in the legislation. So wherever you have like functions of the commission, you add that. Where you have revocation of registration, you take away the licence, you include that you could take away the licence for proliferation financing. No big thing. Recordkeeping, they are supposed to keep record with respect to that. But when you come here in Parliament and I listen, I thought it was some great, you know, thesis that would take years to do. Compliance reviews, compliance directions and guidelines. That is what we are here for, and you give me two days to do this. So your incompetence onslaught for three years, I have to pay for that in a weekend.

Madam Speaker, when you get to my age, your lovely, lovely, family and your grandchildren, you love your grandchildren to spend time. So when my grandchildren came and said: “Grandad so and so”, and I say, “Get out, I have to see about the Attorney General’s business”. [*Crosstalk*] Yeah, yeah, yeah. It is sad, really sad, Madam Speaker.

Madam Speaker, and you know the certainty on that side, they are just like my grandchild. My grandchild tells me—and just forgive me one minute—“Grandad, you must not eat pork. You will not live long.” I am 70 years old, my grandchild is seven years old, and I am getting a lecture on longevity. It reminds me of this House. I get lectures here on things that I know and they are not qualified to present on [*Desk thumping*] and I have to sit and take this. It is getting harder and harder. Madam, we will need to have a discussion, Madam Leader. We need to have a discussion, because I do not know how long, how long the Lord will give me strength to deal with the insults. [*Desk thumping*] Madam Speaker, he talked about—and I have to talk about this—Marie Le Pen. I have two minutes. Two minutes, Madam Speaker.

**Madam Speaker:** Once it is relevant.

**Mr. R. Charles:** Yes, it is relevant. Right? Because, you see, St. Vincent just got as a non-permanent member on the Security Council and they said they believe in a number of things, and one of the things they believe is the non-proliferation of weapons of mass destruction and they believe in complying with international regulation.

Madam Speaker, at the United Nations, you speak to everyone. You do not speak only to friends. Ms. Marine Le Pen, a member of the European Parliament, came and invited some of us, and we wanted to engage her to find out what was

her thinking on islamofobia and nationalism and right wing. So sitting at the side of me was the Ambassador from St. Vincent and the Grenadines, Madam Speaker, Gonzalez—Camillo Gonzalez, who was promoted subsequently from Ambassador to Foreign Minister and now he is Finance Minister. Madam Speaker, my friends called me from the United Nations and say, what is going on with this Government? They are criticizing Marine Le Pen. Whether we like here or not—and I do not—right now, with the Right Wing Movement in Europe, she could end up President of France.

In fact, the BBC published information that she is more popular than Macron. If she becomes Prime Minister, the day she lands, she is going to get on her desk—the Government of Trinidad and Tobago, in particular, the Member for San Fernando West, called her racist, called her all sorts of things that we should not—it is embarrassing to sit and eat with her. Madam Speaker, a Prime Minister and a Member of Parliament, you could say that in a rum shop, you could say that elsewhere, not in a Parliament, not in a Parliament. [*Desk thumping*] You have to leave your options open. She may not be so.

**Madam Speaker:** Having got Marine Le Pen off your chest, you promised me you will make it relevant. Good.

**Mr. R. Charles:** Madam Speaker, I am grateful for your kindness today. Very, very much grateful. So, Madam Speaker, I would not be long. I just think that this needs proper ventilation. I do not want to say it should go to a joint select committee. “I know dey does get tizzick” when they hear that, because they do not like people to analyze them, Madam Speaker, scrutinize them. [*Desk thumping*] A former Prime Minister told us, when you opposed them they get angry, but I am not going there. I am not going there. All I am saying, you are the Government of

Miscellaneous Provisions (Financial Institutions,  
Securities and Insurance) Bill, 2019 (cont'd)  
Mr. R. Charles (cont'd)

2019.06.10

Trinidad and Tobago. In fact, you are my Government. You are my Attorney General until 2020, and I want you to succeed. I want you to succeed. And I would ask you, cut out the arrogance—

**Madam Speaker:** Member, come back to—you promised me.

**Mr. R. Charles:** I am closing up.

**Madam Speaker:** Yeah. But even in closing up, I want you to be relevant or else you know, I will have to invoke the Standing Order. So, you promised me you will be relevant. Tie it together now in closing.

**Mr. R. Charles:** Madam Speaker, with those few words, I take my seat. Thank you very much. [*Desk thumping*]

**The Minister of National Security, Minister of Communications and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, now that Comedy Central hour is over [*Desk thumping*] I would like to return to the Bill that is actually before us, and for the public that may have been following and switched off their televisions and are now switching them back on, just to tell them what this Bill is actually about.

A lot of noise and a lot of fuss was made, Madam Speaker, but what this is, is very, very simple. What it is, it is fulfilling our international risking finance obligations for FATF to just add “proliferation financing” and the effects on economic sanctions to certain pieces of domestic legislation. But, Madam Speaker, it could not pass the irony and hypocrisy in listening to what was being submitted by the other side and “oh it took three years to bring this simple legislation, et cetera”. I just want to remind the people of Trinidad and Tobago of a couple things. We were never part of Global Forum. We were never part of the body of Global Forum. It was the UNC that signed us up to Global Forum which

then came with legal obligations that they did absolutely nothing about, and as the Minister of Finance has reminded me, Madam Speaker, when we came in, the deadline for the obligations under Global Forum were in September 2015.

**Mr. Imbert:** “Imagine that eh”.

**Hon. S. Young:** Absolutely nothing done to fulfil it. That is why we are on the blacklist. [*Crosstalk*] I am responding to why we are on the blacklist. We are on the blacklist due to your irresponsibility of (a), signing us up to Global Forum and (b), doing absolutely nothing to fulfil our legal obligations under Global Forum.

Let us come to FATF now. When we came in as an administration and to form the Government, we were immediately informed by FATF that nothing had been done—no fulfilment whatsoever—and we were about to be blacklisted. So, once again, it is difficult to sit here, Madam Speaker, and to listen to the rants and the raves as to nothing has been done, why is it taking us three years to reach this point of this particular Bill?

Madam Speaker, the truth is, lest the population be misled once again, that a tremendous amount of work has been done from September 2015 to now to get us to the point with both FATF and then on the second part, Global Forum, and get us up to our legal obligations. What this Bill is here today, despite all the hype and all the exuberance of the Member for Naparima, as he made his very spirited contribution, is just to add “proliferation financing” to specific domestic legislation. So this simple Bill, which is just four clauses long, at clause 2, the Bill would amend sections 2, 10 and 33 of the Financial Institutions Act, Chap. 79:09. I am happy that my friend spent his weekend reading the Financial Institutions Act. It is a very important piece of legislation that all of us as legislators should read. So that is a good way to spend his weekend.

**4.00 p.m.**

Also, then at clause 3 of the Bill, it is amending sections 4, 6, 57, 58, 87, 89, 90 and 146 of the Securities Act; again, another important piece of legislation, Madam Speaker. And then clause 4 of the Bill is seeking to amend sections 34, 65, 121, 136, 147 and 278 of the Insurance Act, No. 4 of 2018. Madam Speaker, all of those amendments are simple amendments. What we are dealing with here, Madam Speaker, is proliferation financing which FATF provides guidance on. And if I may be permitted, Madam Speaker, it is actually the definition which is now being inserted in those three pieces of legislation is as follows:

“proliferation financing”—

**Mr. Charles:** 55(1)(b). [*Crosstalk*]

**Madam Speaker:** Thank you so much for the invitation. Member, please continue.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam Speaker, this is a response to what was being put forward before and to bring things back in context so that the public will not be misled.

“‘proliferation financing’ means the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials...”

So, Madam Speaker, what we are looking at doing here is deal with the introduction of economic sanctions into our domestic legislation to deal with this crime, a crime that is related to terrorism.

Madam Speaker, any sensible person will know, when you have a long list

of obligations that need to be fulfilled what you do is prioritize it. When we came in, in September 2015, our risking factors were under crisis. That is a fact. We came in and immediately we were being faced by persons saying that we are grey-listed, there is the potential of us being blacklisted. So all of the fun and games, all of the screaming and shouting, all of the laughter, all of the attempts to make this a non-serious issue, I want to remind the population that if these things are not done, and the amount of legislation, when you look at the legislation that has been brought to the House, brought to the Senate and passed by the Attorney General since September 2015, quite a lot of it is in fulfilment of our international obligations to prevent de-risking. That may not bother those on the other side because they did nothing to prevent it. In fact, they created the crisis that we face.

Madam Speaker, what I would like to say to the population, if we are de-risked as a country, what it means is we cannot have the luxuries of international banking. Wire transfers become a problem; international banks would now be told, "You cannot do business and transact business coming from Trinidad and Tobago." The implications of that we cannot even begin to imagine because of the global type of business that takes place in Trinidad and Tobago, not least of which in our energy sector. So, Madam Speaker, this is not a joke, this is not something that should be taken lightly, and I remind the population, respectfully, this is just another step in us fulfilling our requirements. So, yes, it is urgent; yes, it is now a priority, but, no, it did not take three years to bring this specific piece of legislation. It all has to follow a sequential process, Madam Speaker. So a few months ago we were here debating and it was the Member for Naparima, if my memory serves me correctly, and I think he referred to it in his contribution that debated the sanctions or the ability to impose sanctions on North Korea and Iran.

And that leads me to another point, Madam Speaker, I had to write it down, the irony and the hypocrisy to hear that we as parliamentarians should be careful as to what we say in this House, and talking about if Marine Le Pen becomes a global leader, it will be on record from this side, as the President of France, as he so hopes, it would be on this side that she is a racist, but we stand by that statement. But it is a factual statement, unlike what we face, Madam Speaker, [*Crosstalk*] by the irresponsible contributions by, for example, the Member for Oropouche East when he himself stood in this Parliament and said, “There are 400 foreign terrorist fighters from Trinidad and Tobago.” As a former senior Minister of Government and a senior parliamentarian said that in the loosest possible way. It then took us on this side, Madam Speaker, years of working with the international intelligence agencies and organizations to tell them that there is no basis in fact for what has been stated by the Opposition in Parliament on the *Hansard* that there are 400 foreign terrorist fighters.

The real numbers we have said repeatedly is about 130, the vast majority women and children who accompany the husbands. But what you face—and he is right—but not in this instance, he is right that the effects that the loose talk by parliamentarians here can have on our international reputation, but those on the other side, Madam Speaker, with the greatest of respect, sometimes say these things intentionality and very loosely knowing the damage that it will have on the country’s reputation. We faced it as well as they stood here loosely for months talking about Venezuela and what are you doing with respect to the Venezuelans, and when the policy was rolled out—

**Mrs. Newallo-Hosein:** Madam Speaker, 48(1).

**Hon. S. Young:**—“Oh, yuh come with ah ad hoc policy”, et cetera. This is

Miscellaneous Provisions (Financial Institutions,  
Securities and Insurance) Bill, 2019 (cont'd)  
Hon. S. Young (cont'd)

2019.06.10

responding, Madam Speaker—

**Madam Speaker:** Member for Cumuto/Manzanilla.

**Mrs. Newallo-Hosein:** 48(1), Madam Speaker.

**Madam Speaker:** Okay. So, Member for Port of Spain North/St. Ann's West, I get the drift but I think you could bring it home and get to the substantive matter before us.

**Hon. S. Young:** Thank you very much, Madam Speaker. I was simply responding to the irony and the hypocrisy to hear that we should be careful as to what we say on this side. [*Desk thumping*]

A lot of weather was made, Madam Speaker, about the fact that our sister country, St. Vincent, is now on the UN Security Council, and how, because of the things that we have done in Trinidad and Tobago we are unable to sail at those heights and those levels. Again, complete misinformation. Apart from the permanent bodies, the permanent countries that are on the UN Security Council, the rest of the membership is done on a rotational basis. [*Desk thumping*] Trinidad and Tobago, very proudly, was the first Caribbean island in 1985 to 1986, under a PNM administration, to serve on the UN Security Council. [*Desk thumping*] There are hundreds of countries in the world, so what it does is there is now a rotation, and I am certain, under a next PNM administration, we will serve on the UN Security Council once again. I am also certain that under the United National Congress, all of the bridges were burnt with the international intelligence agencies. When we came in as an administration we were told, pointedly, they refused to share information with Trinidad and Tobago between 2010 and 2015 because they could not trust who was in the room. Put that on your record.

**Hon. Member:** Which Government—

**Hon. S. Young:** Another quote that I heard, “We tell experts to come here, we don’t spend per diem”. Again, Madam Speaker, the irony and the hypocrisy of that statement. of course they came here. FATF and CFATF come to do their site visits and their investigations and their inquisitions in the country. They are training in the country. That is nothing to boast about.

I am looking forward to the day, Madam Speaker, when the debate come to the trips that were made to Brazil and the trips that were made to India under the former administration, with the long string bandwagons and the chartering of planes and who they took and who they paid for and they did not pay for. We will talk about per diems at that time.

**Mr. Lee:** Madam Speaker, 48(1)—Madam Speaker, 48(1) please, because this has no relevance.

**Madam Speaker:** Member for Port of Spain North/St. Ann’s West, please continue.

**Hon. S. Young:** Thank you very much. And the \$18 million spent on the trip to India. Not a single benefit to Trinidad and Tobago from a financial point of view; not a single benefit, \$18 million down the drain. This one carrying handbag, this one—

**Mr. Lee:** Madam Speaker, 48(1). The benefit has nothing to do with this Bill. It has nothing to do with this Bill. [*Desk thumping*]

**Hon. S. Young:** “Carry meh scarf, carry meh handbag, make up meh hair, do meh make up. I not waking up in the morning”—

**Mrs. Gayadeen-Gopeesingh:** Madam Speaker, 48(1). [*Desk thumping*]  
[*Crosstalk*]

**Mrs. Persad-Bissessar SC:** You just carry the golf bags, carry the golf bags.

**Madam Speaker:** I overrule 48(1), this is in response to something that was said.

**Mrs. Persad-Bissessar SC:** What was said?

**Mr. Charles:** What was said?

**Hon. S. Young:** What was said, Madam—

**Madam Speaker:** I just want to—[*Interruption*] Member for Siparia, you are a very experienced parliamentarian—

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

**Madam Speaker:**—and please, please, I do not want the reverb. All right? Same, Member for Naparima, I do not have to explain what was said, there is the *Hansard*, and I believe you were on your feet so maybe you could not hear yourself, but I heard. Member for Port of Spain North/St. Ann's West. [*Desk thumping*]

**Hon. S. Young:** Thank you very much, Madam Speaker. I can remind, Madam Speaker, what was said because I wrote it down in quotes, “We tell the experts to come here, we doh spend per diem, they come here and they meet with us.” [*Laughter*] Well, Madam Speaker, the reason they came here to meet with us is because that is the normal course of business. When you come to do a site visit, as that was done, the test date in January 2015—when FATF came to Trinidad and Tobago in January 2015, and they failed Trinidad and Tobago and told us that we are now at risk of being blacklisted because the Government had done nothing to fulfil the obligations, nothing to do with, Madam Speaker.

Madam Speaker, to say that persons come here to do training and that is what has been done, again, that is absolutely nothing that is unusual with that. I notice how nervous they become when we begin to speak about per diems, we will speak more about, beyond per diems, and we will speak about the types of hotels

Miscellaneous Provisions (Financial Institutions,  
Securities and Insurance) Bill, 2019 (cont'd)  
Hon. S. Young (cont'd)

2019.06.10

that were used, the planes that were chartered. We will speak about the fact that Sri Lanka was told that the Prime Minister of Trinidad and Tobago would be coming for a state visit, but that Prime Minister then decided to go to Dubai to shop, and the embarrassment that this country faced—

**Mr. Lee:** Madam Speaker, 48(1) please. [*Crosstalk*]

**Hon. Member:** The Prime Minister came off the plane.

**Hon. Member:** Never went—

**Madam Speaker:** Whip?

**Mr. Lee:** Yes, Madam Speaker.

**Madam Speaker:** You are getting a habit of shouting at me.

**Mr. Lee:** Sorry, I apologize.

**Madam Speaker:** No. All right? I think we are a bit becoming a little too comfortable where we all sit and we shout at each other and we do not recognize the Standing Orders. I expect a greater standard from you as the Whip; that is the position you hold. Member for Port of Spain North/St. Ann's West, could we get to the Bill now, please?

**Hon. S. Young:** Thank you very much, Madam Speaker. So, Madam Speaker, back to the Bill. Madam Speaker, the Bill also inserts in the Financial Institutions at clause 2(b), after the words, "Anti-Terrorism Act", so that in itself, what it does is it shows us that the whole proliferation financing is dealing with terrorism. And as I was quoting the definition a short while ago, before I was distracted responding to the submissions from the Member for Naparima, and if I can come back to it now, proliferation financing really is the financing and the providing of funds and financial services with respect to nuclear, chemical, biological weapons:

“including both technologies and dual-use goods used for non-legitimate

purposes, in contravention of any written law or, where applicable, international obligations;”

So, Madam Speaker, what this Bill, this very simple Bill is doing, with the very importance of this piece of legislation, is helping us to fulfil our international obligations to ensure that we are not de-risked. The tremendous work that has gone on, and when you marry this piece of legislation with other pieces that were passed, and I dare say, others still to come, because it is an ongoing obligation, and when you read what FATF has told us, their Recommendation 7 of FATF standards requires countries—and I am reading here from, Madam Speaker, “FATF Guidance on Counter Proliferation Financing, The Implementation of Financial Provisions of United Nations Security Council Resolutions to Counter the Proliferation of Weapons of Mass Destruction”. Madam Speaker, just reading that heading of the document and understanding that right now, as you read the document, that there are two major global entities that the UN Security Council was focused on, and the Member for Naparima and the Attorney General had debated some time ago, Iran and North Korea.

When you read it, Madam Speaker, what it really is, it is to prevent the financing—the potential financing of weapons of mass destruction by whoever the UN Security Council has a concern about. So one can understand. The point, Madam Speaker, is when you are prioritizing legislation to be brought and fulfilling your FATF obligations, and going through the various tick boxes of FATF and CFATF and holding all of the meetings, passing legislation, doing the training that was referred to and carrying out all of our obligations, you have to prioritize what it is you deal with.

So not too long ago, Madam Speaker, we were here dealing with non-profit

organizations, we will deal with the credit unions; we deal with the banks and their whole systems of reporting, et cetera. So it is not unusual, nor is it in any manner, whatsoever, a show of competence or incompetence to be debating this Bill now. It is my respectful submission, Madam Speaker, it fits perfectly into the timeline of the fulfilment of the obligations that the Attorney General has spent a lot of time in face to face meetings with these international bodies telling them and understanding from them what it is required of us. And I would like to take this opportunity to credit the Attorney General and his department and the workers who work along with him for going through all of these meetings and diligently and assiduously ensuring that we are not blacklisted, and in fact, taking us off of the risk of being blacklisted by FATF and fulfilling our international obligations.

Madam Speaker, this simple piece of legislation is designed to combat the potential of the use of these weapons in terrorist activity and that is why it is dealt with, as you can understand, in the Financial Institutions Act, which that parent piece of legislation governs financial institutions, our banks and the other institutions that carry out those types of work, the Securities Act as well. Madam Speaker, again, as the Member for Naparima spent time over the weekend reading this particular Act, and as he would have been able to attest as he focused on it, this is the Act that is on our books to govern and to regulate all of the public liability companies in Trinidad and Tobago and all of the bonds offerings, the public bond offerings, and these types of things. Again, these are tools that can be used and assets that can be used in illegal activity, and, in particular, what we are looking at here is the proliferation financing. Madam Speaker, I will go back now to the FATF Guidance where they say:

“Recommendation 7 of the FATF Standards requires countries<sup>1</sup> to implement proliferation financing-related Targeted Financial Sanctions (TFS) made under United Nations Security Council Resolutions (UNSCRs or resolutions). Recommendation 2 requires countries to put in place effective national cooperation and, where appropriate, coordination mechanisms to combat the financing of proliferation of weapons of mass destruction (WMD). Immediate Outcome 11 and certain elements of Immediate Outcome 1 relating to national cooperation and coordination aim to measure how effective countries are implementing these Recommendations.”

Madam Speaker, put quite simply, what we are debating here today is in fact to fulfil what FATF has required in this paper:

“The United Nations Security Council (UNSC or UN Security Council) has a two-tiered approach to counter proliferation financing through resolutions made under Chapter VII of the UN Charter and thereby imposing mandatory obligations for UN Member States:”

Madam Speaker, this is the important part, as FATF is saying there is a two-tiered process. The first process is the global approach under the resolutions that my friends from Naparima and San Fernando West some time ago debated. That has to come first, and then the second tier is for us to pass exactly this type of specific legislation. So, Madam Speaker, it is quite wrong to suggest that this has come out of time or it is not taking place in a sequential order. In fact, it absolutely is.

They go on to say that the:

“Proliferation financing-related provisions contained in UNSCRs of both approaches are compiled and reproduced in their entirety...”

Importantly, Madam Speaker:

“...FATF Standards do not require countries to assess their proliferation financing risks, and this paper does not extend the FATF Standards.”

What that simple sentence means, Madam Speaker, is exactly as the Attorney General was attempting to explain. It means that this was not high up on the list of immediate priorities and it was not an immediate requirement for us to get out of the crisis situation that we found ourselves in, but now is the time and now is an appropriate time and that is why we are here today passing this simple Bill which is really for the insertion into three pieces of legislation of certain definitions and other language to ensure that we fulfil this obligation. They go on to say, Madam Speaker:

“Nevertheless, an understanding of proliferation financing risks will likely positively contribute to a country’s ability to prevent persons and entities involved in WMD proliferation from raising, moving and using funds, and thus the implementation of targeted financial sanctions contributes to a stronger counter proliferation financing regime.”

So what FATF is telling us is, “Look, you are not absolutely required at the outset to pass your domestic legislation, you need to be aware of it. However, understanding how proliferation financing works and then working it into your domestic legislation after the UN Security resolutions are passed and the UN Security Council has taken certain actions, that is when you implement it domestically”, and that is what is happening.

So what triggered this, Madam Speaker, is the recent legislation that we debated or the Orders that were passed and proclaimed by the President to declare two sovereign countries, in accordance with the UN Security Council resolutions,

and now we are following up to ensure that our local domestic legislation prevents proliferation financing and puts it into the category it needs to be in and also links it to our anti-terrorism legislation. And then they go on to talk about recent changes in the UN Security Council on proliferation financing.

“Competent authorities, financial and non-financial stakeholders should note that the scope of funds, financial assets and economic resources subject to assets freeze has been expanded in recent resolutions for the sanctions regime relating to the DPRK:”—and also to Iran.

So, Madam Speaker, I am spending this amount of time to just let the public know that despite the rants and the raves as to this has taken so long to happen, it could not happen before, the time is now. As FATF has said in this document and as FATF has said in their Guidance on Counter Proliferation Financing, which is dated February 2018, they said the resolutions had to be passed first. They said you had to prioritize what you do. They then gave guidance on the type of legislation that needed to be passed, which was passed not so long ago, and then you bring this type of simple Bill, just to insert in our domestic legislation, at the appropriate points, the protections for proliferation financing for a definition, but also, more importantly, the potential for economic sanctions.

They then go on to talk and give guidance, Madam Speaker, about identifying and designating persons or entities who are financing or supporting weapons of mass destruction, proliferation, so again, in the fulfilment of that suggestion and those obligations that FATF has asked us to fulfil, that is what this Bill is about. So what we are doing is we are now giving power to the various authorities to pass economic sanctions, the Central Bank, and also for us to look at in the Insurance Act how this can be done because persons can purchase insurance

policies as a methodology for financing weapons of mass destruction. This is all about terrorism, and, quite frankly, Madam Speaker, what this is, is small Trinidad and Tobago's part that we are playing in the global fight against terrorism and our global fight against weapons of mass destruction. The little role that we can play, we are playing and we are fulfilling our international obligations.

Madam Speaker, I heard, and I assume it was really a bit facetious, the speaker from Naparima say, "Well, what do we need to get off of all of these lists, and being on the grey list and being on the blacklist?", that is a question that we have asked. We have asked at Cabinet level, the Attorney General has set out very clearly for us, that due to the deep hole that we were in, he set out a list of properties, the checklist that we need to go through, and those are the efforts that we have been making over the last three years, Madam Speaker, as we go through the tick list. This is just another item on that tick list to ensure that we are not blacklisted, and I repeat, we are not blacklisted by FATF. In fact, if I understand correctly what the Attorney General has told us, we have been upgraded. We expect to be upgraded. We have been working hard, he has been getting good results; they have been telling us, the blacklisting, unfortunately, is with the EU and with Global Forum. Unfortunately, that is a whole other set of obligations, but in us fulfilling FATF—and we have had the conversations with the bodies, with FATF and with others to ask for their support when meeting with the EU and Global Forum to tell them that the standards, in the limited time that they are putting on small countries such as ourselves, is not realistic, and we need more time to be able to fulfil those obligations.

But I am happy, I am happy, Madam Speaker, to hear my friends on the other side are alert to the fact of the blacklisting, and I assume that when we come

with that legislation to ensure that we are not blacklisted, we will have their support to ensure that it is passed. Another interesting comment from the speaker from Naparima, Madam—

**Madam Speaker:** Hon. Member for Port of Spain North/St. Ann's West, your original 30 minutes are now spent. You are entitled to 15 more minutes to complete your contribution, so that if you wish you may proceed.

**Hon. S. Young:** Thank you very much, Madam Speaker. Madam Speaker, another quote—[*Crosstalk*] I do not know what is the obsession—I do not know what is the obsession, Madam Speaker, with San Fernando. But I am happy, and I am sure that my colleague from San Fernando West, who is very safe and secure in San Fernando West, is happy to hear that is where you are going. And I am hearing that it is a forum. [*Crosstalk*] So what I was going to say, Madam Speaker, before I got engaged in a little ole talk with my colleagues on the other side is a quote that was made, a quote that I took down from the speaker for Naparima, Global Forum requirements, “We geh tie up”, with his normal exuberance and his normal wailing of the arms and his excited spirit—[*Interruption*] Nor do I—spirited contribution. Madam Speaker, to remind my friends on the other side, and in particular the speaker from Naparima, the reason we “geh tie up” in Global Forum was the former Minister of Finance, Minister Dookeran is the one who went and committed us to—[*Interruption*] It was Howai?

**Hon. Member:** Then Howai.

**Hon. S. Young:** Former Ministers of Finance, between 2010 and 2015, are the ones who committed us to Global Forum, and then unfortunately did us the disservice of not going through the checklist, not going through the tick list, not going through what needed to be done to make sure that we did not find ourselves

in this very unfortunate circumstance.

Madam Speaker, another important part of the legislation, the simple Bill that we have before us today is dealing with the freezing and prohibiting of dealing in funds or other assets of designated persons and entities. What this means, Madam Speaker, is it is giving the authorities the ability to impose economic sanctions on anyone that they have sufficient evidence is engaging in proliferation financing. So, Madam Speaker, put quite simply, the message that I ask comes from this House today to the international viewers and to those who are rating us and to those that are charged and tasked with the responsibility of rating us and deciding whether we are to be grey listed, we are to be blacklisted or to be upgraded is Trinidad and Tobago in this Parliament is doing all that it can. We are working, sometimes together, to make sure that the necessary domestic legislation is passed, because one thing I am sure of, I am certain that all of the Members of this House, including those on the other side do not want to see Trinidad and Tobago end up in a permanent blacklisting or to see Trinidad and Tobago be de-risked, or to see Trinidad and Tobago lose our correspondent banking, because I am sure many have international accounts, or put simply, want to be able to send funds to their children at university, want to be able to send funds via wire transfer to their friends to buy goods, to buy drugs for the hospital, to buy what is necessary for national security—

**Madam Speaker:** Hon. Members, it is now 4.30. This House now stand suspended, we shall resume at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

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

**Madam Speaker:** Member for Port of Spain North/St. Ann's West, you have 10

minutes and 54 seconds of extended time left.

**Hon. S. Young:** Thank you very much, Madam Speaker. Just before the break I was respectfully trying to bring my contribution to a conclusion by just reminding the House what exactly it is, in my respectful opinion, this simple Bill is meant to achieve and the importance of what it sets out to do, and what it is setting out to achieve.

So, Madam Speaker, as I said, what it is, is small Trinidad and Tobago playing its part in fighting terrorism on a global front, and us playing our part in fulfilling our international FATF, CFATF and other obligations to ensure that we are not de-risked and we do not lose our correspondent banking.

Madam Speaker, I am certain that the constituents of Port of Spain North/St. Ann's West would appreciate this, as there are many constituents there who have families away and have to engage in wire transferring, receiving wire transfers of money, sending money to and from abroad and therefore this is a very needed piece of legislation, and plays a very important part and role in us keeping our correspondent banking and ensuring we are not de-risked. And having said that, I would like to thank the Attorney General, all of the technocrats in the Ministry of the Attorney General and Legal Affairs, the Ministry of Finance, who worked very hard and also at the Ministry of National Security, in ensuring that we continue to meet our international obligations in this arena. With those few words, Madam Speaker, I end my contribution.

**The Minister of Housing and Urban Development (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. I rise for a very brief moment really to contribute to the debate this afternoon, and it really has to do with when I heard the contribution made by the Member for Naparima, who spent a long time

treating with international cooperation and how much was done under the then administration.

I want to debunk that a bit. I want to debunk that a bit, because it has to do with—he mentioned also with respect to weapons of mass destruction, to the extent where he even tried to label the Member for San Fernando West in the same context of weapons of mass destruction. I also want to debunk that too. He seemed to be going all over the place, quite frankly, and not really contributing towards the Bill in any significant way.

But when one looks at the Bill itself, international cooperation was, in fact to a large extent, deteriorated significantly under the last administration. One can only recall when we came into office, the relationship from a regional level between the wider Caricom and Trinidad and Tobago had deteriorated significantly under the last administration. We heard remarks where the then Prime Minister had referred to Trinidad and Tobago in the context of an ATM machine. We saw the indifference between Jamaica and Trinidad and Tobago. We saw a strained relationship between Trinidad and Tobago and Jamaica and some of the wider Caribbean countries.

Even at the level of national security, Trinidad and Tobago I recall, Madam Speaker, at a time when I was serving Chief of Defence Staff, I was in fact the first Chairman of the Chief of Staffs of the Caribbean, together with my counterpart then, Commissioner of Police Trevor Paul, who was also the Chairman of the Caricom Police Association. We shared that. What we did, we built up a kind of camaraderie, we built up a kind of association that put Trinidad and Tobago in strong standing in the Caribbean Community.

We also had at the time our Prime Minister was the lead, of course, Minister

for Security within Caricom, and the then Minister of National Security Martin Joseph, God bless his soul, was also Chairman of CONSLE, Council for National Security and Law Enforcement Ministers. So in other words, we had the lead Prime Minister, we had the National Security Minister as Chair of CONSLE, we had the Chief of Defence Staff as Chairman of military chiefs and the Commissioner of Police. I say that to tell you that there was a strong understanding in terms of cooperation within Caricom. And we saw that deterioration took place from the time the last administration came in from 2010 to 2015. So when the Member for Naparima talks about international cooperation, let us start at the regional level.

We went further to look at our relationship with our international partners, international agencies. And I know that the Member for Port of Spain North/St. Ann's West mentioned our relationship then with international partners. The level of trust that they had and that, Madam Speaker, was a fact in the sense that we saw a level of deterioration to international cooperation even at that level. So when the Member for Naparima talks about that administration built and enhanced cooperation, as a matter of fact it deteriorated considerably.

He spoke about weapons of mass destruction, and I do not think he understands what weapons of mass destruction really are. It seems to have been lost in his definition of "weapons of mass destruction". So he made an inkling or a connection between that and the Member for San Fernando West, which again I felt was misguided.

Madam Speaker, when we look at the Bill itself, it suggests to us that this Government is heading on the right track. We are no doubt dealing with not just proliferation financing, which as it says here in the Act defined as:

“...providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials, including both technologies and dual-use goods...for non-legitimate purposes in contravention of any written law or, where applicable, international obligations;”

Madam Speaker, that definition has some bearing on us here within the Caribbean. While we do not deal or handle nuclear and biological weapons and so on, we are in a geographic position that affects us in terms of the trans-shipment or movement of biological materials based on our geography, based on where we are. We are in what we call, the “line of sight” or the “line of passage” for biological and nuclear weapons.

So there is a relationship between the Bill and what we are trying to do, and the amendments as mentioned by the AG are very significant in positioning Trinidad and Tobago in an area where we play our part within the international system, within the international world system. So, Madam Speaker, I want to impress that we are well on our way to re-establishing Trinidad and Tobago as a place where we can make our name and make our presence felt, to build, and this is what we have been doing for the last couple of years, Madam Speaker. We have actually been building back our relationship, building back the name of Trinidad and Tobago, taking it back from where the last administration took us down into the depths, where we lost our respect, we lost to a large extent—the name Trinidad and Tobago did not mean much during the last five years, between 2010 and 2015.

So even while we are dealing with our vision and our future, we still have to

continue rebuilding that foundation that we met, and one in which, Madam Speaker, mind you, we left it very much intact in 2010, you know, Madam Speaker. You recall that we were well about to secure our borders then and I go back—I want to draw reference to that also. But when we talk about international security and regional security and so on, and the deterioration that took place as mentioned by Naparima, you recall, Madam Speaker, that we lost, based on the decision that was made by the last administration, the offshore patrol vessels.

I know it is something we have spoken about time and time again, but it is not something that we should forget. We ought not to forget that when we left office in 2010, we had a definite plan to secure this country. We had a plan to secure the borders of this country. The offshore patrol vessels were not just vessels, they were not just ships, they were an operational platform that was designed to secure the borders of Trinidad and Tobago, and to give us again the long reach.

**Dr. Khan:** 48(1) please, Madam Speaker.

**Madam Speaker:** I have allowed you some latitude, but I think you should bring what you are saying into this Bill now, please. Thank you.

**Hon. Maj. Gen. E. Dillon:** Thank you, Madam Speaker. I am drawing reference to really and truly, because our borders have a lot to do with how we—in terms of how we participate or relate to the whole question of trans-shipment and so on, and the Bill speaks to that, in terms of trans-shipment and transport.

If you look at the definition I mentioned a while ago, it speaks to the movement of goods and services. It talks about trans-shipment, and that has to do with maritime. It has to do with the maritime domain, and therefore the offshore patrol vessels that the last Government failed to take, that are now the pride and

joy of the Brazilian navy called the “Trinidad Class Vessel”, it is something that would have allowed us to execute and implement aspects of this very same Bill we are talking about. So that is why I drew the reference into it. That is why I draw reference to the matter of the offshore patrol vessels, because it also secured our borders, which is why we are in the state that we are in right now, based on the decision that they took. So there is a relationship between the Bill and what we are dealing with.

As I said, I certainly wanted to get into this debate, really to debunk basically what the Member for Naparima said. And so with those few words I think I have done this. So thank you very much.

**The Minister of Health (Hon. Terrence Deyalsingh):** Madam President, there are a few points that have not been made here today, but just to recap what the public should know. To hear the contribution from Naparima again really is an exercise in futility. What we are here to do today is a Miscellaneous Provisions (Financial Institutions, Securities and Insurance) Bill, 2019. All we are doing—and this is why I do not understand why the UNC likes to throw red herrings at the public—we are here to do simply the following: to insert a definition for financing of terrorism into three pieces of legislation: the Financial Institutions Act, Chap. 79:09, the Securities Act, Chap. 83:02 and the Insurance Act, No. 4 of 2018, to include references to anti-terrorism. That is all.

Madam Speaker, what we are here about today has a direct responsibility and a direct link to our ability as a sovereign nation to do business with the rest of the world. Every time we come to this Chamber to do work on CFATF or FATF, the UNC always says why we are coming like a thief in the night. May I remind the public, when I was a Senator in the Red House—this goes back to 2010 in the

Red House—I distinctly remember the UNC coming with a piece of legislation at the last minute, because we were going to be blacklisted the following day.

I remember distinctly Sen. Faris Al-Rawi calling the then Leader of the Opposition and asking, what should we do? The Leader of the Opposition said if it is in the interest of Trinidad and Tobago, vote for it, vote for it, and we gave you the three-fifths. We gave you the three-fifths.

Madam Speaker, to say that this is three years in the making, in my humble view, is a gross oversimplification and misleads the population. What we are doing here is a mop-up exercise, a part of a mop-up exercise because it is a Miscellaneous Provisions Bill because of UNC slothfulness and UNC laziness, because this should been done even under your tenure.

If we do not do this today, what is at risk for Trinidad and Tobago? Talking about de-risking and international banking, what is at risk?

**Mr. Lee:** 55(1)(b), tedious repetition, the Member for Port of Spain North/St. Ann's West went through that.

**Hon. T. Deyalsingh:** No, not at all. He did not say that.

**Madam Speaker:** I am giving you a little leeway, Member for St. Joseph.

**Hon. T. Deyalsingh:** Madam Speaker, I am going down a totally different path today to the path taken by Minister Young.

If we do not pass this piece of legislation, Trinidad and Tobago, being one of the leading financial centres in the Caribbean, if we are de-risked, if we cannot engage in international banking, do our friends opposite understand the potential for financial havoc throughout the Caribbean—throughout the Caribbean? And that is why—

**Mr. Lee:** Mr. Young went through that, 55(1)(b).

**Hon. T. Deyalsingh:** No, he did not.

**Madam Speaker:** Please continue, Member for St. Joseph.

**Hon. T. Deyalsingh:** Minister Young did not take the Caribbean perspective. It is not only the economy of Trinidad and Tobago that could be affected. It is not only the financial stability of Trinidad and Tobago that can be affected. It is the entire Caribbean, because we trade. We trade with Jamaica. We trade with Guyana. We trade with Barbados. We trade with the OECS countries. We trade with Belize. This is what is at stake.

Madam Speaker, terrorism financing, whilst as the Attorney General said this has not visited our shores in any big way, we have to take cognizance of what is happening globally, whether it is the USA, attacks on US soil, France, the UK and most recently New Zealand. These people are financed, these things do not happen in a vacuum. We do not want that that takes place in New York, that takes place in Paris, London, New Zealand, to happen to Trinidad and Tobago. So it is absolutely crucial that we pass this piece of legislation here today. Because proliferation financing, where you provide funds for financial services to the manufacture, acquisition, possession, development, export—

**Mr. Charles:** Madam Speaker, Standing Order 55(1)(b).

**Hon. T. Deyalsingh:** Nobody said that.

**Madam Speaker:** Okay. Thank you again Naparima for inviting me, I will determine when there is tedious repetition. But thank you for inviting me. Please continue, St. Joseph.

**Hon. T. Deyalsingh:** The *Hansard* would show that no one has mentioned this definition of “financial financing” as yet.

Development, export, trans-shipment, brokering, transfer, stockpiling or use

of nuclear weapons—what Members said is that Trinidad and Tobago does not produce nuclear weapons. So that is what we are here about today.

Madam Speaker, what we also have to realize, as Trinidad and Tobago is part of a global village, there are other organizations in other countries that look at us, for example the Asia Pacific Group on money laundering. We have to make sure our laws are stable, our laws are robust so that we can be a meaningful part of the international community.

I know our friends opposite do not want this debate to happen because they are more concerned with their Monday Night Forum, but we are here to do the people's work, in the people's Chamber on a Monday.

With those few words, Madam Speaker, I want to thank you for the opportunity, and I thank you very much.

**The Minister of State in the Ministry of Education (Hon. Dr. Lovell Francis):**  
Madam Speaker, good afternoon. It is my pleasure to make a very brief intervention in terms of bringing some real-world comments to this Act.

Madam Speaker, oftentimes, and I have said this before in this Parliament, when we debate what seems to be very arcane or very obscure-sounding on the surface, laws and legal changes, we often lose sight of the real-world impact of either (a), making the law, passing the Bill to become an Act; or (b), failing to do so.

Madam Speaker, this Bill deals in a very direct way with circumstances peculiar to us, or circumstances that are affecting the entire world. For centuries banking has been a global industry. That is well understood by everyone. What we understand, in a very abstract way, but we need to understand in a very real way, is that crime, criminality and terrorism are also

global industries. And it is concerning here, but concerning everywhere, that there is a pollination or a filtration of the two.

The world has made a concerted effort over a number of years, decades, to deal with that circumstance, and whether or not we are a small island developing nation or a small economy, we are not exempt from the wide and global influence of crime, criminality, and the potential for terrorism, either home-grown or international.

So as a historian looking at this kind of legislation, a number of things come to mind. Sometimes it seems as though it is a whole old neo-colonial or colonial arrangement, where certain things are being dictated to us from on high, and we are just forced to conform. But, Madam Speaker—

**Mr. Lee:** 48(1), the relevance of colonialism in this debate.

**Madam Speaker:** Overruled.

**Hon. Dr. L. Francis:** Madam Speaker, I will reserve comment on the Member for Pointe-a-Pierre's lack of comprehension, but I will move on. [*Crosstalk*]

**Hon. Member:** 48(6).

**Hon. Member:** 48(4).

**Madam Speaker:** So, Member for Moruga/Tableland, while I know it is banter, probably we should try to avoid any sort of personal inflections. [*Interruption*] Member for Couva South, you know, we complain, the left hand complain with the right hand, but it is the same thing. Okay? So just withdraw and you continue. I had overruled the first point. So withdraw that and continue.

**Hon. Dr. L. Francis:** Madam Speaker, I withdraw and I will rephrase. Maybe he did not understand the direction I was going. So I will explain for his benefit.

It is a very easy conclusion to draw that this is a very sort of colonial

relationship, where large and powerful nations and their large and powerful institutions seem to make all the rules. We have no say in the rules, and then they seem to dictate that we follow a very specific pathway and we have no say in that. So if you look on the surface you might get that impression, but Madam Speaker, when you understand the dangers that are faced with an ever-expanding international criminal network, and the dangers faced by the reach and power of terrorism, we understand that sometimes strict and stringent measures must be enforced in terms of complying with certain international norms and rules and values.

Madam Speaker, on the converse side, if we do not take the time to ventilate and vet this Bill and then pass this Bill, there are very real consequences for us. It is not just very arcane talk about banking, wire transfers and all of that, they are very real-world problems that we can face that will affect us in the very, very short and immediate term, and can affect the long-term future of the country.

Madam Speaker, if you look specifically at the education sector and the tertiary sector. This nation is blessed to have a number of very bright, very talented young people, and we are very blessed to have an understanding as a nation that investing in their future works to all of our benefit.

**Mrs. Newallo-Hosein:** Madam Speaker, 48(1).

**Madam Speaker:** Overruled. Please continue.

**Hon. Dr. L. Francis:** I will avoid any comment, Madam President. We have hundreds of scholars all over this world and they are managed from the Ministry of Education. Many of them attend schools overseas. Many of them attend schools in Europe.

**Mrs. Newallo-Hosein:** 48(1), Madam Speaker.

**Madam Speaker:** Member for Moruga/Tableland, I allow you an opportunity to tie it in. Member for Cumuto/Manzanilla, I have overruled.

**Hon. Dr. L. Francis:** As I was saying, we have hundreds of scholars studying overseas, the UK, continental Europe, North America. The funding comes from the Ministry of Education. How are we supposed to pay their tuition if there is no corresponding banking? How are we to pay for them to stay wherever they are saying, on campus, off campus, to rent, without being able to do wire transfers?

**Mr. Lee:** Tedious repetition. It was said. That point has been said throughout by Port of Spain North and St. Joseph.

**Madam Speaker:** Overruled.

**Hon. Dr. L. Francis:** Thank you, Madam. Speaker, I am very sure, I have been awake throughout the entire debate, and I heard no one talk about education, or for that matter, no one talked about the impact of this Bill not passing, this this Bill not being ratified, could have on our very bright and very progressive young people who are studying overseas.

If we do not follow through these steps to ensure that our banking institutions locally stay within the parameters that are acceptable to the international banking community, that directly jeopardizes the education of hundreds of young people, and that, in a very real sense, jeopardizes the future of this nation. It is very fine for us to come here and debate minutiae. Talk about clauses, talk about impact, tweak words, play with semantics, but at the end of the day our failure to do what needs to be done—we have to some extent laboured over something that we should have had the maturity as a Parliament to understand, really works for the benefit of the entire nation. We laboured to pass FATCA; we laboured to do the Global Forum.

Miscellaneous Provisions (Financial Institutions,  
Securities and Insurance) Bill, 2019 (cont'd)  
Hon. Dr. L. Francis (cont'd)

2019.06.10

**Mr. Lee:** Madam President, 51(1)(b) again.

**Madam Speaker:** Did I hear you say 55(1)(d)?

**Mr. Lee:** (b) Madam Speaker.

**Madam Speaker:** Please continue, Member.

**Hon. Dr. L. Francis:** Thank you, Madam Speaker. Whereas I would contend that we really ought to have the maturity to understand that some things transcend the cut and thrust of politics, without doubt the consequences for our nation, in the broad sense the consequences for our banking industry, in a narrower sense the consequences for those young people who are so integral to our future development as a nation, rest on our responsibility, our ability, our willingness to do what is needful for all of us.

**5.30 p.m.**

Madam Speaker, it might sound obscure, it might sound arcane, but this kind of thing, this Bill, passing this Bill and ensuring that we stay within step—

**Ms. Ramdial:** Madam Speaker, 48(1).

**Madam Speaker:** Overruled.

**Hon. Dr. L. Francis:**—ensuring that we stay within step, Member for Couva North, in doing all that has to be done to ensure that our banking sector does not carry the burden of that kind of negative labelling that can be ascribed to it, is very important to all of us. And, Madam Speaker, with those few words, I thank you.

**Madam Speaker:** Member for D'Abadie/O'Meara. [*Desk thumping*]

**Brig. Gen. Ancil Antoine** (*D'Abadie/O'Meara*): Thank you, Madam Speaker, for giving me the opportunity to contribute to a very important Bill that really, a small amendment by the hon. Attorney General, as Trinidad and Tobago seeks to take its place within the national community and to live up to our international obligations.

**Mr. Indarsingh:** He “aint” read the Bill, you know. [*Laughter*]

**Hon. Member:** You “cyar” even read; what you talking about?

**Brig. Gen. A. Antoine:** In terms of the financial Act, in this modern day those who seek to enter into our borders use all different types of means to get financing as the case might be to get into our borders.

**Mrs. Newallo-Hosein:** Madam Speaker, 48(1).

**Madam Speaker:** Please continue.

**Brig. Gen. A. Antoine:** When the People’s Partnership was in Government they took a step that made our borders porous, and those who are involved in illegal acts and who use different means internationally to finance their activities—

**Mrs. Newallo-Hosein:** Madam Speaker, 55(1)(b).

**Madam Speaker:** Member for Cumuto/Manzanilla, unless you have a crystal ball, the Member has not said anything for me—and do not stand up to answer me, it is not a conversation. He has not said anything yet for me to know that it is tedious repetition. Please continue.

**Brig. Gen. A. Antoine:** Yes. They use all different means to finance, means of getting illicit drug, arms, ammunition as the case may be into our borders. It is a known fact that in the Amazon River valley they build submarines to get their drugs out of South America into the Caribbean Sea, and that needs financing.

**Hon. Member:** Of course, good point. [*Desk thumping*]

**Brig. Gen. A. Antoine:** And this Bill that is being amended will allow us, as the Bill clearly states in clause 2 to deal with “proliferation financing”, and it talks about in whole or in part the financing services, in “...acquisition, possession, development...”—

**Madam Speaker:** Okay. So I have allowed you some leeway to make an

introduction. Okay? And therefore, I think at this stage you can go into what your points are.

**Brig. Gen. A. Antoine:** Thank you, Madam Speaker. The proliferation of financing is in all three aspects in terms of the Financial Institutions Act, the Securities Act, in terms of the Insurance Act, and it is a means by which the Government, following its international obligations, will deal with the different methods that those who are interested in getting into Trinidad and Tobago illegally will try to become involved.

**Hon. Member:** Through the river.

**Brig. Gen. A. Antoine:** Through all means. For instance, it is a known fact that drug dealers would buy aircraft, fly them to a country with drugs and abandon it. They have the money in which to finance these methods. And every loophole that we can plug to stop this from happening to our country is a plus for us [*Desk thumping*] and therefore, I commend the hon. Attorney General at this point in time in seeking to plug all these gaps. As I say, again, thanks to the activities of our previous government our borders are now porous and it takes a lot of work—

**Mrs. Newallo-Hosein:** Madam Speaker, 55(1)(b). I think the Member is being repetitious against his own self.

**Madam Speaker:** Member for D'Abadie/O'Meara, I will at this stage uphold the objection based on 55(1)(b) [*Desk thumping*] and the porous borders. It was well developed, I think you said it already, so move on to your next point.

**Brig. Gen. A. Antoine:** Thank you, Madam Speaker, and this also involves in terms of adding to the clause after the Anti-Terrorism Act, different clauses that the Attorney General no doubt would have done a lot of serious work, he and his staff, in bringing this Bill into Parliament. And I thank you for this short

contribution that I was allowed to make. Thank you very much. [*Desk thumping*]

**Madam Speaker:** Member for St. Ann's East. [*Desk thumping*]

**The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby Dolly):** Thank you so much, Madam Speaker, for the opportunity to intervene and to make an intervention in this debate on behalf of the constituency of St. Ann's East. I will not be long, however, the constituents of St. Ann's East think it very important that I stand and register that they are in support of Trinidad and Tobago being current with their international obligations especially with respect to the Financial Institutions Act, and to ensure that we are not in any way going to make our citizens disadvantaged by our lack of meeting these obligations.

Madam Speaker, this deals with proliferation financing and the whole issue of terrorism, and I note that last Friday in Trinidad and Tobago in Port of Spain there was an explosion, a small explosion happening, and if you had looked on social media at the response of our citizens to this kind of what was termed or could have been "terrorism", it would be, it would make it very clear that our world has reached to a point where we are not supporting this kind of action, and any measures taken to cut off the financial support [*Desk thumping*] to terrorism really has to be supported.

And so on that day, well I was not in the country, I was in Guyana at the time, and when the constituents started asking me questions because they wanted to know if I knew if this was actually terrorism meeting us here and, of course, we were all heartened by the response of the Minister of National Security, the quick response and everyone was glad that it was not terrorism, but that brought to bear the importance of us conforming to whatever international regulations would assist

our world, because we are a part of the global environment, and would assist us to not be so afraid.

And so, Madam Speaker, the constituents of St. Ann's East want to register that they are in support of these amendments insofar as it ensures that our country puts ourselves in the global scale as being opposed to any type of proliferation financing, to any sort of financing of terrorist activities as we well know as we harken back to those dustbin bombs that we had a few years ago, we well know that we do not want to be seen or even suspected of encouraging that kind of activity by taking ourselves off of the international register showing that we are not in support of that.

So, Madam Speaker, I do not want to be much longer and risk the ire of the Opposition, but I thought it very important to note that this is an important amendment that we are making to ensure that we register our disapproval of terrorism, and I think that it is incumbent upon all of us to ensure that this amendment is well supported. Thank you, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Member for Diego Martin North/East. [*Desk thumping*]

**The Minister of Finance (Hon. Colm Imbert):** Madam Speaker, I think it is necessary for Members opposite to understand the situation we have found ourselves in because of the failure of the former administration to do what they were supposed to do, Madam Speaker.

The problem that we face in Trinidad and Tobago today is not confined to the Financial Action Task Force. We are now subject to two other entities, namely the Council of Europe and the Global Forum. And what has happened to us in terms of these types of issues, the matter before the House, the need to amend several of our laws, namely the Financial Institutions Act, the Securities Act, the Insurance

Act which are all Acts that the Minister of Finance has to administer, Madam Speaker, what has happened to us in terms of the need at this time with respect to this piece of legislation is that we find ourselves not only under the microscope as it relates to the Financial Action Task Force and the Caribbean Financial Action Task Force, but also the Council of Europe and the Global Forum.

And what we have found is that the other two institutions that I have just mentioned, the Council of Europe and the Global Forum piggyback on the findings of the Financial Action Task Force, and in particular the Council of Europe does not do the same level of due diligence, the same level of investigation, the same level of face-to-face communication and dialogue with countries such as Trinidad and Tobago as does the Financial Action Task Force.

And I can tell you, Madam Speaker, that over the last three and a half years, the Attorney General has had to visit a number of countries and a number of jurisdictions and to carry a large team with him, including persons from the Ministry of National Security, the Director of Public Prosecutions office, the Financial Intelligence Unit of the Ministry of Finance, the Central Bank, the Securities and Exchange Commission. And every three months or so, I do not know how many times the Attorney General has had to hop on a plane and travel to various capitals of the world, in Europe in particular, in North America and go into face-to-face dialogue with all of these organizations in order to stave off the effects of what was done by the predecessor Government in the 2010 to 2015 period.

And I have here, Madam Speaker, a publication from the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism. And today, Madam Speaker, the proliferation financing that we are

looking at is a form of financing of terrorism because the definition in the Bill before us it is quite extensive. If you go to the council of experts definition, it is a much simpler definition but it means the same thing. And the proliferation of weapons of mass destruction are defined as the transfer and export of "...nuclear, chemical or biological weapons, their means of delivery..." and related materials.

And, Madam Speaker, in our Bill before the House we have defined:

" 'proliferation financing' means as the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical and biological weapons..."

The same type of weapons that the Council of Europe has identified.

Now, in this communique, Madam Speaker, from the Committee of Experts on Anti-Money Laundering and Financing of Terrorism, the Council of Europe told us that the issue of proliferation has received international attention for many years. A number of conventions provide for measures to detect and prohibit proliferation especially with regard to nuclear materials such as the nuclear non-proliferation treaty. These treaties do not however consider the aspect of financing proliferation which is what this is all about.

And, Madam Speaker, in 2004, the UN Security Council issued Resolution 1540 requiring states to put in place a number of measures in order to prevent the proliferation of nuclear, chemical or biological weapons. Subsequently, in 2007, FATF started to consider the threats related to proliferation financing and its interconnection with terrorism and terrorism financing. The interconnection, Madam Speaker, is based on the fact that proliferation might be a means for

supporting the undertaking of terrorist activities, its disruption is therefore essential for the prevention of terrorist acts.

And in addition, Madam Speaker, the undertaking of proliferation financing often uses the same channels as terrorist financing. So the measures that countries have to apply need to disrupt proliferation financing and need to be similar to the measures applied to counter-terrorist financing.

Now, Madam Speaker, this has been going on a very long time. This Bill that is before us is merely the culmination of a number of measures that have been in formation since 2008, Madam Speaker. And if I look at the FATF report in 2010 because my colleague, Port of Spain North/St. Ann's West read out the current FATF document which is a 2019 document, but since 2010, February 2010, I have in my possession a statement put out by FATF entitled, "Combating Proliferation Financing: A Status Report on Policy Development and Consultation", Madam Speaker.

And in this document, Madam Speaker, at that time, this is nine years ago, FATF was looking at the international response to proliferation financing, scope for financial measures to counter proliferation, definitions of proliferation financing, and one of them we see in the Bill today, it has evolved a lot since the year 2010. Criminalization of proliferation financing, and this is what we seek to do here in the amendment to the financial— [*Interruption*] I am sorry. I was just holding the piece of paper in my hand, Madam Speaker. This is what we seek to do here in the amendment the Financial Institutions Act, the Securities Act and the Insurance Act.

And arising from this document in 2010, it flowed into contents like asset forfeiture, and we have recently had a quite a lot of debate in this place and in the

other place with respect to asset forfeiture. And then you had the whole concept of mutual legal assistance and extradition and so on. And then, Madam Speaker, there were targeted financial sanctions such as UNSCR 1540 and other targeted financial sanctions, Madam Speaker. So that in 2010, if I go now to “targeted financial sanctions”, for example, these can be a positive and effective measure in disrupting WND proliferation—

**Mrs. Gayadeen-Gopeesingh:** Madam Speaker, 44(10).

**Hon. C. Imbert:** 44(10)—what is 44(10)?

**Madam Speaker:** Member, the objection is, how much reliance you are making on your notes, but I realize that you are referring to a particular document, but please be reminded this is a debate.

**Hon. C. Imbert:** Madam Speaker, I have a lot of notes here, you know, this is only the first one, you know.

**Ms. Ramdial:** You do not have to read all of them.

**Hon. C. Imbert:** Oh, I intend to read all of them, until I am—Madam Speaker, until you decide that I am in breach of the Standing Orders, it is my intention to refer copiously to my notes. And, Madam Speaker, this is a very—you see, Members opposite may want to trivialize what is a very serious matter.

**Mr. Hinds:** Quite so.

**Hon. C. Imbert:** They may wish to trivialize it, but the whole point of explaining how this issue has evolved since 2008, Madam Speaker, as a member of the Manning administration during the period 2001 and 2010, I was witness to the initiation, the evolution and the creation of the whole concept of the requirement for a financial intelligence unit in Trinidad and Tobago, and that was something that evolved in 2007/2008. And if you look at the timeline from these documents

that I am reading, they also start in the period 2007 and 2008. And you see, we as a country, we need to go back into the past to understand our future, Madam Speaker.

So that I remember being a part of a government and we had to decide how would we create a financial intelligence unit to make us compliant, because what this Bill is all about, Madam Speaker, is achieving compliance with the requirements of these international bodies, the Global Forum, the Council of Europe and the Financial Action Task Force.

So, I recall back in 2008, we had to decide what kind of financial intelligence unit we would want. Would we want a stand-alone entity? Would we want an entity that is autonomous and completely independent? Should it have prosecutorial powers? Should it be an administrative unit? Should it be a department of the Ministry of Finance, Madam Speaker? Because at the time there were many models around the world.

And remember this entire framework of countries of the world looking around the world looking at things like anti-money laundering, terrorist financing, it was now evolving, Madam Speaker, and we eventually decided to go with a department of the Ministry of Finance being our Financial Intelligence Unit; we used that model. And if I digress, I remember the Member for Siparia subsequently using power of veto, I believe—

**Hon. Member:** Yeah. Yeah.

**Hon. C. Imbert:**—for the power of veto to select the head of the FIU, and this is after we came out in 2010, Madam Speaker. But the whole point is that it all started in 2008. This country was required to establish a financial intelligence unit, it started with that, and then we had to have financial rules. So you will see the

Financial Intelligence Unit over time, over the last eight years or so, eight, 10 years developing various rules for regulated businesses like real estate companies, car dealers, lawyers and pawn brokers and so on, and then you have financial obligations regulations pervading its way into the banking system, but that was not enough, that was not enough.

You see, the reason why we are here today, Madam Speaker, is this thing has a life of its own, so every six months something new occurs. And, in fact, the Attorney General you are going off to the United States in the very near future, and we just hosted the Financial Action Task Force/ [*Device goes off*] Caribbean Financial Action Task Force here in Trinidad and Tobago.

**Madam Speaker:** Just for all Members, for all Members, we are very familiar with the Standing Orders. Could everybody ensure that their phone is off? The Member with the offending phone, if you can go off, take care of your phone and return when you are sure that your phone is on silent. Member for Diego Martin North/East. [*Desk thumping*]

**Hon. C. Imbert:** Yes, Madam Speaker. So as I said, to understand our future we must understand our past. And whereas Members opposite like to trivialize matters, perhaps they have somewhere to go that is more important than here, we need as a country to understand what is going on.

So that we were required to establish this unit, and then we were required to introduce regulation of financial institutions and other types of listed businesses and so on, but as I said, these things have a life of their own.

So as the FATF evolved and became more powerful, and you came up now with the concept of a blacklist, Madam Speaker, and I recall, I distinctly recall back in the tenure of the previous government, I think it was 2011 or 2012,

Trinidad and Tobago was placed on a negative list, let us call it that—

**Mr. Al-Rawi:** That is right.

**Hon. C. Imbert:**—a negative list because of corrective action not taken by the former administration. And as a result, Madam Speaker, a number of citizens were told to close their accounts in financial institutions in the United States, particularly persons who had online brokerage accounts.

I saw a letter myself, and I came to this Parliament, Madam Speaker, and I raised a matter on the Motion for the Adjournment, and I read out correspondences from brokerage houses in the United States indicating, financial brokerage houses indicating that Trinidad and Tobago—this is 2012 we are talking about, some year like that, 2013—Trinidad and Tobago was now on a list of non-cooperative jurisdictions. And I saw the letter telling of a citizen of Trinidad and Tobago, “I am sorry. We can no longer allow you to trade online on the United States Stock Exchange, the New York Stock Exchange anymore, we are closing your account”, because Trinidad and Tobago is now on a list of uncooperative jurisdictions deemed to be a jurisdiction that did not have sufficient laws to deal with money laundering and “dirty money” as it is called, Madam Speaker. So that was five years ago.

And what has happened since then? FATF has continued, and that is under the previous administration. So really I urge Members opposite, do not trivialize these things, these things are very, very serious. [*Desk thumping*]

So that in 2012, around the same time, the FATF issued another guideline, Madam Speaker, called “Best Practices Paper to Recommendation 2 Information Shearing and Exchange Related to the Financing of Proliferation Among Relevant Authorities at the Domestic Level”. And in this paper, FATF set out best practices

for information sharing and exchange among authorities relating to the financing of proliferation, giving guidance on facilitating implementation of Recommendation 2, and the sharing of information between or among anti-money laundering counter-terrorism financing authorities, and authorities responsible for combating weapons of mass destruction; which is where we are today, Madam Speaker, this is since 2012.

Remember they were in government, eh, they were in government, and at that time we were not part of the Global Forum or we were just about being introduced to the Global Forum by the former administration. At that time you did not have the Council of Europe piggybacking on the work of the Financial Action Task Force.

**Mr. Al-Rawi:** That is right.

**Hon. C. Imbert:** In fact, it only happened within the last couple years. So that in 2012, you had the Financial Action Task Force issuing these guidelines with respect to framework for information sharing between relevant authorities, identifying the agencies which may or may not need information to combat the financing of proliferation, possible mechanisms by which relevant agencies cooperate and where appropriate may coordinate domestically to combat the financing of proliferation.

So, I am introducing this information into the Parliament, because as I said, it is necessary for us to understand where we are and where we are going if we go back in time and understand where we have come from; so that was 2012.

And then we come now to 2013, where in 2013 FATF, again, issue a communique in June 2013, Madam Speaker, entitled the Implementation of Financial Provisions of United Nations Security Council Resolutions to Counter

the Proliferation of Weapons of Mass Destruction”.

So, I have spoken about 2008, 2010, 2012 and now we come to 2013. And in 2013, FATF went one further, one step further and started to talk about financial sanctions, and that is what is important in all of this. We need to understand the implications of not passing this Bill here today. What will happen to Trinidad and Tobago, citizens of Trinidad and Tobago, companies operating or incorporated or registering in Trinidad and Tobago, Madam Speaker, what will happen to them if we as a Parliament do not pass this legislation and deal with this issue of proliferation financing, which is, as I told you, Madam Speaker, has been evolving since 2008, 2010 to 2012, 2013. So we now come now to 2013, Madam Speaker.

And again, this guidance in 2013 was designed to consolidate and update the previous guidance papers issued by FATF such as the implementation of financial provisions with the UN Security Council Resolution; and we heard a lot about the UN Security Council today. We heard the Member for Naparima saying that Trinidad and Tobago could never ascend to the heights that St. Vincent has ascended to by becoming a member of the Security Council. That was completely repudiated by the Member for Port of Spain North/St. Ann's West who pointed out [*Desk thumping*] that the first Caricom nation that became a member of the Security Council was Trinidad and Tobago in 1985/86 under a PNM Government.

So in 2013, FATF issued this guidance to consolidate further previous documentation including the implementation of financial provisions of the UN Security Council Resolutions to counter the proliferation of weapons of mass destruction which is a June 2007 statement made by the United Nations Security Council. And also the implementation of activity-based financial prohibitions under UN Security Council Resolution 1737 of October 2007, and the

implementation of financial provisions of the UN Security Council Resolution 1803 of October 2008. So you see how the thing is evolving, 2007, 2008, '10, '12, '13.

**6.00 p.m.**

And FATF also issued this communique to assist countries in implementing targeted financial sanctions relating to the prevention of weapons of mass destruction proliferation, and I just spoke to one sanction that citizens of Trinidad and Tobago was subject to in 2015. But the previous Government, what did they do? In all of this melee where you have FATF constantly updating its guidelines and its information with respect to what will happen to countries if they do not comply, they do not become compliant with all the requirements of all these international bodies, what did Trinidad and Tobago do? Trinidad and Tobago joined us up to the Global Forum. And having done that then the previous administration did very little to comply. And I can say as Minister of Finance, when I came in—and I am not, this is not hearsay because this is something that directly affected me—one of the first things I had to do in September of 2015 was to write a letter, as the Member for Port of Spain North pointed out, to the Global Forum asking for time, because the previous administration had agreed to a deadline of September 30, 2015, for full compliance with Global Forum requirements, Madam Speaker. And of course, that was impossible.

We won the election on September the 7<sup>th</sup>, and we were sworn in as a Cabinet on September 11<sup>th</sup>, so we had 20 days to comply with Global Forum. And it was absolutely impossible, the Parliament had not even been convened yet, and most of the compliance was legislative in nature. It had to go through both Houses of Parliament and regulations had to be drafted and implemented and enforced. Of

course that was absolutely impossible, Madam Speaker. So that we sought an extension of time which we received, but since then the goalpost keeps moving. The goalpost keeps moving. Every other day there is some other issue that these large countries are forcing small countries to comply with, and there is very little we can do about it. We could quarrel about it, we could complain about it, we could make a set of noise and so on, and say that we are sovereign countries and we do not have to listen to these large countries, but then what happens, Madam Speaker? Trinidad and Tobago might be an island in the physical geographic sense, but it is not an island in terms of its place in the world, in terms of being a part of the global financial structure.

So, if a bank in Trinidad and Tobago has to send money—a person in Trinidad and Tobago wants to send money through a Trinidad bank to purchase goods or services in a foreign country, they have to use something called a correspondent bank. And, let us use FCB for example. One of FCB's correspondent banks is Wells Fargo of New York. So, if a person in Trinidad and Tobago wants to send funds to Kansas, say, to buy materials for petrochemical plant in Trinidad and Tobago or a factory making plastic bags as simple as that, you have to go through a correspondent bank. In this case it will be Wells Fargo of New York. What has happened with all of these organizations, FATF, Global Forum, EU Council of Ministers, and so on, is that they have told countries that they must stop these correspondent banking relationships with other countries that are not compliant with Global Forum, FATF and EU Council of Experts.

So, it is a sort of a creeping problem that is coming at you. So every couple months there is a new issue you have the deal with. One of these things we have to deal with, not just this proliferation financing, but we also have the question of free

zones in Trinidad and Tobago coming at us, and all of these entities have told us that we must either close down or severely restrict our free zones in Trinidad and Tobago, because in the free zone there is what they consider to be unequal tax treatment of players, so that persons with a free zone would have to pay less tax than someone outside of a free zone and so on. You know what is the hard part about all of this, Madam Speaker? One of the largest countries in the world with the largest free zones is China, for example. But they do not take on Global Forum and them, because they are huge. They are huge. So a huge country like China could say they are not bothering with the Global Forum because they are too big, so that people have to trade with them. But a little country like Trinidad and Tobago, you “cyah” say that, you know. You “cyah” say, “We will ignore Global Forum, we do not care what they have to say, we would ignore FATF, we go ignore EU Council of Ministers.” Because what will happen is that the banks in these countries will decide it is too cumbersome, it is too difficult, it is too tedious and too expensive to do business with people in Trinidad and Tobago, because of the number of conditions that you will have to fulfil in order to become compliant. So that we do not have the size, and we do not have that sort of power in the world that we are a huge economy, the second or third largest economy in the world so that we can—

**Mr. Young:** They are the second largest.

**Hon. C. Imbert:** Yes, China is the second largest so that they can chart their own way and countries have to do business with them. They have no choice. You have the United States for example. Recently you would have seen where the Council of Ministers—and I am reading from a document here which is the Council of Europe, which is piggybacking on FATF and demanding this amendment before

us. You had a situation where the EU Council of Ministers decided to list a number of countries in the world which, as far as they were concerned, were not compliant with these Global Forum requirements.

**Mr. Lee:** Madam Speaker, 55(1)(b).

**Hon. C. Imbert:** What?

**Mr. Young:** What? Nobody speak when you were—[*Inaudible*]

**Mr. Lee:** The same.

**Hon. C. Imbert:** Madam Speaker, they would not even know what the Council of Europe was if it hit them in the face. [*Desk thumping*] Sit down and be educated nah! So, Madam Speaker—sorry. [*Crosstalk*]

**Madam Speaker:** Member for Diego Martin North/East, I know sometimes you really want to get your point over, but I think with all of that we have to be parliamentarians and honourable. Okay, so please exercise a little tolerance. You may proceed.

**Hon. C. Imbert:** Thank you very much, Madam Speaker, I good.

**Madam Speaker:** Member, you may proceed.

**Hon. C. Imbert:** Thank you very much, Madam Speaker. [*Desk thumping*] Thank you very much for your ruling that I am totally relevant and not repetitious. The whole point is, Madam Speaker, that just a little while ago the Council of Ministers in Europe decided they will negative the United States of America and Saudi Arabia.

**Mr. Hinds:** Yes.

**Hon. C. Imbert:** Yes. So you have to understand what we are dealing with here in Trinidad. You have this institution in Europe where almost by “vaps” does get up one day and just say, right, these countries of the world are not compliant and

we are going to negative list them, grey list them, black list them as the case may be. Madam Speaker, and that actually happened the other day where a number of US territories—Puerto Rico was listed by the EU Council of Ministers as being non-compliant. And, Madam Speaker, my equivalent in the United States, the head of the US Treasury, came out immediately and completely repudiated the actions of the EU Council of Ministers and told banks in the United States to just ignore them. Now, the United States could do that.

**Mr. Al-Rawi:** Yes, they could do that. They are the president of FATF.

**Hon. C. Imbert:** And I am being told by the Attorney General that the United States is the president of FATF. But they came out and told their banks in their territories, just ignore these people in Europe. But we in Trinidad and Tobago we cannot do that, Madam Speaker. We cannot do that, because as far as they are concerned we must comply, and by this legislation before us—

**Madam Speaker:** Member for Diego Martin North/East, your original 30 minutes are now spent. You are entitled to 15 more minutes to complete your presentation.

*[Desk thumping]*

**Hon. C. Imbert:** Madam Speaker, I now come to the February 2018 FATF guideline on counter-proliferation financing. So, we have gone 2007, '08, '10, '12, '13, we now go to the 2018 which is the most relevant aspect of all of this and why we have to do what we are doing today, Madam Speaker. And, Madam Speaker, in 2018, or February 2018, just about over a year ago, apart from targeted financial sanctions. Remember I showed you how this thing evolved. First it started with a concept, then they required us to establish a Financial Intelligence Unit, then they required us to publish financial obligation regulations, then they—

**Madam Speaker:** Member for Diego Martin North/East, I think those points were

very well made in chronological order, and well appreciated. Please continue.

**Hon. C. Imbert:** Oh, thank you very much, Madam Speaker. So, we are now coming to 2018, and the point I was making, Madam Speaker, is they have now moved beyond financial sanctions, which is the point that was introduced in 2013, they started to introduce the concept of sanctions. They are now introducing a requirement for inter-agency cooperation and coordination among authorities, and also supervision and monitoring of compliance.

So, we come to the point now where it has moved from its embryonic stage into a situation now where not only must we comply, but we are now under supervision. We are now being monitored, and this thing, as I said, has a life of its own where we are required every couple months to go and defend ourselves. And as the Attorney General said, I think we were the first country in the world to be in the last stage of FATF compliance. Is that it? Again, all because of the position we found ourselves in in the previous administration. Let me come back to the free zones now, Madam Speaker. We have free zones operating in this country over 20 years now, 25 years, and if we have to do what we are required to do we may have to close down these free zones, and this is a significant employer of people, a significant contributor to the economy, a significant source of economic activity.

So right now one of the things we are doing, because even though we are small, even though as a country we are small, we do not have the might of the United States, we do not have the might of China, we do not have the ability to tell people, “Well, we are not taking this on and you can choose whether to trade with us or not.” I mean, I cannot imagine there is any country in the world that can make a decision to refuse or decide not to trade with the United States or China for

that matter. So, we do not have that kind of clout to say, “Well, doh trade with us, nah.” What we are doing is using our best efforts to lobby, to engage in dialogue, to engage in discussions, to try and get these institutions, the Council of Europe, the Financial Action Task Force, the Global Forum, to see things our way, to understand that Trinidad and Tobago should not be on these lists.

I recall a very interesting conversation with the head of the Global Forum, or one of the directors of Global Forum back in 2015 and in 2016, when the Global Forum decided, look, Trinidad and Tobago is not compliant. They have not done what they were supposed to do, and unfortunately we are going to have to put them on a list to indicate some sort of negative connotation in terms of being a tax haven. And in fact the headline in the newspapers shortly thereafter was that Trinidad and Tobago had been listed as a tax haven. And I got a call from one of the key people in the Global Forum in France, I believe, and called to apologize and he says, “They are very well aware in the Global Forum that Trinidad and Tobago is a real country.” Those were his words. “We know that Trinidad and Tobago is a real country. You are not a tax haven. You are not harbouring terrorists. You are not a centre of money laundering. We know that.”

But, unfortunately, we require certain legislative changes, and until and unless you complete these legislative changes, we are going to have to put you on this list that makes people who do not know where Trinidad and Tobago is, and do not know what Trinidad and Tobago is, and do not know that we have a highly regulated financial sector, may conclude that Trinidad and Tobago is like some of the other tax havens in the world. He apologized, and they in fact sent people from the Global Forum to speak to us, and to tell us what we could do to correct the matter. But, unfortunately, Madam Speaker, the things that we need to do require

a special majority. Unfortunately. And we have an Opposition that has decided to drag every piece of legislation that requires a special majority through a Joint Select Committee for two years, three years, sometimes four years, and sometimes it comes out with no results at all.

And I go back to what the Attorney General said, that he was at a meeting and they were reading out things said by the Opposition about Trinidad and Tobago and what they would do and what they would not do, and these people take very careful note of what is said in this country, and in this Parliament, and even when we pass this Bill here today it still does not complete the whole thing. It does not complete the whole thing. Because there are many things we have to do in order to become compliant, but we are constantly working at it. The Minister of Foreign and Caricom Affairs, for example, went to Germany recently, just about two weeks ago, and took with him a senior public servant from the Ministry of Finance, the one that is assigned to dealing with Global Forum matters, and someone from the Attorney General's office, in face-to-face meetings with people from Europe who wish to have a greater contact and dialogue with countries of Latin America and the Caribbean, specifically to deal with matters of this nature. And we were able to make some inroads there with face-to-face meetings as a country, our Minister of Foreign Affairs and our technocrats were able to make inroads and progress in terms of dialogue with these European countries in Germany.

And this is what it takes, and regrettably this is what it is going to take for the next several years, they are going to have to have many visits, many missions going to Europe in some of the other countries in the Caribbean. The visits have been done at the level of the Prime Minister. The Prime Minister of St. Lucia, for

example, went off to Europe recently, Madam Speaker. So the point is, over the last 10 to 12 years there has been a concerted effort in the world to deal with terrorism. And the fundamental principle that is being addressed in this Bill is combating terrorism. [*Desk thumping*] That is what this Bill is all about. If you strip away all of the fancy language what you will find is that this Bill is all about combating terrorism. And the world has really become united because of what has happened. I guess it was driven by what occurred in 9/11. I guess that is where this push in the world—I mean, they had other incidents. Incidents in Bali and so on, incidents in France and so on, but the world is now quite united in combating terrorism, and they are trying to hit terrorism wherever they can.

Because what the terrorists were doing, one of the things in addition to this proliferation financing, one of the things the terrorists were doing to finance terrorism is they would send small sums of money by wire transfer. So, whereas the requirement for reporting financial transactions that are done in the normal ways are quite a significant sum, there is a limit for wire transfers of US \$1,000. So if you send a series of wire transfers of US \$1,000 you are going to attract the attention of the international authorities and you are going to run afoul of various financial regulations. So what the world is doing, and why we in Trinidad have to do that, what is in this Bill today, is that we all have to do our part to combat terrorism, Madam Speaker. And therefore with those few words, I am pleased to contribute to this Bill. I thank you, Madam Speaker. [*Desk thumping*]

[*Hon. R. Mitchell and Dr. R. Moonilal stand*]

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

**Dr. Roodal Moonilal** (*Oropouche East*): San Fernando East again, if you had spent time in the gym you would have won again today. [*Laughter*] I am so sorry,

again.

Madam Speaker, just a few words. I want to take this opportunity to thank you for joining this debate. I want to indicate that we have listened to the Member for San Fernando West, we have listened to the Member for Naparima who made a brilliant contribution here today [*Desk thumping*] and I want to advise in my opening statement, Madam Speaker, in my introduction, I want to advise the Attorney General to take the opportunity to wind up this debate rather than filibustering, and ensure that—[*Desk thumping*] and, Madam Speaker, please, I want to tell the Government they can run but they cannot hide. You cannot bring freedom of information and pensions at 12 o'clock midnight tonight and seek to undermine our democracy in the night.

**Mr. Young:** 48(1), Madam Speaker.

**Dr. R. Moonilal:** So I call upon the Attorney General to end this farce and this sham now, and wind up this debate. [*Continuous desk thumping*] Madam Speaker, I thank you.

**Mr. Young:** 48(1).

**Madam Speaker:** Okay. So, Member for Oropouche East, you have got your opening. Let us hear you on this Bill.

**Dr. R. Moonilal:** Madam Speaker, I thank you. This is a sham and this is a farce. Thank you. [*Desk thumping*]

**The Minister of Tourism (Hon. Randall Mitchell):** Thank you, Madam Speaker. [*Desk thumping*] I thank you for the opportunity to contribute to this Act to amend the Financial Institutions Act, Chap. 79:09; the Securities Act, Chap. 83:02, and the Insurance Act, No. 4 of 2018. And, Madam Speaker, let me say at the outset that the Member for Oropouche East cannot deny a Member of this

Miscellaneous Provisions (Financial Institutions,  
Securities and Insurance) Bill, 2019 (cont'd)  
Hon. R. Mitchell (cont'd)

2019.06.10

House, [*Continuous desk thumping*] putting the views of his constituents on the record. And, Madam Speaker, I am sorry he left, because the Member for Oropouche East is a constituent of mine, and I speak on his behalf.

**Mr. Hinds:** “Aaaah”, “yuh understand”. [*Laughter and desk thumping*]

**Hon. R. Mitchell:** And, Madam Speaker, I am very happy for this short contribution. Madam Speaker—[*Interruption*]

**Hon. Member:** The issue would have been dealt with, protection.

**Hon. R. Mitchell:** Thank you very much, Madam Speaker.

**Mr. Hinds:** This barroom voice.

**Hon. R. Mitchell:** Madam Speaker, I am happy to join my colleagues in support of this Bill on behalf of the people of San Fernando East. Madam Speaker, it is the view of the people of San Fernando East that the proliferation of the weapons of mass destruction should be condemned [*Desk thumping*] and those who are involved in the financing of the weapons of mass destruction should be made pariahs of this country.

**Mr. Newallo-Hosein:** Madam Speaker, 55(1)(b).

**Madam Speaker:** Continue.

**Hon. R. Mitchell:** Thank you very much, Madam Speaker. We are again here debating this Bill in keeping with our global obligations, and when we speak about the Financial Action Task Force we speak about anti-money laundering. The hon. Attorney General would have brought certain measures to this honourable House to deal with anti-money laundering counterterrorist financing, as the Minister of Finance would have just spoken about, and proliferation financing.

And, Madam Speaker, just give me the opportunity to remind this House that money laundering occurs after the predicate crime, where funds are to be

introduced into the financial system. Madam Speaker, it is dirty funds that we attempt to put measures in place for to prevent the dirty money from getting into the financial system. But, Madam Speaker, with counterterrorism financing and proliferation financing, it is a little different where clean money, money that is already in the financial system can be used to further the crimes of terrorism and the crime of proliferation financing, which is related to terrorism. And, Madam Speaker, we would have debated recently in this House the Bill related to non-profit organizations, and the non-profit sector. And I had given the example in that debate of where there is no regulation of the non-profit sector, how easy it is for—

**Mr. Newallo-Hosein:** 48(1), Madam Speaker. 48(1).

**Mr. Hinds:** What is your problem lady?

**Madam Speaker:** Please continue.

**Hon. R. Mitchell:** I had given the example, Madam Speaker, where unregulated non-profit sector could lead to terrorist financing as well as proliferation financing, Madam Speaker. So, Madam Speaker, I support the hon. Attorney General in this Bill, I reject everything that the Member for Naparima has said, and on behalf of the people of San Fernando East, I support this, including Oropouche East, and including the Member for Naparima—

**Mr. Charles:** Who? You cannot come—[*Inaudible*]

**Hon. R. Mitchell:** Madam Speaker, we support this Bill, and I thank you for the opportunity. [*Desk thumping*]

**Ms. Ramona Ramdial (Couva North):** Thank you, Madam Speaker, for this opportunity to contribute on the Miscellaneous Provisions (Financial Institutions, Securities and Insurance) Bill, on proliferation, funding and financing. Now,

Madam Speaker, we have heard the previous speakers give the definition, as Diego Martin North/East and the Member for San Fernando West, they gave all the background and the history to this particular piece of legislation that they have brought here today. And when we look at the guidelines that the Global Forum and the CFATF report has in terms of how we implement these pieces of legislation that we have signed on to, I just want to draw reference to a model in the US that has been put forward as a piece that other countries can follow.

So, Madam Speaker, one of the questions asked:

“Why is the prevention and detection of proliferation and its financing important?”

And in this particular document:

“Proliferation financing facilitates the movement and development of proliferation-sensitive goods. The movement and development of such items can contribute to global instability and may ultimately result in a loss of life, if proliferation-sensitive items are deployed.”

Another question to ask in terms of recommending to countries to set up their model and their system:

“What are the difficulties faced with identifying proliferation and its financing?”—And:

“There are a number of difficulties associated...”

One:

“A growing trend in the purchase and sale of elementary components, as opposed to whole manufactured systems. The individual elementary components may also have legitimate uses (dual-use goods), making their identification for illegitimate purposes even more problematic.

Dual-use goods are difficult to identify, requiring specialist knowledge and can be described in common terms with many uses such as ‘pumps’.”

Thirdly:

“Networks through which proliferation-sensitive goods may be obtained tend to be complex. This, combined with the use of false documentation, allows for proliferation-sensitive goods, the entities involved, the associated financial transactions and the ultimate end-user to avoid detection. Front companies, agents and other false end-users are often used to cover up the ultimate end-user.”

And fourthly, the:

“Risk of proliferation financing is more likely to be present in cases where the source of funds is legal and the end-user of a type of goods involved is obscured, making identification of such activities difficult.”

So, Madam Speaker, these are some of the difficulties identified when you are trying to deal with proliferation and its financing. So, what I would say, as a country when we implement this, AG, and I am asking the question, what sort of mechanisms or systems are you going to put in place really to deal with the identification and how we identify proliferation funding? Another question, Madam Speaker:

“What are the relevant international obligations in respect of proliferation and its financing?”

And in the US we have the UN Security Council Resolution 1540, the UN, sorry Security Council Resolution Non-Proliferation of Weapons of Mass Destruction, and we spoke about that earlier on. And they also went on to mention that:

“Whilst the primary focus...”—on this particular—“UNSCR 1540”—that I

mentioned earlier—“is the implementation of export controls, a number of jurisdictions have implemented targeted financial sanctions in order to meet the finance-related obligations contained in UNSCR 1540.”

Another question, Madam Speaker:

“Are there any proliferation and proliferation financing offences in...”—Trinidad and Tobago?

That is another question that we need to ask ourselves. And in the US:

“There are three offences in...law relevant to the development, production, acquisition, retention and transfer of nuclear, biological and chemical weapons. And those three offences apply in respect of acts performed outside...”—of the US—“nationals resident in...”—the US—“and bodies incorporated under the law of...”—the United States.

So, again, AG, this is something to consider in terms of dealing with proliferation financing.

**6.30 p.m.**

Madam Speaker, as I go on:

“7. What Reporting Obligations Apply?”

So in this particular case model, the proceeds of crime law, I know we have the Proceeds of Crime Act here, AG. The crime and security—

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 44(10), please. Is the whole speech going to be reading out—

**Ms. R. Ramdial:** I am referring to a model—

**Mrs. Robinson-Regis:** But you have not linked it to anything. [*Crosstalk*]

**Madam Speaker:** All right, okay. [*Crosstalk*] Members, Members. The Member raised a Standing Order, I am entitled to rule on it. And I will allow you some

leeway because I think you are referencing, okay? So please continue.

**Ms. R. Ramdial:** Thank you, Madam Speaker. [*Desk thumping*] So what reporting obligations apply? So as I said before, the Proceeds of Crime Act that we have here in Trinidad and Tobago, the crime and security law, the terrorism law, well we also have that also that has been passed here. So these are some of the laws that can apply in terms of reporting obligations with respect to proliferation financing.

Another question to ask in terms of making this law applicable:

“8. How can Proliferation and its Financing be Targeted?

22. There are two recognised mechanisms by which proliferation can be targeted; namely export controls and financial measures.”

What are export controls, Madam Speaker? Export controls, they are very important and:

“23. Proliferators”—they—“act globally...”

The Member for Diego Martin North/East read too, you know. Right.

“23. Proliferators act globally, masking their acquisitions as legitimate trade. Proliferators are known to exploit global commerce, for example by:

- operating in countries with weak export controls;”

And we need to ask ourselves, in Trinidad and Tobago do we have weak export controls? And the Attorney General in his winding up can probably answer that.

- “• utilising free-trade zones where the obtaining and/or shipping such goods are more likely to escape scrutiny;”

And the Minister of Finance addressed that aspect of free zones when he was

reading off his laptop.

In addition to that:

- “● operating in countries with high volumes of international trade.”

We need to ask ourselves, are we a country that operates with high volumes of international trade? So that is why these export controls are important and these questions are important to ask.

Madam Speaker—

- “24. Export controls are...the primary counter-proliferation safeguard, focused on preventing the illegal transfer of proliferation-sensitive goods.” And—“Reports to the United Nations...suggest that only 80 out of 192 countries apply export controls, with varying degrees of implementation.”

So one can say in Trinidad and Tobago we have weak export controls. Another may argue—a Government member may argue and say, no, we have strong export controls. But from the stats given here, only 80 out of 192 apply export controls. So the big question is, are we applying our export controls? Another question, Madam Speaker, that we can ask:

“11. Why are Financial Measures Important?

32. Financial measures act as a supplement to effective export controls, to address the financial activity associated with proliferation. Similar to international criminal networks, proliferation networks use the international financial system to carry out transactions and business deals. Institutions should be alert to the possibility that their customers may be engaging in,

or facilitating, proliferation activities.”

So financial measures are important. I remember in a previous Bill that the Attorney General brought to the House, we had issues with NGOs, you know, their operations of fundraising and then taking those moneys and sending it to other countries where it was suspected that they were sending funding for terrorist groups. So financial measures are very important and how we address them. Now, there are suggestions that:

- “33 ...three areas where institutions might have responsibilities in relation to proliferation financing, namely:
- a. the risk assessment of customers and”—their—“products;
  - b. enhanced due diligence on high-risk transactions and entities; and
  - c. special attention to trade finance and insurance products.”

So financial measures with these three can really help in terms of applying proliferation financing laws. Another question, Madam Speaker, that we can ask:

- “12. How Should Risk Assessments of Customers and Products Take into Account Proliferation and Proliferation Financing?”

And a—

- “34. ...current risk assessment practice should be proportionate, given the overall proliferation risk associated with the activities undertaken by the institution. For example, an institution operating internationally or with an international client base will generally assess a wider range of risks, including proliferation risks, compared to a smaller domestically focused institution.”

Another factor that we need to look at is the:

“Country/Geographic Risk...

Customer Risk...

Product and Service Risks...

Enhanced Due Diligence on Higher-Risk Transactions and Entities...

13. What Verification can be Sought Regarding Goods?”

This is another recommendation that we can make to implement here.

“45. Identifying whether a particular good is a dual-use good or otherwise a proliferation concern, is acknowledged to be difficult. Thus, in higher risk scenarios where the customer is importing or exporting goods, institutions should be alert to the need to mitigate against inadvertent proliferation financing. This can be achieved by asking the customer for the following:

- valid export licences; or
- licence not required letters that are less than three months old.”

And—

“46. If a customer is unable to provide the information referred to above, then an alternative is to ask that the customer provide evidence, by reference to export control requirements in the relevant jurisdictions, that the goods being exported do not require a licence.”

So this is a mechanism and a recommendation for the Government to follow.

Another question we can ask in terms of making this law really workable:

“14. Should Special Attention Be Given To Trade Finance And Insurance Products?”

And, it is being suggested that:

“47. A fairly significant proportion of proliferation activities will use trade finance as a vehicle. Thus special attention should be given to certain trade finance and insurance activities, for example...”

Madam Speaker:

- “● direct loans or general credit facility to facilitate export transactions;
- purchase of promissory notes or bills of exchange issued by foreign buyers to exporters for the purchase of goods and services, freeing up cash for the exporter;
- factoring - the purchase or discounting of a foreign account receivable for cash at a discount from the face value;”—and—
- “● provision of guarantees to or by financial institutions on behalf of exporters such as pre-shipment guarantees and performance guarantees;”

Now, Madam Speaker, they have also identified a list of:

“15. Red Flag Indicators”

“48. To assist with”—the—“awareness of potential proliferation financing a list of red flag indicators are...”—given.

And some of these red flag indicators for information purposes, “Customer”, with respect to the customer:

- “● The customer is involved in the supply, sale, delivery or

purchase of dual-use, proliferation-sensitive or military goods, particularly to higher risk jurisdictions.

- The customer or counter-party, or its address, is the same or similar to one of the parties found on publicly available lists.
- The customer is a military or research body connected with a higher risk jurisdiction of proliferation concern.
- Customer activity does not match the business profile.
- Customer is vague, particularly about end user and end use,”— and—“provides incomplete information or is resistant to providing additional information when sought.”

**Madam Speaker:** Member for Couva North, I have given you a lot of leeway, but you cannot in a debate read a whole article.

**Ms. R. Ramdial:** Yes.

**Madam Speaker:** And while it is dealing with proliferation financing, I think you really now need to tie what is here into what you are contributing there from that article. Okay? Thank you.

**Ms. R. Ramdial:** Thank you, Madam Speaker, I am about to wind up anyhow. So what I will do is just summarize some of the other recommendations that were given. And I can probably send the document across to the Attorney General later on. So, we have red flag indicators to the “Customer”; we have “Transactions/Orders” that are also red flag indicators; we have “Jurisdiction” in terms of the:

“Countries with weak financial safeguards...which are actively engaged...”

So those are red flag indicators.

Other indicators, Madam Speaker, I just want to quickly identify, the:

- “● Final destination”—is—“unclear”—of the—“end-user.
- Project financing...
- Declared value of shipment...
- Inconsistences in information contained in trade documents...”—  
and—
- “● Use of fraudulent documents and identities...”

Those are some of the red flag indicators.

**Madam Speaker:** And I still need you to tie it in to what we—

**Ms. R. Ramdial:** Well, Madam Speaker—

**Madam Speaker:** All right, tie it into this.

**Ms. R. Ramdial:** Thank you, yes. So as I tie in, Madam Speaker, [*Laughter*] this particular model actually is a list of recommendations after we have implemented this legislation into our system, that can be used to develop in order to identify and deal with proliferation financing. [*Desk thumping*] And, Madam Speaker, I want to strongly suggest that, I mean, yes, all is well with good legislation laid, but it is how we implement and use them to protect and safeguard our citizens. I thank you, Madam Speaker. [*Desk thumping*]

**The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds):** Madam Speaker, I had the displeasure of hearing an emotive outburst from the Member for Oropouche East a moment ago, who contributed nothing to this very important matter that is gaining the attention of this House on this evening. [*Crosstalk*]

Madam Speaker, I am not surprised at his behaviour. It reflects a level of ignorance—

**Hon. Members:** Madam Speaker, 48(4). 48(4), Madam Speaker—[*Crosstalk*]

No, no, no.

**Mr. Mitchell:** That is not a bad word.

**Madam Speaker:** I am not sure who stood and on what Standing Order, because two people stood. Member for Laventille West, and again—

**Mr. Indarsingh:** Madam Speaker, 48(4).

**Madam Speaker:** Member for Couva South, if any time later you want to join the debate, I will allow you to join it in a proper manner. Member for Laventille West, I would like you to put that in another way. Okay? It sounds a bit like if it is a personal reflection. I do not think you mean that. So with all your eloquence, I am certain you can put it in a way that will be acceptable to my ear.

**Hon. F. Hinds:** Madam Speaker, if I can assure you, it is never personal, particularly when it comes to the Member for Oropouche East. Madam Speaker, I try to use words in their pure and their most innocuous sense. I use the word “ignorant”, and I am not going to repeat it in the context in which I just used it, I am just saying I used it innocently. It simply means a lack of understanding, a lack of knowledge. It was as simple as that. I meant no harm.

Madam Speaker, I was making the point however, that I was not surprised at the apparent lack of understanding and sensitivity displayed by the Member for Oropouche East, because in 2005, I recall, Madam Speaker, I had the occasion— and I am linking this, and before I go one stage further, let me congratulate the Member for Diego North/East. [*Desk thumping*] His contribution was more than scholarly, Madam Speaker, it was prolific, as we spoke about proliferation financing.

Madam Speaker, I recall, I recall when in 2005 I had the honour to present the Anti-Terrorism Bill to the House of Representatives for its consideration. I

distinctly recall Members of the Opposition and, in fact, in the wild publicity that it generated there was arranged—and the Member for Barataria/San Juan participated if my recall is right. There was arranged, a forum at the University of the West Indies, I was invited, the Member for Barataria/San Juan I think was also invited on a panel, Gillian Lucky as well—

**Hon. Member:** Justice.

**Hon. F. Hinds:** Justice Gillian Lucky as she now is. And we went there, I think Alan Alexander of Senior Counsel chaired those proceedings, and I found myself defending in Trinidad and Tobago the wisdom and the policy of the Government that supported the Anti-Terrorism Bill at the time. Because they argued, Madam Speaker, that terrorism did not exist in Trinidad and Tobago and by bringing such a bit of legislation it would actually create the ire of terrorists so far away from us in the world, and that it will encourage them to be aggressive towards Trinidad and Tobago. That was what we heard, but we disregarded that as we normally do and we acted in the public interest, we passed the Bill.

Today it is the law of Trinidad and Tobago and as the Attorney General would oft tell us, and as the Member for Diego Martin North/East told us today, in the absence of that legislation we would have been faring very badly in the assessment that our international partners, whether it is in the Global Forum, whether it is in the Caribbean Financial Action Task Force or the more general and larger Financial Action Task Force, we would have been faring very badly had we not done that. Because as the Member for Diego Martin North/East pointed out accurately in my submission, this really has to do with terrorism. Something that unfortunately we experience though, fortunately, on a much lower scale in Trinidad and Tobago, because you may recall, we had a couple of bombing

incidents around Port-of-Spain and one in St. James, where a citizen of this Republic, I think from the Arima district, lost a leg on Frederick Street.

**Dr. Rambachan:** A 63-year-old lady.

**Hon. F. Hinds:** A 63-year-old lady, I am being reminded by my friend, the Member for Tabaquite. Bins, they were using bins and as I speak about bins, I spent time in another country where standing next to a bin was a frightening exercise. In those days, the IRA, as a hostile group in the British Empire, representing a separatist philosophy, threatened citizens everywhere across England with bombings, with attacks. And one of the favourite places, they used bins on the underground rail system and created mayhem. Terrorism is quite a serious matter. And we are very vulnerable to this in Trinidad and Tobago. So what we do here, and I too must congratulate the Attorney General because he has been very focused, acting on behalf of the Cabinet, the Government and all of the people of Trinidad and Tobago, whether they understand or not, whether they appreciate what he is doing or not. This is not only about satisfying our international obligations, but equally, Madam Speaker, it is about protecting the people of Trinidad and Tobago.

It is about that. We have quite some vulnerabilities in Trinidad and Tobago that we in the national security platform must pay attention to. And the threat is not only and always homegrown and like every other country we have homegrown issues. We have individuals in Trinidad and Tobago, in fact we are reputed, sadly, to be the highest producer or exporter of citizens who would go to fight and support terrorist activity in other parts of the world—

**Mr. Charles:** Per capita.

**Hon. F. Hinds:** Per capita. So we are not immune to what is happening, and when

they finish with their training and their philosophy of suicide attacks and all the mayhem that they learned to create, and very skilled in the use of arms and creating and building bombs and developing methods to hurt many more than one or two people at a time, they come back to Trinidad and Tobago. And we find that since they would have committed no crime in Trinidad and Tobago, there was a time we were unable to deal with them, but of course the hon. Attorney General identified this as a problem and recently we moved amendments to create offences and to protect the people of Trinidad and Tobago from people who are deemed and known to be terrorist fighters abroad.

So, what we are doing here today, Madam Speaker, is of signal importance in the lives of the innocent people of Trinidad and Tobago. The terrorists do not discriminate. I was in London in 2017, I happened to be there at the time when there was an attack on the Parliament. In fact you, Madam Speaker, sent me to London to participate in a parliamentary programme there. I was there. Fortunately, not in the area of the issue, but there was a terrorist activity by a homegrown terrorist to that jurisdiction, using not a weapon of mass destruction or even a firearm, but using a vehicle which the world has seen within recent years has become a major tool and a weapon in the hands of the terrorists.

So when we talk about proliferation financing and financing generally, it is all part of this very sinister activity that is terrorism in the world. And in that incident, Madam Speaker, just to remind myself, just to remind myself and Members, in the event that we forget, in that incident 49 people were injured and 6 eventually died, using a vehicle. That included: 11 British citizens of the people injured; US citizens; Romanian; four people from South Korea; three from France; two from Greece; two from Italy; one each from Australia, China, Ireland, Poland

and Portugal; and 18 of them not stated in terms of their nationality. I went through that, Madam Speaker, to make and to underscore the point I am making, that the terrorists are non-discriminatory in their approach. Once they could get a plane down with 567 people or thereabout, it does not matter to them who is in the plane, ages, religion, “hmm, umm”, their success is what it is.

So, Madam Speaker, what we are dealing with here today is as serious as that. So when the Member for Oropouche East jumps up, screams and takes his seat without making any contribution to this, he thinks he has done himself a favour. He was applauded by his colleagues on the other side—[*Crosstalk*] showing callous disregard for the seriousness of what we are dealing with here. And, Madam Speaker, so important it is, we had to amend this, the anti-terrorist Act, on no less than four occasions or even more.

In 2010, in 2011, in 2012, 2014 and we would continue because compliance is the key and I do not have to repeat it, I think all of my colleagues in this House now understand that failure to comply with our international obligations, at least in terms of the CFATF and FATF arrangements, 40 Recommendations, 11 outcomes, all expected of us, and the Member for Diego Martin North/East was telling us that in the scheme of things, in the geopolitical environment in which we are and in terms of power relations in the world, what China could do, what the United States could do, what perhaps England could do, little Trinidad and Tobago cannot. So we are obliged in the circumstances as he explained, to comply to the letter with these moving goal posts, because as we have discovered, when you fix one thing something else is presented to you. And it is a moving target, but Trinidad and Tobago is faring very well and must be congratulated.

Madam Speaker, not too long ago when the uncaring attitude that you saw

here today through the lips and the conduct of the Member for Oropouche East, was manifest and displayed by his entire government team, and it is manifest in the sense that when they were at the wicket, if you may permit a metaphor, they did absolutely nothing other than commit us to another line of obligations in the Global Forum but they did nothing to get us there, nothing. We are now in a position where a week and a half ago, I had the good fortune to attend some of the assessment that was taking place on Trinidad and Tobago's standing in terms of these obligations at the Hyatt, did not stay very long because I had other state business, but I was quite pleased to see and to hear and to understand the way they spoke of Trinidad and Tobago and the work of our Attorney General in advancing our cause and he must be congratulated. [*Desk thumping*]

Madam Speaker, the Member for Diego Martin North/East quite rightly pointed out, and I think it is a moot point in some ways—moot is not the word I was looking for but I could not find it. It is now accepted that it was 9/11 as a global event that really drove a lot of the activity that we are seeing now, that event. And, Madam Speaker, it is out of that that a lot of the movement that is taking place and the need for compliance has been driven. But in terms of that, a lot happened inside of the United States of America.

I speak here on behalf of the people of Laventille West this evening and I am concerned because we have schools, we have a special education project focusing on 21 primary schools in the Laventille area, four secondary schools, and we have other institutions. I speak on behalf of them and every single thing that is emerging before us today is of interest to this Member of Parliament because I see vulnerabilities all around. But in the United States following 9/11, they realized they had some issues in terms of their own security. They had the silo

phenomenon where some agencies, the FBI had information that the police department may not have had. And as a result of that—and the CIA may not have had, and as a result of that, out of that was born the Homeland Security concept, where they put them all together and have a closer relationship, as our Minister of National Security told us in this House, much to my and hopefully our satisfaction, he has been trying to build that kind of thing in the national security effort in Trinidad and Tobago.

So as we discuss proliferation financing and we might think, we may think that this has only to do with issues in faraway places like the Middle East, it can affect us here, because this deals with nuclear, proliferation of financing to support nuclear and chemical warfare. I remember during the Gulf War as it came to be known, we saw Saddam Hussein display Scud missiles and I know the fear that the world carried. It turned out that he did not have weapons of mass destruction as some thought, but there was a fear that he had the capacity to deliver chemical warfare to far off places from Iraq.

And, Madam Speaker, [*Crosstalk*] it is in that sense—could you ask, Madam Speaker, the Member for Naparima, having jumped up and down in an earlier contribution like a wooden animated, you know, reminiscent of an object. He has now come closer to me here and is now interfering in my contribution. Madam Speaker, could you protect me from that toy.

**Mr. Mitchell:** Masquerading as the Member for Caroni Central.

**Madam Speaker:** Member for Laventille West—

**Hon. F. Hinds:** My Lady—

**Madam Speaker:** I am sure it is not going to continue. You just—

**Hon. F. Hinds:** I am obliged.

**Madam Speaker:**—train your discussion this way.

**Hon. F. Hinds:** I am obliged. I see he has departed my company. [*Crosstalk*] Madam Speaker, quite a serious matter as I was saying before “Duppy” got in my way, quite a serious matter. And, Madam Speaker, proliferation financing is not only about chemical and biological issues, it is also about nuclear issues, and if the citizens of Trinidad and Tobago, paying close attention to this debate as I think they do and should, we had—this world, when I say “we”, there was in this world the so-called—in 1986.

I remember it well, the Chernobyl disaster, where there was a meltdown of a nuclear plant in the Ukraine, Eastern Europe.

**7.00 p.m.**

**Mr. Charles:** Western Europe.

**Hon. Member:** Eastern Europe.

**Hon. F. Hinds:** You see? The Member for Naparima, shouting across at me, Western Europe, you know. [*Crosstalk*] And that man represented Trinidad and Tobago at the United Nations, you know. [*Crosstalk*] Madam Speaker, can you protect me from the Member for Naparima? He probably had some eddoes punch.

**Hon. Member:** Yeah. [*Laughter and crosstalk*]

**Madam Speaker:** Member for Naparima, you had your opportunity, and what I would like to say is if there are things you would like to say, having used your opportunity you can pass notes to another Member on your side to contribute. Member for Laventille, I expect with your experience you will train your contribution this way—

**Hon. F. Hinds:** Most certainly.

**Madam Speaker:**—and you would not allow yourself to be distracted.

**Hon. F. Hinds:** I thank you very much, Madam Speaker. I just remembered that he told me he grew up on eddoes which he got from his backyard, and he lived adjacent to a cemetery. [*Desk thumping and laughter*] It appears as though the roots of the eddoes got into some cadaver somewhere. [*Laughter and crosstalk*]

**Madam Speaker:** Members, please abide by the Standing Orders in terms of the crosstalk. Crosstalk is not permitted and every Member who gets up to speak, therefore, will also abide by relevance. We will forget about the eddoes and the cadavers. [*Laughter and crosstalk*]

**Hon. F. Hinds:** Madam Speaker, let me return to this very unfortunate human experience of the Chernobyl disaster just to share with my colleagues that when we talk about proliferation financing here today, we are talking about, as the definition says, let me remind my colleagues:

“‘Proliferation financing’ means the act of providing funds or financial services which are used, in whole or in part, for the manufacture, acquisition, possession, development, export, transshipment, brokering, transport, transfer, stockpiling or use of nuclear chemical or biological weapons and their means of delivery and related materials, including both technologies and dual-use goods used for non-legitimate purposes...”—

**Mr. Charles:** Standing Order—

**Hon. F. Hinds:** I am reading the definition. What—

**Mr. Charles:** Standing Order 55(1)(b). The definition has been read by endless—more than seven speakers already.

**Hon. F. Hinds:** So, Madam Speaker, am I not entitled, as a Member of this House—

**Madam Speaker:** Unfortunately, there is no right of rebuttal on a Standing Order.

Please continue, Member for Laventille West.

**Hon. F. Hinds:** I thank you, Madam Speaker. Madam Speaker, as I was saying, let me try to pick up and will not start again:

“...including both technologies and dual-use goods used for non-legitimate purposes, in contravention of any written law, or where applicable, international obligations;”

Madam Speaker, the simple point is, it includes the threat of nuclear and I was saying, particularly to the younger citizens, those born around and after 1986, who may not have occasioned to read this history, in that Chernobyl disaster in the Ukraine, 237 people suffered from what they call acute radiation sickness. Thirty-seven people died within three months of that meltdown and the exposure to that radiation. It took 66,000 people, or thereabout, to begin and to carry on the clean-up exercise of that. And in so doing, 5,722 of those 66,000 people became casualties in the very clean-up. That is how dangerous this thing is.

We use nuclear for power, but it is very, very, very dangerous and proliferation financing in this time is focused on preventing development of these arsenal—that kind of arsenal, and the systems of delivery, because the world is a very small place. And now that we know that the world is interconnected, now that we have a better understanding in terms of our ecological systems and we are afflicted by Sahara dust in the Caribbean, in Trinidad and Tobago, and such matters, these issues are not very far away.

In the first four years, the scientists observed that 350 animals were born with strange complaints: extra heads; missing heads; missing ribs; missing eyes; deformed skulls. All of these—and cancers—have been affecting the people in that part of world constantly since that time. It is anticipated that the death toll arising

out of that should be about 4,000 people altogether, and the cancer issues going forward. So these are very, very serious matters. And let me bring this to our local experience. We have been having a series of robberies and all kinds of crimes in the Caribbean. Let me say that. And these criminals, you may think that they are ordinary street criminals looking for a hustle, but they accumulate over time, millions of dollars. And if they are connected, as in some cases they are, in the radical stream to terrorist groups, we have to pay attention to this and to determine, with proper enquiries, what is this money being accumulated and to be used for.

So, Madam Speaker, this whole situation is of serious concern to serious people in Trinidad and Tobago, and it falls to us as parliamentarians as we amend the Financial Institutions Act, Chap. 79:09, where the Securities Act is to be amended here, and the Insurance Act, as financial institutions—and the reason for this is because in the business of financing, these institutions could be used in ways that we did not intend them. And these amendments today do not stand on their own, I want to remind my friends. They form part of a patchwork, if you like, a quilt arrangement. You know granny used to take little bits of cloth and weave them into another—

**Mr. Charles:** Crochet.

**Hon. F. Hinds:** Not crochet—and before long you have what we call the quilt. It is not crochet. “Dah” is not crochet. The Member for Naparima, shouting “crochet” again. [*Laughter*]

**Dr. Moonilal:** Tell us about the eddoes, the purpose of the eddoes. [*Crosstalk*]

**Hon. F. Hinds:** So Madam Speaker, these do not stand on their own. They come alongside a whole host of other matters that the Attorney General and this Government have been presenting, as we put together this quilt, in the protection of

the people of Trinidad and Tobago on the one hand, and on the other hand, complying with our international obligations so as to prevent Trinidad and Tobago from becoming what is known as a pariah, or an outrider state and interfering with the quality of life of the people of Trinidad and Tobago. Because when you become an outrider or an out-layer or a pariah state by virtue of non-compliance, well, I do not have to repeat it. All of the adverse consequences would flow.

So, Madam Speaker, let me reflect for my colleagues, some of the things—because nobody has spoken about this yet, so 55(1) is not an option. Not one person in this House—and I listened very carefully and took copious notes, Madam Speaker, of all, especially the Member for Oropouche who wasted one minute of our time—

**Dr. Moonilal:** And that affected you.

**Hon. F. Hinds:** Affected me? I tell “yuh” I stand unmoved. Madam Speaker, now that we understand what proliferation financing is in the theoretical realm, and now that we understand where it fits into the ugly business of terrorism, regional, local, international, we need to be acutely aware of the situations which indicate to us that there is proliferation financing activity, similar to the anti-money laundering, counter-terrorist financing practices that we are expected to put in place in all of the financial institutions. Under the Proceeds of Crime Act, which is all in articulation with the anti-terrorism law, with these amendments—

**Madam Speaker:** Member for Laventille West, your original 30 minutes are now spent. You are entitled to 15 more minutes to complete your contribution, if you wish.

**Hon. F. Hinds:** Thank you very warmly, Madam Speaker. Madam Speaker, under the Proceeds of Crime Act, Chap. 11:27, which, as I indicated before you caught

my attention in that procedural Motion, there are, what we call—what is now known as listed businesses. And these include: real estate businesses, motor vehicle sales businesses, gaming houses of which there are many in Trinidad and Tobago hiding under the umbrella of—what you call them?

**Hon. Member:** Private members.

**Hon. F. Hinds:** Private members clubs: pool betting, national lotteries online betting games, even jewellery. And talking about that, not too long ago in this country there were some people buying very expensive jewellery. They have them. So when the civil asset forfeiture operators begin to work, they also must pay attention to jewellery, because there are some people who acquired very expensive jewellery that may not be easily linked to their income. And I know what that is. I had the displeasure of having to stand in public in this country and defend my home, which a former Attorney General, in a debate in this Parliament, suggested was involved in corruption, and within the meaning of the Proceeds of Crime Act which articulates with anti-terrorism and the amendments we are making here today, hence my mentioning it, Madam Speaker.

And Madam Speaker, I saw that house on the television and I had to defend it and I had to show this country—I had a press conference and I told the Integrity Commission, the Police Commissioner, the UNC, there is a straight line between my house and the FCB at the corner of Park and Henry Street. Everything you want to know right there. They did not bother to do, but they insinuated that I got my house, which I built while we were in Opposition, by the way—but there are those who have accumulated very, very precious gems and jewellery. They may have to account for them in due time.

But that is not the point I am making. That was just en passant. The real

issue is, under the Proceeds of Crime Act—and we do have, as well, the private members' clubs, and then there are listed businesses, attorneys-at-law, accountants, trust and company service providers, art dealers and all these, listed in the Proceeds of Crime Act. So, Madam Speaker, the point I am really making, as my time seems to be coming upon me, is that there are some possible proliferation financial activities that we have to look out for. The 2008 FATF typologies report on proliferation financing provides a starting point to assist both public and private sectors in understanding the threats and situations where customers' transactions and other account activities may be involved in proliferation financing. And the elements, Madam Speaker—permit me, Madam Speaker. I read it earlier, but I cannot boast of having retained all of it. Permit me just to read a couple of them, with your kind leave. Madam Speaker, the elements that may indicate proliferation financing includes: transactions that involves persons or entities in a foreign country of proliferation concern.

So just as the UN has identified the democratic Republic of Korea and Iran, and that kind of thing, there are countries that are identified with proliferation concern and if you are dealing with those countries, that is a signal that we have something to look at: Transactions that involve a person or entity in a foreign country of a diversion concern. It is known to us—when I say so, the world—that there are some countries that are used to divert. So you start with that country, but the financing will go to the third country.

Madam Speaker, the customer or counter-party or its address, if the customer or counter-party or its address is similar to one of the parties found on publicly available lists of denied persons, or has a history of export control contraventions, a freight forwarding firm is listed as the product's final destination.

So the list as the product's final destination, the name of the firm that they are sending either money or these materials to, in the context of the definition: Transactions which involve a shipment of good's incompatibility with the technical level of the country to which it is being shipped. For example, there might be a country that does not have a nuclear power plant but they want certain precursor chemicals.

Madam Speaker, just on that note, when you purchase vegetables today in Trinidad and Tobago, to tell you how restrictive the thing has come, you may want to disinfect those—you want to sanitize them before you cook them, and I used to purchase, up to about three years ago, something called Condyl's Crystals, and you would put these in water. It is purple in colour. It would dissolve and you could wash your cabbages and your fruits and vegetables in there, and then you would consume them safely. I found that I could not get this in the drugstore anymore and then when I did further enquiries they have banned this product from export and trade because they are using them to make weapons for the use of terrorism. And so, Madam Speaker, I just mention that going forward. So if a country that is not known to have certain kind of operation or development, and materials and so, are going there, then that is an indication that it is something, a red flag we should look at.

[MR. DEPUTY SPEAKER *in the Chair*]

As well, transactions that involve possible shell companies, companies that do not have a high level of capitalization or display other shell company indicators. And Mr. Deputy Speaker, now that you have taken the Chair, I must remind you, recently—because I made the point before you took the Chair, Mr. Deputy Speaker, that these amendments today come alongside many other pieces of

legislation that we have been systematically putting in place to protect ourselves, to protect our visitors and certainly in terms of satisfying compliance requirements. But recently the Attorney General came in here with the Non-Profit Organisations Bill and passed it. That had to do with trying to deal with shell companies and people hiding assets behind these paper companies, and so on. So everything is of great significance going forward.

Transactions that demonstrate links between representatives of companies exchanging goods, same owners or management; circuitous route of shipment. So imagine you want to send something from Trinidad—just to give an extreme example—to, say Barbados, and the thing goes to Europe first, and then comes through Miami and then comes to Barbados, that raises red flags. All of these listed here are not by whim, it is because of our human experience. Those who are responsible for monitoring these activities would have seen these things and are urging us in our own protection and in our cooperation for world peace and world safety, to pay attention to these things.

And finally, there is a list of about 20, but I have just chosen about five of them. I will give two more: Customer vague incomplete on information it provides. Resistant to providing additional information when queried. You see like when you ask hard questions and they do not want to answer? That is a sign: or new customer requests a letter of credit transaction awaiting approval for a new account; wire transactions or payment from, or due to parties not identified on the original letter of credit or other documentation.

Mr. Deputy Speaker, as my time heads to its expiration, an old police officer told me that once a crime is committed it cannot be uncommitted. That is a very wise comment. So once a crime, whether it is a financial crime or a terrorist crime

or a money laundering, there are footprints and it cannot be uncommitted. And, therefore, the evidence is always there and the signs are always there. What Trinidad and Tobago lacked are amendments like the type we are putting in place today, which is why we must do it. And Trinidad and Tobago, up to recently, lacked the civil asset forfeiture law, which, fortunately, we have put in place. So I would like, as I conclude, to congratulate the Government of Trinidad and Tobago [*Desk thumping*] because, bit by bit, we have been making the legislative platform firmer and deeper and stronger and against the background of the fact that crime, even financial crimes, cannot be uncommitted. The future is bright, and therefore, with those things said, I would like to commend these amendments forcefully to this House and I urge all of our support for them. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

**Mr. Deputy Speaker:** I recognize the Attorney General.

**The Attorney General (Hon. Faris Al-Rawi):** Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I thank my learned colleagues for engaging in what is a very important debate. The reason for this level of engagement is multifaceted. It includes the fact that, as hon. Members have already observed, the international community pays attention to what we are saying. And it is not lost upon the rest of the world as they reflect upon what we do in this Chamber, that the words on *Hansard* are read by persons that are rating us and observing our situation. And, therefore, I wish to commend, in particular, hon. colleagues on this side of the House who have taken time to demonstrate the commitment that Trinidad and Tobago has with respect to this law. [*Desk thumping*]

Mr. Deputy Speaker, the substantive contribution coming from those opposite was offered by the Member for Naparima and the hon. Member started by

saying that this law was a disrespectful law. He said it was rushed. He said that this debate was something that could have been managed in quicker time, because the hon. Member posited that with the June 2016 publication of the Financial Action Task Force via the CFATF mechanism's mutual evaluation of Trinidad and Tobago, the hon. Member said, you had since June 2016. And he made the submission that the Government did nothing for three years. The hon. Member then went on to speak about international cooperation and he spoke to that, and the series of activities in April 2015. The hon. Member sought to list a number of matters which the Member for Siparia engaged in and which then Government engaged in. And he regaled us with stories and submissions of him being—the hon. Member then being Trinidad and Tobago's representative at the United Nations.

**Hon. Member:** President of the General Assembly.

**Hon. F. Al-Rawi:** President of the General Assembly, according to the hon. Member. And then the hon. Member went on to state, in very bold fashion, that Trinidad and Tobago, under the leadership of the Member for Siparia, Mrs. Persad-Bissessar, Senior Counsel, that Trinidad and Tobago, he said—I quote: “When we left we were ready to be delisted.”

So let me start with the Member's submission: “When we left we were ready to be delisted.” If you listened, Mr. Deputy Speaker, to everything the Member for Naparima had to say, if you accepted that the Members' contributions were truthful, accurate account of the UNC's performance, I must ask this question: How then, when the Financial Action Task Force team and the Caribbean Financial Action Task Force team came to rate Trinidad and Tobago in January 2015, according to the Member, Trinidad and Tobago was ready; UNC was ready,

international cooperation was ready, how on earth did we fail the mutual evaluation report? How on earth did we fail the mutual evaluation report in our immediate outcomes, 11 out of 11 failures? In our 40 recommendations, barely five compliant marks.

If you listen to the Member for Naparima, the UNC was ready. Mrs. Persad-Bissessar was ready. The Member for Siparia was ready. The meetings with Le Pen caused the hon. Member to be ready. So how then did the international assessors come to this country to fact-check Trinidad and Tobago at the invitation of the Deputy Chairman for the Caribbean Financial Action Task Force—with a “fella” by the name of Anand Ramlogan—Trinidad and Tobago’s representation saw Attorney General Ramlogan as the deputy chairman for the Caribbean Financial Action Task Force. When we were assessed in January 2015, Mr. Ramlogan sat as deputy chairman and watched Trinidad and Tobago fail the entire exercise.

**Hon. Member:** You serious?

**Hon. F. Al-Rawi:** It is shocking for this country to know that it was the Prime Ministership of the Member for Siparia that agreed that Trinidad and Tobago should be the first in CFATF to be assessed; first in the Fourth Round Mutual Evaluation; first in the exercise where we had not finished the Third Round Mutual Evaluation. They say, “Forget third round. Roll it up in fourth round. We ready.” You know why? Because they listened to the Member for Naparima, obviously, because the Member for Naparima just told this Parliament that the UNC had Trinidad ready for the exercise. Obviously, the UNC must have believed that, because they decided, we, in Trinidad and Tobago, we will be the first country in CFATF, and one of the first countries in the world to undergo Fourth Round

**Mutual Evaluation.**

And what happened? Complete and abject failure. So if we take the word of what is demonstrated in the mutual evaluation report on Trinidad and Tobago, published in June 2016 in hundreds of pages of black and white, we read what the international assessors from the world had to say about us, that is on one end of the spectrum which I call the truth, and then we listen to the Member for Naparima come and tell this Parliament the other end of the spectrum which clearly cannot be reflective of the truth.

So let us start off with characterizing the submission in the polar sense of what the whole world had to say about us versus what the Member for Naparima has to say about us.

**Mr. Hinds:** Untruth.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, it gets worse. The Member for Naparima, boasting just now in crosstalk about the positions the hon. Member held in the United Nations, the hon. Member says in his intellectual meanderings, “Trinidad and Tobago, we on a list. We liming with Ethiopia, Iraq, Sri Lanka, Syria.” He said, “Syria eh ha no government, but the PNM is the Government in Trinidad and Tobago. Trinidad is one better.”

Making a mockery of our country comes a gentleman who lived on the high-end of life in the United Nations, in lap of luxury as the hon. Member lived, Naparima has to say “we liming on the list” and then he goes on to say, the hon. Member: “St. Vincent and the Grenadines come off the list, how is it Trinidad and Tobago cyah come off the list?”

**7.30 p.m.**

Mr. Deputy Speaker, intelligence requires some degree of homework.

Submissions which go on the record of the *Hansard* require research. The hon. Member said he read whole weekend, he is an expert on the United Nations—I am coming to that submission in a little while. The Member for Naparima as an expert, a paid representative living in the lap of luxury for Trinidad and Tobago at the United Nations, comes to tell us “St. Vincent get off the list”.

Mr. Deputy Speaker, you know what is shocking about that submission? St. Vincent has not undergone its Fourth Round Mutual Evaluation yet. They are on the list because they are in the Third Round Mutual Evaluation. And having come off the Third Round Mutual Evaluation, the extreme intelligence of the well-paid, high-end life of the United Nations living that Naparima experienced, where he is exposed to the UN resolutions you know, because the FATF applies the UN resolutions. We have to hear Naparima tell us that St. Vincent off the list. I mean, for heaven’s sake that is called intelligence absent in action. That is what that is called. [*Desk thumping and crosstalk*] Intelligence absent in action. Running round wild not knowing what you are saying or what you are doing, intellectually speaking.

**Dr. Moonilal:** 48(4). [*Crosstalk*] It is offensive to be speaking about the Member for Naparima in that way. 48(4).

**Mr. Deputy Speaker:** Member for Oropouche East, I am not sure I am on the same wave length that you are thinking and in that term, I overrule. Proceed.

**Hon. F. Al-Rawi:** Thank you. Mr. Deputy Speaker, if I can be very careful, I am characterizing an intellectual submission. I am not being pejorative to the hon. Member. I am characterizing what I considered to be intellectual absence in action of the advocacy put here.

**Mr. Hinds:** Well putted, well putted. [*Desk thumping*]

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

**Hon. F. Al-Rawi:** So, Mr. Deputy Speaker, let us press on. Read the wrong list, does not know what the intellectual underpinnings for the Financial Action Task Force looks like, sounds like or are. Spent five years in the UN where the list is but still “doh know” it.

**Mr. Charles:** “Three and ah half, three and ah half.”

**Hon. F. Al-Rawi:** Well, one day is too much honestly. [*Laughter*] “Three and ah half, two and ah half, one and ah half”, it is called—one day is too much for Trinidad and Tobago. I feel ashamed quite frankly.

Mr. Deputy Speaker, let us press on. As the hon. Member said, it was half-baked legislation and it is sad. I want to come to a very important point. The Member for Naparima gave way during the context of this debate and demanded after he put a submission on the table that I have the courage to stand up and supposedly offer an apology to the hon. Member. The hon. Member went into detail about the submissions that the hon. Member supposedly gave, I will say that, on January 11<sup>th</sup>, 2019 at page of 208 of the *Hansard*, January 11<sup>th</sup>, 2019 at page 211, January 11<sup>th</sup>, 2019 at page 216 and then page 227. And the hon. Member went on to say that I ought to apologize because the hon. Member supposedly went to the United Nations, supposedly met some unnamed, unranked individual, had a conversation with them somewhere in the world and they said, according to him, let me get the word. He said that the UN said that Trinidad and Tobago said that we were misadvised.

**Mr. Charles:** Standing Order 48(6). I went to the UN and I was told at the UN.

**Hon. F. Al-Rawi:** Not 48(6). Nah, nah, I object, Mr. Deputy Speaker. I object, I object. [*Crosstalk*]

**Mr. Deputy Speaker:** Okay, thank you, Member. [*Crosstalk*] Hold on, one second. Member for Naparima, you had your turn. The AG is now winding up. Please. Proceed, AG.

**Hon. F. Al-Rawi:** Thank you. You see, if I was the hon. Member, I would be jumping up just like that because the black and white version of the *Hansard* which is in my hand right now demonstrates an entirely different position from what the Member said to us.

**Mr. Charles:** Read it.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, and you know, for a gentleman that constantly boasts—

**Mr. Deputy Speaker:** Hold on. Member for Naparima please, please. You had your turn, please.

**Hon. F. Al-Rawi:** For a gentleman as Naparima is, somewhere, to boast constantly that he is 70 years old and in the ripe age of mature understanding who “cyah take pepper” when it is being given to him at an intellectual level from someone that bothers to do the homework, he needs to keep quiet most respectfully.

Mr. Deputy Speaker, I went to the *Hansard* and I pulled it up. The hon. Member said that you UNSCR Resolution 2231 was still in effect. And the hon. Member, in the giving the submission that he did, said that on three occasions, much like when Jesus Christ was denied three times, on three occasions, the hon. Member supposedly said that he acknowledged that UNSCR 2231 was in existence as it relates to the Iran Order and that Attorney General supposedly, hear this, the UN said Trinidad and Tobago was misadvised. I do not know what that word is, right, but it was misadvised. Anyway—[*Interruption and crosstalk*] How old are

you?

**Mr. Young:** Seventy.

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, contribution of Rodney Charles, Member for Naparima as it begins at page 207 started off by saying effectively that he:

“would like to find time...”—to—“support”—this—“legislation...but I cannot in good conscience suppose this Order...”

And I will tell you what the Order is, the Economic Sanctions (Implementation of the United Nations Resolution on The Islamic Republic of Iran) Order, 2018. And I quote with your permission from page 208:

“Madam Speaker, this legislation is inconsistent with the resolutions of the Security Council as it stands today. The relevant resolution is...2231 which is the only resolution on Iran that is this recognized by the Security Council. And what did Resolution 2231 do—Resolution 2231, 2015 adopted by the Security Council at...”—its—“7,488<sup>th</sup> meeting on the 20<sup>th</sup> of July, 2015? It terminated all resolutions relating to Iran and terminated all actions relevant—economic sanctions that were applicable to Iran.”

You see, the hon. Member forgot to read that part. The hon. Member goes on:

“Well, if that is the case, then this Parliament is being misled today. I will say why.”

And the hon. Member says the:

“Resolution...terminated all previous resolutions.”

And then the Member goes on to say:

“And I want you to look at the preamble to this Order because what all the resolutions quoted here as to the source for the power to operate and apply...”—which—“sanctions have terminated.”

And then the Member went on to read. The Member then goes on to say that he supposedly:

“...checked with IAEA and chronology of actions, events...in 2015, somewhere...”—in—“October, they informed the Security Council that they were satisfied that Iran had taken all appropriate steps to ensure that it has restricted its nuclear capability, and as a result of that, all these provisions that were applicable to Iran were terminated.”

Mr. Deputy Speaker—

**Mr. Charles:** “You wanna give way?”

**Hon. F. Al-Rawi:** No.

**Mr. Deputy Speaker:** Hold on one second. Chief Whip, I think I should speak to you now. Your Member for Naparima continues to disturb. That is all I will say. Leader of Government Business.

### PROCEDURAL MOTION

**The Minister of Planning and Environment (Hon. Camille Robinson-Regis):** Thank you very kindly. I think this is an opportune time to move the procedural motion, Sir and, Mr. Deputy Speaker, in accordance with Standing Order 15(5), I beg to move that this House do continue to sit until the completion of the matter before it.

*Question put and agreed to.*

### MISCELLANEOUS PROVISIONS (FINANCIAL INSTITUTIONS, SECURITIES AND INSURANCE) BILL, 2019

**Hon. F. Al-Rawi:** Mr. Deputy Speaker, thank you. Hear what the hon. Member had to say further at page 210.

[MADAM SPEAKER *in the Chair*]

Madam Speaker, as I welcome Madam Speaker back to the Chair.

“Madam Speaker, that is falsehood. I checked with the United Nations Security Council and these resolutions do not exist.”

Madam Speaker, he goes on:

“Nonsense, craziness...”

“So here we are today...”

At page 211, he says, the hon. Member for Naparima, he says I and I quote:

“So here we are today implementing something that does not exist and misquotes the United Nations Security Council, and draws sustenance from that action.”

The Member goes on:

“...the Security Council...is telling us that we have to give due regard to the changes. That is the termination. So we are acting contrary to request of the Security Council.”

At page 213, Naparima goes on to say:

“So the question is, why are we here? Why are we here, really? If the United Nations Security Council has in fact not done anything after 2015 regarding Iran...”

I will give you two more quotes in answering the allegations, the untruthful statements put on the record this evening.

“We are withdrawing from the accord because the accord states that sanctions, economic and otherwise cannot be placed on Iran.”

These are the words from Naparima at page 214 on the 11<sup>th</sup> of January, 2019. And the last one, I will quote at page 215:

“It cannot be that we are doing this to comply with UN economic sanctions

against Iran, because, as I have said before, that does not exist.”

That is what Naparima had to say. Living in the lap of luxury in the United Nations, holding down a position on the United Nations council, having conversations with persons that have all kinda issues to answer, Naparima comes and demands an apology from me on those contents here.

Madam Speaker, I want to say, when I began my contribution on that day and said that I thought that the Member was guilty of and I will quote:

“...intellectual bankruptcy, laziness, lack of research, it is an argument presented that was insipid, wrong, vacuous.”

Those were the words put as to the argument, not the person. And, Madam Speaker, in criticizing the Member, we were obliged, both the Member for Point Fortin and myself, to correct those wild allegations coming from Naparima because the fact is that the law, the United Nations UNSCR 2231 was a partial release as it is anchored in this Bill. Clause 2, clause 3, clause 4 of this Bill clearly demonstrate that economic sanctions had to be applied and this is where Couva North chimed in merrily unprepared for the debate today. [*Crosstalk*]

Couva North merrily unprepared for the debate today had this to say. What are the mechanisms for identifying persons? The hon. Member asked. The hon. Member goes on to say: Are there any offences for PF in Trinidad and Tobago? The hon. Member asked. She said this is something for AG to consider. What are the reporting obligations for proliferation financing? Madam Speaker, why I said the hon. Member for Couva North was merrily unprepared for today's debate, the Economic Sanctions Act, Chap. 81:05, sets out the mechanism for the publications of the Economic Sanctions Orders. The Order made with respect to the Legal Notice 185 is that in respect of Iran and 184 is that with respect to the Democratic

People's Republic of Korea. The parent Act and the Orders provide, in black and white detail, in numerous pages of written publications, exactly what offences apply and exactly what prescriptions apply, how you are to monitor, how you are to list and how you are to delist, how you are to pass the publication information. So the hon. Member for Couva North, in asking a question as if we do not have the law, in reading an article off of the Internet coming merrily unprepared for the debate, omitted to actually bury the intelligent argument as to the existence of the law.

**Ms. Ramdial:** AG, will you give way?

**Hon. F. Al-Rawi:** Sure.

**Ms. Ramdial:** Do you have, in these laws, all of the reporting mechanisms that I identified? All of them.

**Hon. F. Al-Rawi:** Sure. We have all of them that are anchored in the Economic Sanctions Act and the economic sanctions—would you like me to give way again? Sure.

**Ms. Ramdial:** Yes. So those are the economic sanctions, what about the other types of reporting obligations?

**Hon. F. Al-Rawi:** The other types of reporting obligations are only required for us to pass muster. We are capable of moving to largely compliant, near full compliance, by the operationalization of this lawful, these economic sanctions orders as they stand in our law. We have been assessed. We are in the cusp of having the reports delivered and the simple point is that it is there in the law and they are very adequate. Let me tell you how adequate they are.

You see, when Naparima was making the submission in the House on the 11<sup>th</sup> of January, 2019, in telling us that the Iran Orders were unlawful, there was no

legislative springboard, we were legislating on things which the UN had effectively struck out, we were compelled to tell the Member that the law was so entirely correct that we had gone to the High Court, using the publication coming the same day as that debate, the 11<sup>th</sup> of January, 2019, we read out the fact that the UN actually listed people and then we pointed to the fact that we had in fact, on that very day, gone to the court and listed Fereidoun Abbasi-Davani, listed number one on the point.

And what we did in our legislative perspective, we went further and we have actually listed 80 individuals and 75 entities under UNSCR 1718 sanctions list and then 23 individuals and 61 entities under UNSCR 2231 list. To do that—let me repeat that. The list that Naparima told us does not apply, on January 11, 2019, Naparima, made a song and a dance, said he was going to write the UN and get evidence that Trinidad and Tobago was acting unlawfully because according to Naparima, they cancelled all of those things. On the same day that that debate was going on, we proved that it was in existence but our High Court has listed 23 individuals and 61 entities under the same 2231 listing.

In other words, then, exactly what Naparima said did not exist, the UN said existed and the High Court of the Republic of Trinidad and Tobago said existed and the Financial Intelligence Unit acknowledged, and in their sharing of information amongst the Egmont group and the financial sector involvement, all of them said it exists. The only person standing unique in this dance is the Member for Naparima. [*Crosstalk*] Again, talking now about Privy Council, “ah doh know who could help Naparima yuh know”. I genuinely do not know who can help Naparima.

And I want to say something as I talk about help. It is not often, it has been

nearly four years in this office, I would like to say this on behalf of the technocratic team in the AG's office. But permit me, Madam Speaker, as I defend the technocratic team today. Let me start off by saying every single person that I met at the Office of the Attorney General, when I became Attorney General on the 9<sup>th</sup> of September, 2015, all of people who were working for the previous Government, hired on contract by the previous Government under Attorney General Ramlogan and then Nicholas, all of them are still working for me today. And to hear the Member for Naparima, who supposedly has a daughter who is a lawyer, as I understand it, the hon. Member today called the lawyers working for the AG's office two by four lawyers. And I want to stand up for the hard-working team that I have inherited and that have worked their heart outs for Trinidad and Tobago [*Desk thumping*] and distinguished themselves as they sit in the back of this Parliament and cringed in relation—[*Interruption*]

**Mr. Charles:** Madam Speaker, Standing Order 48(6), I never made any comment on the officers of the Attorney General's office.

**Madam Speaker:** Member, I am not sure that you used Standing Order 48(6) in the correct way, okay, so that I overrule your objection. There has been no insulting or offensive language. AG.

**Hon. F. Al-Rawi:** Thank you. And lest I be accused without calling names, I will say, Madam Speaker—[*Interruption*]

**Madam Speaker:** Well, Member, you cannot sit there as if you are in “yuh arm chair”. Attorney General.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. I have WhatsApp messages, I would not condescend to the names, coming from the technocratic team telling me that they feel insulted and offended at the characterization of their legal ability as

two by four lawyers, and today I apologize on behalf of the Members sitting here, with your permission, to the hard-working team. [*Desk thumping*] Because, Madam Speaker, they have no UNC lawyer and PNM lawyer in the Office of the Attorney General.

When I came in as Attorney General, everybody was meted with the position that we are professionals. The first thing that we did at our Law Revision Committee, I, as the Chair, asked how many Attorneys General the room had served? There were people in that room who had served, passed nine Attorneys General sitting in that room and there is a continuum in the Office of the Attorney General, and it is offensive to listen to the contributions coming from persons like Naparima as they insult persons that work for our country. Madam Speaker, what time is my full time?

**Madam Speaker:** You have left two minutes of ordinary time and then you have 15 minutes of extended time.

**Hon. F. Al-Rawi:** Thank you. Madam Speaker, the Member for Naparima told this country that he is going to write a book. I have come across a few titles of quite a few pieces of literature and I wondered, *Wheel Spinning: My Life in Politics*. That was an interesting title I came across on another book. *Twelve Years of Intellectual Struggle*—that was another one I came across in an interesting title of a book that I had seen.

**Mrs. Newallo-Hosein:** Madam Speaker, 48(1).

**Madam Speaker:** Overruled.

**Hon. F. Al-Rawi:** Thank you. So I would just like to caution that when we are reflecting upon memoirs and on positions as they relate to this debate and we are trying to come in and make allegations, come with facts. Come with facts lest the

title finds itself as a caricature or a meme in our country, because we have very talented people in this country you know. Very talented people in this country, let us be careful about saying these things.

Madam Speaker, there were some contributions surrounding the effect of operationalization of this law and I would like to speak for a moment about the depth of management of this law. It might seem on the face of it that we are being trite in the considerations of this law. Some persons believe that we have significant other issues to treat with. This Government believes that there ought to be a quicken pace of attention. Let me remind you, Madam Speaker, as we consider this Bill. This Bill has been laid—it was laid on Friday for debate today and it was laid because number one, Parliament goes on the long recess at the second week of July. We now stand close to the second week of June, if you were to factor out Private Members' days and various sitting days, there is very little parliamentary space and occupying—

**Madam Speaker:** Attorney General, your original time is now spent. You are entitled to 15 more minutes to wind up your presentation.

**Hon. F. Al-Rawi:** Should it please you.

**Madam Speaker:** Please proceed.

**Hon. F. Al-Rawi:** I was saying, Madam Speaker, in terms of why we are treating with this debate. It is important to remember that the time and space for discussion in this Parliament is scarce and therefore, we sometimes have to abridge the timeframe for positions. It is true that when you lay certain Bills that you may have a public expression of concern on this law for instance or another piece of law. A government would do well to listen to things at particular points in time, but we ought not to run off and panic.

As it relates to this law in particular, it is a square obligation upon us that we need to make sure that this law applies and that the guidelines for the Financial Institutions Act, the guidelines issued under the Insurance Act, No. 4 of 2018, the guidelines to be issued under the securities legislation, there must be a degree of harmony. Because what is on test in Recommendation 7, in Recommendation 7.3 in particular, is the ability of the Government to make sure that there is an active presence of the law and that we have an outcome, an immediate outcome from the law.

And when we are looking to the concept of international cooperation, it is certainly not what Naparima had to say. There is nothing to deal with training mechanisms in April 2015 as the Member tried to tell us was relevant. The international cooperation is the international cooperation under our laws as they cooperate with each other and with external jurisdictions. We are looking—  
[*Interruption*] Sure.

**Dr. Gopeesingh:** Attorney General, would you be kind enough to give us the *raison d'être* for the incorporation of the terminology of proliferation financing in the five pieces of legislation that we have which you are amending basically by the introduction of proliferation financing? I have not been able to gather the reason for that.

**Hon. F. Al-Rawi:** Sure. I thank the hon. Member. It is a most intelligent and valid question. If I may, Madam Speaker? One of the FATF recommendations, in particular Recommendation 7, Recommendation 7 is squarely and clearly written out that countries need to take steps to stop proliferation financing. Proliferation financing is anything involving weapons of mass destruction. They may be biological, chemical or nuclear or they may be masked. You know where you use,

for instance, agricultural products and you use other base products which look innocuous on the face.

**Mr. Deyalsingh:** Radiopharmaceuticals.

**Hon. F. Al-Rawi:** Nuclear medicine, linear accelerators. All of those positions come into the position and what we are obliged to do is to keep a very careful watch. The two entities that are under Economic Sanctions Orders, proliferation financing orders, find themselves really the Democratic Republic of North Korea, if I can call it that. DPRK—I forget how they put their phrase together—and Iran. Iran has been under a form of mutual assistance and cooperation and there is a programme for the lifting of sanctions as it relates to Iran. It is not that countries cannot do business with North Korea or Iran. You must have a system of regime integration, you must have a system of approval by the Minister for the transactions that are to be done and in fact, it is constantly under review. So it is number one, a direct obligation; number two, it is to treat with the cash flows that come in relation to these moneys.

And as the outer world views Trinidad and Tobago as a Member of the Caribbean Basin, having associative accounts with the Cayman Islands, with British Virgin, in those instances, they look at our offshore situation and they are tracing the flow of money to make sure that the financial institutions, the designated non-banking institutions, the listed businesses, all of these institutions, those on the securities exchange via the commission, all of them are aware of whose accounts are blocked, who is red-flagged and who you ought to report as having a transaction. It finds itself into the numerical data that we have in suspicious activity reports and suspicious transaction reports, some of which you see in the Financial Intelligence Unit reports and other which you see as they are

flagged by Central Bank, by the Securities and Exchange Commission, the Central Bank in its role of Supervisor of Insurance under the Insurance Act, under Act No. 4 of 2018.

**Dr. Gopeesingh:** So that is a requirement from FATF? And as you said, was it a particular number seven of the recommendations that they needed to see introduced?

**Hon. F. Al-Rawi:** Yes. So in January 2015, Madam Speaker, we were non-compliant, we had nothing literally. We had this Economic Sanctions Act which was virgin, not a single order published under it. It is the same way we had the Anti-Terrorism Act. We had an Anti-Terrorism Act since 2010 in its relevant form and in the period 2010 go forward, we did not have a single listing under the Anti-Terrorism Act. We are now—we have crossed 400 listings. We are now, Trinidad and Tobago's law is now the model of success for the Caribbean as it relates to anti-terrorism laws and operationality. Let me repeat that. It is our law which is the precedent law for Caricom. It is our mechanism for the implementation of law which is the mechanism for how to do it right.

**8.00 p.m.**

It is your office of the Attorney General, under this Government, that has done it right. In the entire 25 country basin that we are a member of, we are the leading members of that package. And that is something that we should all feel a certain amount of national pride in. Because Trinidad and Tobago, via its Parliament, pass certain laws. Trinidad and Tobago, via the advocacy of its chairmanship, certainly when I held chair, and then followed by Turks and Caicos, as the Attorney General came into chair and followed by the AG for Guyana, that tripartite relationship boosted CFATF into the zone where it is well respected in

the world right now amongst the FATF-style regional bodies.

So we have done well. Our country still has to push. We still have markers to achieve. We will constantly be on a revolving clock. The recommendations are not static. The FATF revises the recommendations at every plenary if they can. Certainly, we are applying recommendations as they have been modified up to this year. Up to this year, recommendations were modified. So there is no “let us get off the list”.

Trinidad and Tobago's next venture is what we call an onsite visit, as we go to fight our case at the Financial Action Task Force, beginning this weekend in Miami, and we sit down and we are assessed by 190 countries. They are going to look to us to see whether we have achieved the action plan, as it is constantly moving. They are going to look to see what our immediate outcomes are; what is the effect of our laws?

And let me point this out. Madam Speaker, what time do I end?

**Madam Speaker:** You end at 8.08 p.m.

**Hon. F. Al-Rawi:** Let me put this on the record. It was very relevant for us, not only to do the Anti-Terrorism Act, the Proceeds of Crime Act amendments, the Mutual Assistance in Criminal Matters Act, the Financial Intelligence Unit amendments. You know what made the difference for us? They are looking for our output on prosecutions. That is why we spent so much time doing the criminal justice reforms, plea bargaining, Criminal Proceedings Rules, criminal division courts, traffic courts, improved land package management. That is why we amended the Proceeds of Crime Act to go either way. That is why, when we appear and the DPP is examined by the experts, the DPP will be able to point to landmark charges for money laundering.

I would not go into the cases, but we now have to our jurisdiction operationality of our laws that have never happened before. We have done plea agreements and plea bargaining for the first time in relation to money laundering matters. We have been done criminal justice reform of a type that has never been seen before.

When the Trinidad and Tobago police hired up a specialist prosecutorial division comprised of 32 forensic auditors—including forensic auditors and accountants, and specialist prosecutors from the United Kingdom, that is a first in our jurisdiction. The game has changed. This is not the same old ground that we were on before. And our country is now considered as a serious country on the international platform. We are making our mark for doing the right material.

I really do want to caution—when I listen to Naparima’s contributions about we were misadvised and the hon. Member supposedly went to the UN and somebody on a step somewhere who is unnamed had some dark conversation saying— I mean, come on. When you give information like that, and the world is listening and the world is listening to Naparima. The assessors are reading what Naparima has to say and: “Dey say buh hold on, dis is ah 70-year-old mature considered Member—as the hon. member has reminded us—who served at the United Nations. Surely that Member could not just stand up and make it up”, which is why I have to be as sharp as I am in criticizing Naparima now, so that when they read the nonsensical submissions put on the record, they were answered immediately by somebody who bothers to put the facts on the record. And that is why I take such a heavy load to Naparima, because I really just do not believe you could stand up and make it up. It is not a wheel that you are spinning in an election campaign, or an Ouija board that you are testing to see whether it is yes or

no. It just is not that.

So, Madam Speaker, this legislation is proportionate. It is grounded in facts, it is measured, it is required. And what we have to do as a country is to manage our affairs prudently. Madam Speaker, we have just—we were checking the United Nations positions and some submissions that came from the Securities Exchange and the Central Bank. I have had to make a small amendment to some circulation, some amendments which we wish to put into circulation. I would like to take this Bill to the committee stage and to ask for that work just to be done. We may need a five minutes or so to get it right, but we would like to make a few amendments in the committee stage which the technocratic team is putting together as we speak. They are not ready yet. I have not gotten that signal just yet. We just need a couple of minutes to sort that out, where we would propose some seemingly simple but important amendments to clause 4 of the Bill.

Madam Speaker, with these submissions now on the record, I look for my Order Paper and procedure paper, which I am sure the Clerk would pass to me so I could move the next stage, and I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Madam Chairman:** Hon. Members, in light of what the Attorney General contributed in his closing statement, I will therefore suspend the meeting for about 10 minutes. Members will get an opportunity to refresh themselves. So we will return here at 8.20 p.m.

**Mr. Lee:** AG, which clause are you amending?

**Mr. Al-Rawi:** Clause 4.

**Madam Chairman:** Okay? All right, so this meeting is now suspended. We will return at 8.20 p.m.

**8.09 p.m.:** *Committee suspended.*

**8.20 p.m.:** *Committee resumed.*

**Madam Chairman:** This committee meeting is now resumed. Whip, have you all had sight of the amendments?

**Mr. Young:** Ma'am, I think the Attorney General has circulated the proposed amendment. It should be on everyone's desk by now. So, perhaps, if you just give us a couple of seconds to take a quick look at it.

**Madam Chairman:** Thank you very much, Member for Port of Spain North.

**Mr. Young:** The AG should be here shortly, but it is not a complicated proposed amendment. So, I invite the Members to take a quick look at it.

**Madam Chairman:** Might I ask in the meantime, Member for Pointe-a-Pierre, would you be agreeable for us taking 1 to 3 en bloc? Okay, so as soon as Attorney General joins us.

*[Mr. Al-Rawi enters Chamber]*

**Madam Chairman:** Okay. Attorney General, we have the concurrence of the Whip to take clauses 1 to 3 en bloc.

**Mr. Al-Rawi:** Should it please you, Madam Chair.

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

*Clause 4.*

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

- A. Paragraph (b) delete the words “financing,” and replace with the words “financing for”.
- B. Paragraph (e)(i)—

- (i) delete the words “Act” ” and replace with the words “Act and any regulations made thereunder” ”; and
- (ii) insert after the words “, Anti-Terrorism Act” the words “and any regulations made thereunder”.

C. Paragraph (f)(i)—

- (i) delete the word “Act” and replace with the words “Act and any regulations made thereunder”; and
- (ii) insert after the words “, Anti-Terrorism Act” the words “and any regulations made thereunder”.

**Mr. Al-Rawi:** Thank you, Madam Chair. Madam Chair, we, in looking over— first of all may I thank the honourable House for the small indulgence of allowing these amendments to be circulated?

Clause 4, Madam Chair, we propose be amended to allow us in the Insurance Act, No. 4 of 2018, in paragraphs (b), (e) and (f) to cause certain amendments.

The first one at paragraph (b), is where we propose that we delete the word "financing" and replace with the words "financing or." That, Madam Chair, is to be found at (b) 34, 1(c). Right. So that would allow us, Madam Chair, to just have the benefit of including simply in subparagraph (b), as it appears on page 6, section 34(1)(c). We are adding in effectively, "terrorist financing or proliferation of financing". As we had it there, we did not have the disjunctive "or". We had in fact had a comma only. It appears to be minor but it is actually quite significant, to allow us the difference between cumulative or disjunctive association.

Madam Chair, we propose in paragraph (e)(i) that appears at page 7 of the Bill, after the word "Act" as it appears in (i), at the second line, we propose that we actually add in effectively "and any other regulation made thereunder". That

would allow us, Madam Chair, to have both the primary and the subsidiary legislation coordinating together, so that we can take effect of the positions.

Similarly, Madam Chair, you will see that there is also to be a further insertion of words after “Anti-Terrorism Act” as it appears in the fourth line of that same (e)(i), and that we would be adding the words “and regulations made thereunder”. This is allow us to have both primary and secondary legislation operate with effect in section 136(3).

Madam Chair, the last amendment is where we treat in paragraph (f)(i). We are proposing two amendments, which are exactly in keeping with what we have done and what is listed as (b) above in the circulated amendment. We are adding in “Act and any regulations made thereunder” in the locations just after “Anti-Terrorism Act”, firstly, at the end of the word “Act” in the second line, and at end of word “Act” in the fourth line. This would allow us to catch both the primary obligations under the Anti-Terrorism Act and the regulations which stand as subsidiary legislation there. This is to make sure that all aspects fall within purview and compliance and that would, of course, be an amendment to section 147(8) of the Insurance Act.

Madam Chair, the rationale is as stated. The draft is as circulated, and we believe that unless there are any questions coming from hon. Members, we believe that it is fairly straightforward.

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

**Dr. Gopeesingh:** Thank you, Madam Chair, and through you to the Attorney General. In your attempt to make subsidiary legislation by the introduction of any regulations made thereunder, in all four of these areas that you have just mentioned, we did not have the—we did not have any discussions on the aspect of the making of regulations. So this is something new in the introduction of the

entire Bill, and you are bringing a new aspect of it. There is a subsidiary legislation by introduction of any regulations made thereunder.

And then, to even further qualify that, most regulations will have, “by either affirmative or negative resolution of Parliament”. And you will probably have to indicate to this House what are your intentions on that as well.

**Mr. Al-Rawi:** Sure. Sure. Madam Chair, if I could explain? There are a number of sources of law that provide comfort to my learned friend's enquiries. Effectively, as I understand my friend's argument, he is looking at the concern of whether we are putting into parent law something which is a springboard to something, which we do not know; if I could just rephrase it.

**Dr. Gopeesingh:** Sure.

**Mr. Al-Rawi:** But the comfort is to be found, firstly by the Interpretation Act and then by the parent Acts themselves. So, the Interpretation Act provides one aspect of how primary and subsidiary laws operate. They both bind us.

The parent Acts are where we get the legislative springboard to do the subsidiary legislation. So, in the Insurance Act there are regulations that can come. But what we are referring to here now are the regulations under the Anti-Terrorism Act, the Economic Sanctions Act, the Proceeds of Crime Act. All of these parent laws have the ability of Parliament to make regulations. All of those regulations are, as I remember them, subject to negative resolution. So the regulations can be made, promulgated. It would be up to Members to seek to negative the regulations within the 42-day period that is provided. That is not an actual calendar day reference. That is actually a Parliament sitting schedule reference. So there is nothing untoward inside of here because we draw the source of authority from the parent Acts themselves, which permit this legislative power.

**Dr. Gopeesingh:** So, No. 4 is the Insurance Act.

**Mr. Al-Rawi:** Yes.

**Dr. Gopeesingh:** And the Insurance Act would already have regulations governing it.

**Mr. Al-Rawi:** Yes.

**Dr. Gopeesingh:** So you want the ability to introduce new regulations in addition to what you have there already that will suit the proliferation financing aspect? Could you explain?

**Mr. Al-Rawi:** Sorry to interrupt. So, what we are doing, we are ensuring right now that the supervisors check for an obligation amongst people that they supervise who have to comply with the laws anyway. So what we are doing right now, in prescriptive form, because we hold the view that subsidiary law is under primary law and we did not need to make a reference to it. Our international assessors and people that use what we call plain and ordinary English language type of law drafting. The civil law jurisdictions like to see things prescriptively. They want you to say X, Y, Z, P, Q, R, whereas, we could say X and any other written law, means P, Q, R would be enveloped in that. So, No. 1, we are dealing with two different types of systems of law for assessment. We think that we have already caught that mischief by saying any other type of law.

But these listed persons, these non-designated banking or financial institutions, these financial institutions, they are all regulated already. They all have to comply with the Anti-Terrorism Act, the Proceeds of Crime Act; some of them with the Financial Intelligence Unit Act. And all of those pieces of law, the Financial Institutions Act, all of them already provide for regulations to be observed.

So what we are doing, for instance in this 147, what we are doing is we are providing for an audit of returns and we are saying that the auditor of an insurer or

a financial holding company shall ensure compliance, monitor and evaluate compliance with Proceeds of Crime Act, Anti-Terrorism Act, and any regulations made thereunder. What we did not have was the Economic Sanctions Act and regulations made thereunder. We also had there any guidelines on money laundering, combating terrorism issued by Central Bank. And we also had the ability to put them under guidelines. So we are not introducing a requirement that they did not already have. What we are doing is we are telling the auditor monitor and check that one in an expressed way.

**Dr. Gopeesingh:** Through you, Madam Chair, I crave your indulgence. You just mentioned the issue of guidelines. Guidelines and regulations are two different issues.

**Mr. Al-Rawi:** Yes.

**Dr. Gopeesingh:** Guidelines are not—you are not circumscribed to accepting the guidelines or so.

**Mr. Al-Rawi:** Yes.

**Dr. Gopeesingh:** But the regulations are more legal. Now, who are going to make these regulations?

**Mr. Al-Rawi:** Regulations are made effectively by a Minister with responsibility for law. So, under the Proceeds of Crime Act, it is the Ministry of National Security. Under the Financial Institutions Act, it is the Minister of Finance. Under the Anti-Terrorism Act, there are two forms of regulations, one by the Attorney General and the other by the Minister of National Security. So, Ministers make these regulations. They are either subject to negative or affirmative resolution.

The legislative springboard to do that is in the parent Act, where all laws of this type say that the Minister may have power to promulgate regulations of this type. It is subsidiary legislation. Statutory instruments can also be included in

that, meaning orders, et cetera. Guidelines also are subsidiary in nature. So the power comes from the parent law where that expressed authority to make regulations are there. The power to make regulations are and have been a feature of the law in these laws for a very long time.

In the 1990s, we did the Economic Sanctions Act. In 2010, we did the Anti-Terrorism Act. In 2009, we did the Financial Intelligence Unit Act. In 2018, Act No. 4, we did the Insurance Act. So we did all of these things and we have anchored it into law already.

**Dr. Gopeesingh:** All right, thank you. I appreciate it.

*Question put and agreed to.*

*Clause 4, as amended, ordered to stand part of the Bill.*

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

*House resumed.*

*Bill reported, with amendment, read the third time and passed.*

### ADJOURNMENT

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

Thank you very kindly, Madam Speaker. Madam Speaker, is it all right if I address you from this seat or you would prefer me move?

**Madam Speaker:** I am sure the Attorney General would be swift enough to vacate and allow you to come.

**Hon. C. Robinson-Regis:** Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday the 14<sup>th</sup> day of June, at 10.00 a.m., at which time we will do the Miscellaneous Provisions (Tax Amnesty, Pensions, Freedom of Information, National Insurance, Central Bank and Non-Profit Organisations) Bill, 2019.

Madam, before you rise, I would like to indicate that we do have amendments to this Bill, which we will circulate immediately, and that will be done at the adjournment. Madam Speaker, that is the adjournment. I beg to move.

**Madam Speaker:** Whip, there is a matter on the adjournment, is that going to be done?

**Mr. Lee:** Madam, I know we adjourned to Friday. I am just enquiring if Friday would now be Prime Minister's Questions day?

**Madam Speaker:** I think that was made abundantly clear when that issue came up. It was made abundantly clear by the Chair.

Hon. Members, there is one matter that qualifies to be raised on the Motion for the Adjournment of the House. I now call upon the Member for Pointe-a-Pierre.

*[Mr. Lee confers with Mrs. Robinson-Regis]*

**Mr. Lee:** No problem. Sorry about that. Madam Speaker, we had an agreement.

**Hon. C. Robinson-Regis:** If you want to leave it to next week, fine.

**Mr. Lee:** I will do it. There was agreement between myself and Minister Young to defer this Motion to Friday's sitting. Is that okay?

**Hon. C. Robinson-Regis:** Did you agree to that?

**Madam Speaker:** That was my initial question to Pointe-a-Pierre. That was my initial question. No, but because you were directing a challenge to me that you did not hear. Okay, so—

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.40 p.m.*