

HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2020

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; Dr. Tim Gopeesingh, MP, Member for Caroni East; and Mr. Ruston Paray, MP, Member for Mayaro, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

PAPERS LAID

1. Audited Financial Statements of Taurus Services Limited for the financial year ended September 30, 2017. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Audited Financial Statements of Taurus Services Limited for the financial year ended September 30, 2018. [*Hon. C. Imbert*]
3. Audited Financial Statements of National Information and Communications Technology Company Limited for the financial year ended September 30, 2019. [*Hon. C. Imbert*]
Papers 1 to 3 to be referred to the Public Accounts (Enterprises) Committee.
4. Administrative Report of the InvesTT Limited for the year ended September 30, 2015. [*The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis)*]
5. Administrative Report of the InvesTT Limited for the year ended September 30, 2016. [*Hon. C. Robinson-Regis*]

UNREVISED

6. Administrative Report of the InvestTT Limited for the year ended September 30, 2017. [*Hon. C. Robinson-Regis*]
7. Administrative Report of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2014. [*Hon. C. Robinson-Regis*]
8. Administrative Report of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2015. [*Hon. C. Robinson-Regis*]
9. Administrative Report of the Trinidad and Tobago Bureau of Standards for the year ended September 30, 2016. [*Hon. C. Robinson-Regis*]
10. Strategic Services Agency Regulations, 2020. [*Hon. C. Robinson-Regis*]
11. Strategic Services Agency (Personnel) Regulations, 2020. [*Hon. C. Robinson-Regis*]

PRIME MINISTER'S QUESTIONS

New Tobago Terminal

(Increase of Estimated Cost)

Ms. Ramona Ramdial (*Couva North*): Thank you, Madam Speaker. Question No. 1: Can the Prime Minister explain the exorbitant increase of the estimated cost for the new Tobago terminal from 500 million to 870 million?

Madam Speaker: Prime Minister. [*Desk thumping*]

The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley): Madam Speaker, the figure of 500 million was a notional line item approximation used by the Minister of Finance about 3 years ago when the project was voted and it did not include proper designs and so on. So to use that figure as an exorbitant increase to 870 million is to misunderstand and misrepresent the situation. When the drawings were available and the project was properly conceptualized, the engineer's estimate could have been established and that engineer estimate was \$811 million—

Mr. Imbert: 881.

Hon. Dr. K. Rowley: Sorry, 881 million, I stand corrected; 881 was the engineer's estimate of the project as completely determined after the concept. When it went out to tender, Madam Speaker, the contract price is now 870 million because that is the process as per a contractor bidding on a specific design.

So, Madam Speaker, I take cheerful note of the fact that my colleagues consider this construction of an 870 million-dollar facility in Tobago as exorbitant. They did not find it exorbitant to leave \$1 billion in the field in Beetham on a useless wastewater plant? [*Desk thumping*] They did not find \$921 million exorbitant to leave with OAS when they removed [*Desk thumping*] the clause from the contract for the Point Fortin Highway to allow OAS to go away with \$921 million? And, of course, Madam Speaker, this facility for Tobago is a facility for Trinidad and Tobago because it brings Tobago's economy as a contributor into the national economy as we grow the tourism product and plant in Tobago. We do not find it exorbitant at all, we find it a very useful investment in the nation's infrastructure. [*Desk thumping*]

Madam Speaker: Member for Couva North, supplemental.

Ms. Ramdial: Thank you, Madam Speaker. Prime Minister, since it was an estimated cost of 500 million and it has now gone to 870 million, how many years would it take the people of Trinidad and Tobago to repay this loan to the Government of China?

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

Mrs. Gayadeen-Gopeesingh: Thank you. Hon. Prime Minister, as you are aware, section 5 has already been published, which means the evaluation date has been established. Does this increase in the amount from 500 to 870 include payments to

Crown Point residents on both sites, the agricultural lands, the payment for them to be removed for lands taken under compulsory acquisition?

Hon. Dr. K. Rowley: Madam Speaker, I do not know what the law school is producing these days, you know. This is the construction cost and there is no section 1, 2, 3, 4 or 5 involved in this. This is the construction cost. We are hiring a contractor to build. The Government is very clear at an earlier time, and all along, that there is a land acquisition process of an estimate of 300 million. The Minister of Finance has made that clear. This figure is the construction cost. One has to add to that the land acquisition because you have to have the land to build the facility on, Madam Speaker, and we were very clear on that. So there is no question of any section 1, 2, 3, 4 or 5.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much, Madam Speaker. Prime Minister, given your deep concern with the course of land acquisition for the Point Fortin to San Fernando highway and the fact that in that project the Government had estimated, in advance, what it will cost to acquire lands, would you indicate what is the estimated cost in addition to the \$870 million construction cost for a terminal? What is the estimated cost for the acquisition of lands pursuant to this project?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I suspect that my colleagues are not present. I just stood up and said that. The estimated cost for land acquisition is \$300 million, and as I sit down, he gets up to ask me the same question. Finally, Madam Speaker, the construction cost is \$870 million to build the facility. The land that is acquired for building the facility is subject to land acquisition processes, and I answered that in the context of a question being raised about section 5, and we are saying that separate and apart from the construction cost, is

an estimate for land acquisition of \$300 million. What is so difficult to understand?

Madam Speaker: Supplemental, Member Oropouche East.

Dr. Moonilal: Thank you very much, Prime Minister. Could I ask the Prime Minister if the Government believes that \$1.1 billion-plus is value for money for a terminal, for one terminal? [*Desk thumping*]

1.40 p.m.

Madam Speaker: Prime Minister. [*Desk thumping*]

Hon. Dr. K. Rowley: I just said, yes. It is a major investment in the national infrastructure, in this case in Tobago to facilitate [*Desk thumping*] an expansion of the tourism facilities in Tobago. We anticipate, Madam Speaker, that there would be significant growth in tourism in Tobago, and one facility to bring about that growth is a proper, modern terminal to handle a larger number and larger aircraft in Tobago.

Madam Speaker, anybody who professes to have any interest in Tobago will know that the existing facility in Tobago is an encumbrance and a hindrance to growth in tourism in Tobago, and I cannot understand why my colleagues on the other side have a problem with constructing a terminal building in Tobago for \$870 million, [*Crosstalk*] but they had no problem in giving OAS \$921 million, and you were a part of it! Right? [*Desk thumping*]

Madam Speaker: Order! Order! [*Desk thumping*]

Hon. Dr. K. Rowley: And you could say what you want—

Madam Speaker: Order!

Hon. Dr. K. Rowley: — the people of Tobago will get their facility—

Madam Speaker: Prime Minister—

Hon. Dr. K. Rowley:—and this Government [*Desk thumping*] is going to ensure

that it is built. [*Crosstalk and desk thumping*]

Madam Speaker: So, I hope that we now regain our composure and this kind of outburst does not continue. Member for Barataria/San Juan, supplemental.

Dr. Khan: Thank you, Madam Speaker. Prime Minister, I just have a small question: How many Tobagonians do you think will be working on that project to build that terminal?

Hon. Dr. K. Rowley: Madam Speaker, I have no specific figure, but I do know that opportunities will arise for Tobagonians to work on the project to build the terminal. The fact that it is being done by a locally registered Chinese company does not mean that Tobagonians are not a part of it, and Tobagonians will play a significant role in constructing that facility. [*Desk thumping*]

Negotiations with Patriotic

(Status of)

Mr. Rudranath Indarsingh (*Couva North*): Could the Prime Minister provide an update on the state of negotiations between the Government and Patriotic Energies and Technologies Company Limited as it relates to Patriotic being selected by the Cabinet to be the preferred bidder for the sale of Guaracara Refining Company Limited and Paria Fuel Trading Company Limited?

Madam Speaker: Prime Minister.

The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley): Madam Speaker, as we have indicated in this House before, one of the aspects of the attempt to generate an interest in the reopening of the refinery was the creation of a data room before any bidding process had taken place, where interested parties could come and see the data relating to the operations of the refinery.

Subsequently, Patriotic had been selected as the company of choice in the

process. As we had done that, Patriotic has now indicated that they would like to see the actual refinery itself in greater detail, and as a result of that, several subject matter experts have been—a committee of subject matters experts, meaning persons who are, you know, intimately familiar with the refinery as a physical entity, they are now preparing, next week they will make their first sojourn into the refinery along with Patriotic to provide this additional information which they asked for, subject to the examination by the data—by information from the data room, that should be on done early next week. And based on the outcome of these negotiations, Madam Speaker, a decision will be made about the final buyer for the refinery, and we hope to do so by the end of March. [*Desk thumping*]

Madam Speaker: Member for Couva South, supplemental.

Mr. Indarsingh: Thank you. Prime Minister, could you confirm if Patriotic has been able to indicate to the Government of Trinidad and Tobago that it is in a position to purchase—to finance the purchase and operations of the refinery?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, to the best of my knowledge that is the process that is on the way. I know of no withdrawal of enthusiasm or expectation, the process is on the way.

Madam Speaker: Member for Naparima.

Mr. Charles: Thank you. Mr. Prime Minister, would you say on reflection that it was a mistake to close the Petrotrin refinery given the problems that you are encountering and the cost of restarting the said project?

Madam Speaker: I would not allow that question. Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. So, Prime Minister, based on what you have said to this House today, the work of the evaluation committee, what is the status of the evaluation committee as it relates to this preferred bidder status

that was granted to Patriotic?—because the evaluation committee was supposed to finish its work within six weeks of the statement that was made by the Minister of Finance in the other place when the Parliament was in operation.

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: You have to understand, Madam Speaker, that no one party can negotiate by itself, it is a negotiating process. The evaluation committee has to work alongside the company that is prepared to take up the issue. So there is some element of delay involved, but we cannot go faster than Patriotic is prepared to go, and the evaluation committee has to have something to evaluate. So if Patriotic has asked for additional information in this expert review of the plant, that is just a part of the process.

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. To the Prime Minister, based on—after Patriotic has evaluated this extra information about the refinery and they have withdrawn and they are no longer interested, what will be the position?

Hon. Dr. K. Rowley: Could you start over?

Mr. Lee: Sure. Prime Minister, based on what you said about Patriotic requiring more information about the refinery and doing a valuation of it, or an evaluation, after—if the information is given to them and they now withdraw their bid or their interest, what will be the position as far as the refinery for the country of Trinidad and Tobago?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, that should be a relatively easy question to answer. We get back to square one where we were when we did not have a bidder. As the process generated that—Patriotic, the selection of Patriotic, and we are working with them towards a point where, if they complete their interest in the

matter, then we have a restart at some time.

What is happening now is, we are moving from the data room evaluation to actually looking at the refinery itself, the actual refinery. This expert group we are talking about is going to go through the refinery with Patriotic to ensure that it is clear as to what the restart would require, and the investment in the restart, so this is the process.

If along the way, Patriotic determines that it too much for them or they are no longer interested, well then we are back to square one, we do not have an interested party, and we will have a refinery which would be number 18 in the world, which is not operating. What we are doing is trying to get— to work alongside the interested party to determine whether we are in a position to restart the refinery or not, and that is a process that I have just outlined.

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much, Madam Speaker. Prime Minister, in the context of the Minister of Finance announcing, with great fanfare, the selection of a preferred bidder, and the only local company with knowledge of the refinery that brought money to the table, is it that you are telling us today, the Government does not know if, where and how much money the preferred bidder can raise, and the preferred bidder now needs a tour of the installation to better position their bid? Prime Minister, what kind of “Mickey Mouse” business has been taking place on this matter? [*Desk thumping*]

Hon. Member: You calling the union “Mickey Mouse”?

Madam Speaker: Prime Minister.

Mr. Indarsingh: He is not answering?

Hon. Dr. K. Rowley: Madam Speaker, that is not a question. Madam Speaker, that is not a question requiring an answer, that is an opinion. That is an opinion,

and I am not prepared to comment on the opinion of an underminer.

Madam Speaker: Member for Caroni Central.

Dr. Moonilal: Playing “de” fool.

Dr. Tewarie: Prime Minister, based on the recent exchange of old—

Madam Speaker: Member for Caroni Central, one minute, please. I just heard somebody use certain language that I really do not think it is appropriate for here. Okay? And while it is that we are very passionate about what our views are in here, I would ask everybody to maintain the type of decorum that is required and expected, okay?—and which the people of Trinidad and Tobago deserve. Okay? Member for Oropouche East, I know you are seasoned and you know much better, so just withdraw that and let us get swiftly along.

Dr. Moonilal: Madam Speaker, I withdraw.

Madam Speaker: Thank you very much. [*Crosstalk*] Now, Member for Couva South, Member for Laventille West, the same applies. Okay? Member for Caroni Central, sorry, please continue.

Polymer Notes

(Total Quantum of Money Disbursed)

Dr. Bhoendradatt Tewarie (*Caroni Central*): Prime Minister, based on the recent exchange of old one hundred dollar bills for new polymer notes, can the Prime Minister inform this House what is the total quantum of money disbursed by the Central Bank to cover the replacement of old hundred dollar bills?

Madam Speaker: Prime Minister.

The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley): Madam Speaker, as of today, the Central Bank reports that the exchanges in—the disbursements in the demonetization process is \$5.4 billion.

Madam Speaker: Supplemental, Member for Caroni Central.

Dr. Tewarie: Yes. Thank you, Madam Speaker. If that is the amount collected from outside, what is the quantum of money to your knowledge within the banking and financial sector?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I would like my colleagues to use the same verb that I used. It is not what is collected from outside. The question answered is: What did the Central Bank disburse to the banking community? The Central Bank disbursed, in terms of the new notes, to the banking community for the purpose of exchanging, \$5.4 billion. I do not know where the “collected” is coming from because that confuses the issue, and if one wants to get accurate information, one needs to say exactly what we are talking about. There is a big difference between what the Central Bank would have made available to the commercial banks as against what we have collected from them, because money could have been made available from the Central Banks to the other banks which is not “collected”. So I would just make that clarification.

Madam Speaker: Supplemental, Member for Caroni Central.

Dr. Tewarie: Would the Prime Minister be able to say how much money was exchanged by [*Crosstalk*]—no, how much money was exchanged by citizens using the opportunity to exchange old notes for new notes?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, I am not in a position to give an accurate figure on that. And if I understand the Member's question, the Central Bank makes the information available through its quarterly reports. And secondly, if the Member wants to file the appropriate question to the Minister of Finance who can consult the Central Bank on that level of detail, and I am sure the answer could be forthcoming as long as it does not violate the Central Bank Act.

Madam Speaker: Member for Caroni Central.

Dr. Tewarie: Yes. Is the amount that—the \$5.4 billion that the Prime Minister indicated was disbursed for this purpose, is that the total quantum of notes ordered by the Central Bank and printed to cover the entire exchange process or was it a larger amount?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: The Central Bank, Madam Speaker, in carrying out this exercise would have been cognizant of the amount of money that is supposed to be in circulation through hundred dollar bills. And, Madam Speaker, it would be logical as it was factual, for the Central Bank to have ordered enough money to cover the moneys that were out in circulation, and the Member knows where he can find the figure of what was in circulation. And the answer is, that the Central Bank did order as much money as was required to cover what was in circulation, so it would have ordered far more than \$5.4 billion.

Madam Speaker: Member for Caroni Central.

Energy Sector Stakeholder Companies

(Measures to Address Survival of)

Dr. Bhoendradatt Tewarie (*Caroni Central*): Prime Minister, given the downward trend of natural gas and related commodity prices across the world and given the growing uncertainty faced by all energy stakeholders in the current environment, could the Prime Minister state what new approach, if any, will the Government take to address the survival of stakeholder companies and the sustainability of Trinidad and Tobago's natural gas cluster?

Madam Speaker: Prime Minister.

The Prime Minister and Minister of Planning and Development (Hon. Dr. Keith Rowley): Madam Speaker, with respect to the questions speaking about all

energy stakeholders, this covers everyone involved and dependent on the energy sector, whether it is the Government, the private sector, the public sector, the local sector, the international sector.

As you know, Madam Speaker, the hydrocarbon business, oil and gas, particularly oil, is very volatile, and in recent times, in the last 24 months in particular, the prices have gone up, down and across and, of course, in the last five years, the market has changed considerably. In some instances consumers have become—consumer importers have become exporters, and we in Trinidad and Tobago are severely impacted by that.

But at the end of the day, Madam Speaker, all these energy stakeholders have an interest in ensuring that there is business in a place like Trinidad and Tobago. So upstreamers who would hold onto prices for supplying the raw material to downstreamers would have an interest in ensuring that downstreamers exist, and downstreamers are operating and surviving and discounting in the market place where the prices are quite volatile.

What the Government is doing is staying in contact, not only as a shareholder through the NGC, and as an owner, with respect to the acreage that is exploited, but in talking to all those involved to ensure that we are all stakeholders in this business. And while we acknowledge the sanctity of contracts, we believe that contracts are not cast in stone, so it is in everybody's interest to ensure that those who are involved as their counterparts in the business, that they all survive together.

Madam Speaker: Supplemental, Member for Caroni Central.

Dr. Tewarie: Prime Minister, I am glad to hear that multiple engagements, discussions are taking place within a stakeholder framework, but does that—I mean, given the situation as it is now, it is clear that old methods of practice and

past decisions may not be applicable in the new environment. And what I asked in the question is that, are you going to change the approach of the Government in trying to bring these stakeholders to bear in a common framework towards sustaining a Trinidad and Tobago industry?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, insofar as the Government has been very proactive in taking this conversation to the principals at the level of the decision making in these companies, such a framework does exist. And, for example, you would have heard me in this House last Friday, I think it was, speak about what is to happen at Train 1 with Shell and bp and the Chinese company that owns 10 per cent. This is an approach of bringing everybody together to confront the essence of this question, that things have changed and are changing, and we need to adjust to suit, so that Train 1 could survive. And we did mention it, I do not know if you noticed a positive position with Train 1 where there was a commitment to keep Train 1 in place and, of course, which could have an effect on Train 3.

And also, a major development in the Government's discussion, talking to all the companies at the level of the boardrooms and those who make the decisions, that we are talking now about the new arrangement for the shareholding of Atlantic LNG where, for example, the Government of Trinidad and Tobago which only now owns a shareholding in Train 1 and Train 4 that we are talking about a unitization of the shareholding, and we distribute shareholding across all the Trains for all the shareholders.

So this is a major development, the discussions are on the way, we have partial agreements in some quarters, and we are still trying to persuade others to join in. At the end of the day, hopefully in the second quarter of this year, we should be in a position to have adjusted that old framework into this new

framework which, I dare say, would be of much better value for the people of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker: Member for Naparima.

Mr. Charles: Thank you. Prime Minister, could you enlighten us a bit on whether your intervention or that of the Member for Port of Spain North/St. Ann's West in Houston some months ago in terms of the price that was offered to the upstreamers, would you say that that intervention in some way led to parts of the problem that exists today? And if so, what lessons have you learnt about Government's intervention in that exercise?

Madam Speaker: I will allow the first question.

Hon. Dr. K. Rowley: You will allow?

Madam Speaker: The first question that he asked.

2.00 p.m.

Hon. Dr. K. Rowley: I am not even sure which one is the first one, but, Madam Speaker, with your permission I will try and answer the question. Madam Speaker, not for the first time, and I am sure it would not be for the last time, the attempts by my colleagues on the other side to misrepresent the Government's role, I would today respond to.

What was happening at the time when we intervened in this matter, Madam Speaker, is that the NGC and bp had stopped negotiating. They both had dug their heels in on who wanted what at the upstream, and who was prepared to pay what. What the country could not accept was a grinding to a halt of the operations of the upstreamers in particular, because there was no gas price agreement for gas supply. What we did in that Houston meeting was not to interfere in the gas price discussion in terms of determining what the price should be, but what we did was to get the two entities to come back to the table and to talk to one another and to

agree on a gas price, [*Desk thumping*] and that is what they did, and that is what guaranteed that there was a supply of gas in Trinidad and Tobago, and that is what carried the industry. Had we continued the way we were going, what was the outcome going to be? If the upstreamer is not prepared to produce the gas because there was no price agreed upon, there would have been no gas to supply our industries here, and I do not know why my colleagues are so upset about the fact that we did manage to get them to agree to a price, and once bp agreed to a price, Shell came on board, and EOG came on board, and there was \$5 billion in investments that was kicked off immediately after that. [*Desk thumping*]

As a result of that, Madam Speaker, Trinidad and Tobago's exploration has now become extremely active and we are now looking at, for the next five years, we are committed and we continue to announce developments arising out of that foundation where we had a gas price. And, Madam Speaker, finally, to be grilled by people who did not even initiate and had us here as a country with not even opening discussion about a gas price, when we had business in Point Lisas depending on a gas price for the supply from the upstream to be received by the downstream, it was downright irresponsible and dangerous, and the best thing that ever happened in this country is that this Government cut a gas price which generated activity [*Desk thumping*] that we are now looking towards in the future. So, Madam Speaker, I refuse to accept that the Government's intervention, bringing the parties to an agreement is something that we should apologize or be ashamed of. We are proud of what we have done because we have saved this country's energy sector. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: Thank you. Hon. Prime Minister, what was the gas price agreed upon?

Madam Speaker: Could you repeat that question?

Mrs. Gayadeen-Gopeesingh: What was the gas price agreed upon?

Madam Speaker: I would not allow that as a supplemental question. Hon. Members, the time for Prime Minister's Questions is now spent. Member for Fyzabad.

URGENT QUESTIONS

COVID-19

(Health Status of T&T Nationals)

Dr. Lackram Bodoie (*Fyzabad*): Thank you very much, Madam Speaker. To the hon. Minister of Health: In light of the worsening global situation with regard to the novel Coronavirus, now termed 19 Coronavirus, can the Minister provide an update on the health status of Trinidad and Tobago nationals who are currently in China?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. We now have to call this the COVID-19. We all will have to get accustomed to that new name as given by WHO yesterday. Madam Speaker, to answer the question, the Government is acutely concerned about the well-being of our citizens in China, and I could refer the hon. Member to the Minister of Foreign and Caricom Affairs who spoke extensively on this issue yesterday. The Minister of Foreign and Caricom Affairs said clearly that the health status of our 120-plus nationals in China are well at this point in time. What I could also tell this honourable House, in my conversations with His Excellency, Song Yumin, I have had three conversations with him on this same issue, and he has also pledged anything that the Government of the People's Republic of China could provide to make the stay of our citizens in Trinidad and Tobago a safe and comfortable one. Thank you very much, Madam Speaker.

Dr. Bodoë: Thank you Minister for that response. Minister, does the Government believe that it is still safer at this time for our nationals to remain in China as opposed to offering them repatriation?

Hon. T. Deyalsingh: Madam Speaker, again, I would refer the hon. Member to the press conference by Minister Dennis Moses yesterday. Minister Moses said unequivocally that there are no requests at this point in time from any citizen to come back to Trinidad and Tobago. Thank you very much, Madam Speaker.

Dr. Bodoë: Thank you Minister. Minister, in the event that citizens request repatriation, can you indicate whether the protocol for monitoring those nationals would be any different from that that is currently in place? I am referring to quarantine.

Hon. T. Deyalsingh: Thank you very much. Madam Speaker, anyone coming from China to any part of the world, as you know, they are subject to a 14-day isolation or quarantine period depending on the clinical assessment of whether these individuals are virus-free, suspected cases or actual cases. We, in Trinidad and Tobago, have the capacity to deal with this issue. Thank you very much, Madam Speaker.

Madam Speaker: Member for Couva South.

Industrial Action by PTSC

(Details of)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. To the hon. Minister of Works and Transport: Given recent industrial action by PTSC employees, and comments from the PTSC Chairman that bus drivers are not adequately fulfilling their requisite duties, could the Minister please indicate what has been done to address this current and worsening situation?

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

Thank you, Madam Speaker, and thank you for the question, giving me the opportunity to come to this Chamber. Madam Speaker, the PTSC has written to the union advising of the shortcomings, and also to the drivers and dispatchers cautioning that—the need to perform in accordance with their agreement. Drivers are expected to perform as many trips as their shift allows, and the PTSC is monitoring this to ensure compliance. I thank you.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you. Mr. Minister, could you inform this House how many defective buses and aged buses are currently existing within the fleet of PTSC?

Sen. The Hon. R. Sinanan: Madam Speaker, based on the question that was put forward, I would be more than willing to answer that question if the Member will pose it as a further question. I did not come prepared with those figures at this point in time.

Mr. Indarsingh: Mr. Minister, could you inform this House whether the industrial action on the part of PTSC's employees is as a result of the failure of the Government to provide a mandate to the management of PTSC as it relates to negotiations for the bargaining periods 2014—2016, 2016—2019?

Sen. The Hon. R. Sinanan: Madam Speaker, based on the information supplied to me, there was a call by one of the unions for several units. The PTSC was one of those corporations that was involved in some sort of union protests. We do have outstanding negotiations ongoing, and unfortunately, on that day, most of the bus drivers did not show up, however, the following day, everything went back to normal. So, I anticipate it could be what the Member is speaking about. However, it is being dealt with by the CPO and the Ministry of Finance, if that was the problem. Thank you.

Madam Speaker: Member for Couva South.

Lack of Security for Schools

(Measures taken)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. To the hon. Minister of Education: Could the Minister inform this House of what urgent measures are being pursued to resolve the issues related to the lack of security to hundreds of school which is affecting students and staff due to the fact that security services provided to the Ministry of Education by the firm Superior Security have been compromised due to the failure of the Ministry to settle outstanding debts to this firm?

Madam Speaker: Minister of Education.

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Let me first disabuse from the mind of the Member for Couva South that there is a lack of security to hundreds of schools affecting students and staff. All of the hundreds of schools are fully manned with adequate security personnel. [*Desk thumping*] The Ministry of Education has six contractors providing security services to our schools, and all are currently on site. The Superior Security Services has not withdrawn services to any of the 27 schools under their watch. Outstanding payments, Madam Speaker, to this firm, Superior Security Service limited, are being processed by the Ministry of Education. Hyperbole. [*Desk thumping*]

Mr. Indarsingh: Madam Speaker, the Minister of Education—

Madam Speaker: Order!

Mr. Indarsingh: The Minister of Education has a responsibility to be accountable and not condescending [*Desk thumping*] and I would ask the Minister to name the six contracting firms and on how much money are they owed by the Ministry of

Urgent Questions (cont'd)

2020.02.12

Education? That is the issue.

Madam Speaker: I would not allow that as a supplemental question. Supplemental, Member for Couva South.

Mr. Indarsingh: Madam Speaker, could the Minister tell this House whether the San Juan North Secondary School is one of the schools that has been affected by the threat to withdraw services by Superior Security Services, and this school—the actions at this school have resulted in teachers being afraid and it has been deemed a war zone?

Madam Speaker: Minister of Education.

Hon. A. Garcia: Thank you very much, Madam Speaker. It is quite obvious that Member for Couva South does not know what he is speaking about. [*Laughter*] San Juan North Secondary School is not secured by this firm. San Juan North Secondary School is secured by MTS guards. Thank you very much. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Oropouche East.

Dr. Moonilal: Thank you very much, Madam Speaker. Mr. Minister, given your earlier reply that the schools are properly manned by security companies, is the Minister happy, elated, and does the Minister condone these acts of violence and indiscipline which we read about every single day in the newspaper in the school system? [*Desk thumping*] Are you happy with that?

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

[*Hon. A. Garcia stands*]

Madam Speaker: I will not allow it as a supplemental question. Leader of the House.

ANSWERS TO QUESTION

The Minister of Social Development and Family Services (Hon. Camille

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Answers to Question (cont'd)

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Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, there is one question for oral answer, and we are asking for a two-week deferral. We know we had a previous deferral, but we are asking for another two weeks, and there are no questions for written answer.

Madam Speaker: So that question No. 17 is deferred for a further two weeks.

The following question stood on the Order Paper in the name of Mr. Fazal Karim (Chaguanas East):

Completion of Schools

(Details of)

17. With regard to the announcement that \$800 million dollars were allocated to complete schools yet to be completed since 2015, could the Minister provide:
- a) the list of schools to be completed; and
 - b) the expected commencement and completion dates for each school in part (a)?

Question, by leave, deferred.

STATEMENT BY MINISTER

NATIONAL POLICY ON CULTURE AND THE ARTS (NPCA)

FOR THE REPUBLIC OF TRINIDAD AND TOBAGO

The Minister of Community Development, Culture and the Arts (Hon. Dr.

Nyan Gadsby-Dolly): [*Desk thumping*] Thank you, Madam Speaker. I have been authorised by the Cabinet of Trinidad and Tobago to make the following statement: I have the privilege of laying before this honourable House, the National Policy on Culture and the Arts for the Republic of Trinidad and Tobago for the period 2019—2024, as a Green Paper for public comment for the period of one month.

Statement by Minister (cont'd)
Hon. Dr. N. Gadsby-Dolly (cont'd)

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Madam Speaker, Trinidad and Tobago has struggled with articulating a National Culture Policy for the last several decades, with at least three to four comprehensive attempts over that time. Trinidad and Tobago's uniquely diverse cultural experiences, the extremely vast and informed cultural sector and contrasting philosophical positions on how Trinidad and Tobago should treat this rich resource, would have impacted these efforts. This iteration of a culture policy for Trinidad and Tobago builds on the various policy initiatives of successive governments and the invaluable work of cultural entrepreneurs and organizations in Trinidad and Tobago's vast cultural ecology. The policy is a celebration of who we are and our many accomplishments in the realm of culture, even in the absence of a formal policy.

However, it provides the critical platform for harnessing the limitless potential of our creative wealth in a manner that transforms the national landscape; and ensures the nurturing of new and burgeoning talent, the sustainability of artists' livelihoods and the ascendancy of our culture in the global cultural stratosphere; all the while expanding its contribution to the economy and national development. The policy pursues a vision of "A thriving, inclusive and dynamic cultural sector at the centre of national development." It operationalizes this vision through:

- two developmental themes;
- five policy goals;
- enumerable priority actions divided across four policy sub-sectors; and
- solid institutional arrangements

These altogether address the priority needs of the sector and our young nation. The two developmental themes are:

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Statement by Minister (cont'd)
Hon. Dr. N. Gadsby-Dolly (cont'd)

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1. National identity and cultural confidence; and
2. Harmonized and strengthened cultural environment as an enabler of cultural growth.

The former addresses the issues of who we are as a people and how we can shed the adverse trappings of our past to harness our best selves for personal, community and national benefit. The second focuses on the benefit of harmony, synergy and effectiveness in our development of all the elements of our cultural ecosystem. The five goals are to:

1. Enhance cultural confidence by enriching the participation of all in cultural development that transforms the social and economic experiences of the nation.
2. Strengthen national identity, identities and the sense of belonging among all social groups.
3. Secure and strengthen infrastructure for cultural diversity, preservation, participation, exchange and expression.
4. Support artists, entrepreneurs and industry associations in the production of high quality output.
5. Establish and sustain an integrated institutional framework to support the cultural sector.

The four policy sub-sectors through which many core recommendations are articulated are:

1. the culturally confident citizen;
2. the arts;
3. heritage, memory and legacy; and
4. cultural industries.

Statement by Minister (cont'd)
Hon. Dr. N. Gadsby-Dolly (cont'd)

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The policy adopts a whole of government, and whole of society approach to implementation, fully appreciative of the fact that culture is about all of us. As such, it brings together Government Ministries with their core responsibilities, to work in harmony with cultural groups, contributors and interests. It will harmonize work through a technical committee for culture and the arts which will oversee policy implementation.

The scope of the National Policy on Culture and the Arts is as broad, diverse and dynamic as is the cultural sector in Trinidad and Tobago, and this deliberately so, given the decades of absence of a formal culture policy in this country. The National Cultural Policy pursues the growth and development of our cultural sector in a holistic manner. It will focus on who we are, ensuring that our essence reflects a strong sense of cultural confidence, self-assurance, nationhood, responsibility, and solidarity. At the same time, it will seek to maximize the value ascribed to and tangible benefits to be derived from all of our cultural products, in a manner that adequately rewards the artists and artistes, other cultural workers, cultural and art institutions, agencies, cultural investors, and the economy.

Finally, the policy will also seek to ensure intangible benefits—the love and experience of all that is we—to every citizen in every community of this great nation. Madam Speaker, I thank you. [*Desk thumping*]

Madam Speaker: Member for Princes Town.

Mr. Padarath: Thank you, Madam Speaker. Madam Speaker, through you to the hon. Minister: In light of the statement that the Minister has provided, the Minister spoke about enforcing the policy through a technical committee. Could the hon. Minister give us an indication of who would comprise this committee and how it would be appointed?

Statement by Minister (cont'd)

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Hon. Dr. N. Gadsby-Dolly: Thank you, Madam Speaker. The committee would be made up of representatives of the different agencies that impact the cultural sector as well as some representation from the artist community, and it is well enumerated in the policy and available for comment. [*Desk thumping*]

**JOINT SELECT COMMITTEE REPORT
MUTUAL ADMINISTRATIVE ASSISTANCE
IN TAX MATTERS BILL, 2018
(Adoption)**

Order for second reading read.

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

Be it resolved that this House adopt the report of the Joint Select Committee appointed to consider and report on the Mutual Administrative Assistance in Tax Matters Bill, 2018, the Tax Information Exchange Agreements Bill, 2018, and the Income Tax (Amdt.) Bill, 2019, in the Fifth Session, Eleventh Parliament.

Madam Speaker, I present for the adoption of the House a report of the Joint Select Committee on the Bills just mentioned. The Committee recommends that the House agree with these proposals for amendments to the Bills which I will address in detail in due course. The Bills were considered and reviewed by the parliamentary Committee, and have their genesis in a global initiative to prevent tax evasion and tax avoidance through effective and regular exchange of information between global tax administration counterparts. Tax evasion and tax avoidance have become matters of acute global interest as nations tackle the threat of revenue loss through offshore tax evasion and non-compliance with taxation laws.

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As the world becomes increasingly globalized, taxpayers have more access to investments made through financial institutions outside their country of residence. As a result, vast amounts of money are kept offshore and may be untaxed to the extent that taxpayers fail to comply with obligations in their home jurisdiction. With the increase in cross-border flows of capital that comes with a global financial system, tax administrations around the world face more and greater challenges with respect to the enforcement of tax laws than ever before. To meet these challenges, authorities must increasingly rely on international cooperation based on the implementation of international standards of transparency and effective exchange of information. These things are key to ensuring that both individual and corporate taxpayers have no safe haven to hide their income and assets, and that we pay the right amount of tax in the right place.

In this environment of international cooperation, countries have come together to set standards in respect of transparency and exchange of information for tax purposes. In this regard, the Global Forum on Transparency and Exchange of Information for Tax Purposes is the international body through which work on transparency and exchange of information has been carried out, by both the organization for economic cooperation and development, the OECD, and non-OECD economies since the year 2000. The Global Forum was restructured in 2009, and has become the key international body working on the implementation of standards for tax transparency. The Global Forum is charged by the G20 nations with ensuring that these high standards are in place around the world through monitoring and peer review activities.

Trinidad and Tobago became a member of the Global Forum in 2011 under the previous administration, and has so far undergone a Phase 1 Peer Review,

which assessed the quality and legal and regulatory framework for the exchange of information between Trinidad and Tobago and other jurisdictions. Trinidad and Tobago launched its Phase 2 Peer Review, which looks at the practical implementation of the legal and regulatory framework as of June 2018. However, this review was suspended at the stage of the on-site visit. The main impediment to the completion of the review is the enactment of appropriate legislation to effectively implement international standards of transparency and exchange of information for tax purposes. After this, Trinidad and Tobago was rescheduled for review to December 2019. But, because the Bills before us, in the report, were not agreed to, we could not make this deadline and approached the Global Forum for a further deferral, which was granted to the third quarter of 2020. This deferral was approved by the Global Forum in November 2019.

As it currently stands, the Global Forum has reported that Trinidad and Tobago is the only member country from its membership listing of 160 countries which is deemed to be non-compliant. This is due to the fact that Trinidad and Tobago is the only country that is yet to enact the requisite legislation to allow for effective exchange of tax information. We are here today, and it is expected that we will finally cross that hurdle and enact this package of legislation to allow Trinidad and Tobago to make good the commitment that it made in 2011.

Madam Speaker, I wish to point out that tax transparency and exchange of information is not new to us. In fact, virtual identical legal requirements and administrative arrangements were introduced and have been implemented by the Tax Information Exchange Agreements (United States of America) Act, 2017, as it pertains to US persons resident in Trinidad and Tobago. The USA Act allows for the automatic exchange of tax information between the Board of Inland Revenue

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and the United States Treasury on an annual basis, as well as exchange of information on request, and that could be described as the FATCA Act. Since the proclamation of that Act in 2017, the exchange of tax information between Trinidad and Tobago and the United States has operated and continues to operate seamlessly without any of the problems that were thought would occur by Members opposite.

The package of Bill before us this afternoon will allow for a similar type of exchange of tax information to take place annually, as a matter of routine between Trinidad and Tobago and its treaty partners, starting with the 16 jurisdictions with which we have bilateral double-tax treaties. Now, Madam Speaker, global compliance with the new standard for tax information exchange has two main components, namely: a legal component and an administrative component. The legal component is grounded in the Multilateral Convention on Mutual Administrative Assistance in Tax Matters, or where parties are not party to the convention, a minimum number of executed taxation treaties that provide for exchange of information. The administrative component consists of the standard for automatic exchange of financial account information in tax matters, which has four elements. I will address these in a while.

With respect to the legal component, the convention I have just referred to is a treaty developed by member states of the Council of Europe, and the member countries of the OECD. It has been signed and ratified by 121 nations worldwide, including all of the G20 nations. Countries from Africa, Central and South America, Oceania, and the majority of Caricom nations such as Barbados, Grenada, Dominica, Jamaica, St. Kitts and Nevis, St. Lucia and St. Vincent and the Grenadines.

2.30 p.m.

This Convention provides for a uniform and agreed legal basis on which tax information can be exchanged between countries and facilitates four methods of exchange namely: upon request, automatically, spontaneously or simultaneously. The Convention also provides for assistance between competent authorities in order to facilitate collection of taxes. This type of assistance involves two or more competent authorities examining each in their own territory, the tax affairs of a person or persons in which they have a common or related interest with a view to exchanging the information obtained. Another type of assistance is examinations abroad whereby representatives of a competent authority travel to another jurisdiction in order to examine the tax affairs of a person.

The Convention also allows for assistance in recovery of tax claims by a competent authority on behalf of another competent authority, as if they were their own claims. Therefore, Madam Speaker, the Convention opens the door between the competent authorities of nations in order to ensure that there are few, if any, barriers to the effective collection of taxes. In January 2017, Trinidad and Tobago formerly requested to become a signatory to the Convention, but was not allowed to do so because the package of legislation, which is before us today, had not yet been enacted and this was considered to be a serious deficiency. And may I say, like other things, Madam Speaker, this legislation has been with us in this Parliament for years. It has been in the Joint Select Committees for years.

Madam Speaker, I now turn to the administrative component, that is, the standard. In 2013, the Global Forum adopted the standard as the new accepted global standard for exchange of information for tax purposes. It represents the international consensus on automatic exchange of financial account information for

tax purposes on a reciprocal basis and has four elements:

1. A Common Reporting Standard that contains the due diligence rules for financial institutions.
2. The Competent Authority Agreement that links the Reporting Standard to the legal basis for exchange, such as a convention or a treaty.
3. Commentaries that illustrate and interpret the reporting standard and the Competent Authority Agreement.
4. Guidance and technical solutions including schemes to be used for exchanging the information and standards in relation to data safeguards, confidentiality, transmission and encrypting.

The Reporting Standard itself consists of reporting and due diligence requirements that underpin the automatic exchange of financial account information. A jurisdiction implementing the standard must have rules in place that require financial institutions to report information consistent with the scope of reporting set out in the common reporting standard and following the due diligence procedures in order to effectively identify reportable accounts. The institutions covered by the standard include custodian institutions, depository institutions, investment entities, insurance companies, and so on.

By this definition, commercial banks, insurance companies and certain investment entities in Trinidad and Tobago would be required to report on reportable accounts held in their institutions on an annual basis. There are some institutions that would not be required to report under the standard. These include: government entities and their pension funds, international organizations, Central Bank, certain retirement funds, qualified credit card users, exempt collective

investment vehicles, trustees, documented trusts and other low-risk financial institutions.

With respect to the information that must be reported, the standard requires the reporting of interest, dividends, account balance or value, income from certain insurance products, sales proceeds from financial assets and other income generated with respect to assets held in a reportable account or payments made with respect to a reportable account.

Reportable accounts would include accounts held by individuals, companies and entities. Non-reportable accounts would include retirement and pension accounts, non-retirement tax favoured accounts, term life insurance, estate accounts, escrow accounts, depository accounts due to non-returned overpayments and other low-risk excluded accounts.

It should be noted that the standard does not require institutions to report on all accounts holders. The due diligence component of the standard was designed to facilitate the identification of reportable accounts from amongst the full complement of financial accounts held by financial institutions.

And if I go back to FATCA, in FATCA, the agreement was that we will provide information, Trinidad and Tobago will provide information on US persons and operating in the Trinidad and Tobago and also, on Trinidad and Tobago citizens operating in the United States who have accounts here. This will be exactly the same with the various countries of the Global Forum. It only refers to persons who are citizens of those countries, citizens or residents, or persons in Trinidad and Tobago who do business in those countries. It does not apply to "John Public", your ordinary person.

In 2014, Trinidad and Tobago expressed to the Global Forum its

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commitment to the implementation of the standards and to a timeline for the first exchanges of information in 2017. As I have said before, we subsequently had to seek deferrals because very little had been done prior to the 2015 election and after that, we were required to enact legislation such as we are looking at today.

The Joint Select Committee, which I had the privilege to chair, had as its purpose, the review and reporting on Bills worked on over a course of two sessions of Parliament. During that period, we met at total of 10 times, we produced four reports. We also had written submissions from a number of stakeholders, such as: AMCHAM, the Trinidad and Tobago Chamber of Industry and Commerce, the FIB of the police service, FIU, Association of Trinidad and Tobago Insurance Companies, Bankers Association of Trinidad and Tobago, Inland Revenue, European Business Chamber, Association of Real Estate Agents, Institute of Chartered Accountants of Trinidad and Tobago and the Extractive Industries Transparency Initiative.

In looking at the Bills, the Committee looked at several issues. Concerns were raised as it relates to the Mutual Administrative Assistance in Tax Matters Bill and the notification procedure for the exchange of information. It was agreed that the requirement for notification was adequately addressed in that Bill and further notification may hamper criminal investigations. Additionally, the Committee considered whether the Board's power to obtain information under section 117(2) of the Income Tax Act, particularly where the provision effectively creates an exception to confidential professional relationships including legal professional privilege. After discussions and submissions from technocrats on this point the Committee agreed that no exception was created since legal professional privilege does not attach to documents or records delivered to an attorney in an

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attempt to protect such documents from disclosure nor does it apply where a criminal offence has been committed.

Let me go to the Bills themselves. Mutual Administrative Assistances in Tax Matters Bill, 2018. This Bill seeks to allow for the provisions of the Convention on Mutual Administrative Assistance Tax Matters as well as the Common Reporting Standard to be implemented in Trinidad and Tobago. It is a critical part of our compliance with the requirements of the Global Forum and the European Union. The Bill has four Parts and 25 clauses and seven Schedules. Part I deals with preliminary provisions, has seven clauses. Part II provides for the various forms of assistance with respect to exchange of information, and has seven clauses. Part III provides for a compliance and enforcement under the Act and contains five clauses. Part IV deals with the miscellaneous provisions and contains six clauses. The majority of amendments recommended by the Committee are to this Bill and to a large extent, captures the spirit and intent of both the Multilateral Convention and the Common Reporting Standard and include recent developments. There are also some clean up amendments to clauses 4, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19, 22 and 25. Amendment of the Schedules is also recommended and the insertion of a new Schedule and renumbering as required.

In the first part of the Bill, the definition for “tax” in clause 4 of that Bill needs to be looked at. That definition specifies a category of taxes to which the Act would apply. The exchange of information pursuant to this Bill will be in relation to the collection of taxes to which the Convention and the Tax Information Exchange Agreements (United States of America) Act, 2017 apply. Namely, taxes on income or profits, taxes on capital games, which are imposed separately from the tax on income or profits, and taxes on net wealth. Each party to the

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Convention has listed their taxes to which the exchange of information under the Convention would apply. That list is in Schedule 3. For Trinidad and Tobago, the applicable taxes would be: corporation tax, income tax, business levy, unemployment levy, petroleum profits tax, supplemental petroleum tax and Green Fund Levy. These taxes are also consistent with what we have in our existing double taxation treaties.

Clause 5 of the Bill stipulates that, for the purpose of the domestic implementation of the Act, the Board of Inland Revenue shall be the competent authority for Trinidad and Tobago. So in our jurisdiction, our competent authority will be the Board of Inland Revenue. And the Bill provides for the exchange of information between our competent authority and various competent authority of the countries who are party to the Convention. So they would have a similar body in their country, a similar revenue authority.

Clause 6 allows for the Act to apply to any new taxes, within that list I just gave imposed, after January 2017. Clause 7 empowers the Board of Inland Revenue to enter into agreements with other competent authorities for the establishment of procedures for the exchange of information among other things. An amendment to clause 7 was recommended by the Committee to allow the board to make adjustments to any such agreement in keeping with the adjustments in arrangements between the parties.

Part II of the Bill, which has the core provisions of the Bill, relates to the exchange of information. Clause 8 requires the Board of Inland Revenue to exchange with another state applying for administrative assistance, information that is foreseeably relevant for the administration of our domestic tax law. Information that is foreseeably relevant generally refers to information related to

an ongoing investigation for non-compliance with tax laws. Stakeholders, with whom the Committee consulted, raised some concerns with what they felt was the imprecise nature of the term “foreseeably relevant”. This terminology, however, is central to the main aim of the Convention and it is intended to provide for exchange of information in a broad manner while at the same time preventing fishing expeditions or other similar things. So the Committee thus preserved the terminology used in the Convention. Many of the things that are in these Bills, Madam Speaker, spring directly from the Convention.

Clause 9 of the Bill addresses another core component related to the exchange of information, namely, disclosure of confidential information. In recognition of the fact that the exchange of information for tax purposes will require institutions and the Board to access and disclose information that would normally be exempted under law, clause 9 expressly provides that various sections—various laws such as the Financial Institutions Act that restrict the sharing of personal information would not prevent the disclosure of information by the board or a financial institution where that disclosure is in accordance with and for the purpose of giving effect to the tax Convention. Together with this, our additional safeguards, namely, the requirement for the board to keep any information it receives strictly confidential unless permitted to disclose that information under the legislation. And there is an offence for unauthorized disclosure of information obtained under the Act. This offence will carry with it a fine of \$100,000 and imprisonment for three years on summary conviction and an indictment, a fine of \$150,000 and imprisonment for five years.

Clause 10 of the Bill deals with the exchange of information upon request. Pursuant to this clause, the Board of Inland Revenue is required to take all relevant

measures to provide the competent authority of a requesting state with the information requested, utilizing the full extent of its information gathering powers under the law.

Clause 11 of the Bill deals with automatic exchange of information on an annual basis, just like FATCA. Clause 12 sets out reporting requirement of a reporting financial institution. Committee recommended the insertion of new subclauses (7), (8) and (9) to provide further clarity on the information to be collected and reported by financial institutions. Clause 12 requires a reporting financial institution to notify an account holder in respect of a reportable account that information related to that person which is required to be reported has been forwarded to the Board of Inland Revenue and will be sent to the competent authority of an applicant state. This is, again, similar to FATCA except persons will be told when their information is being sent to the Inland Revenue Division and transferred to the competent authority of another country, in accordance with the legislation. This is to be made once by the 31st of January in the calendar year following the first year information.

Clause 13 of the Bill sets out the ground upon which spontaneous exchange of information can be conducted. And this is usually where the Board has reasonable grounds to suspect that there may be a loss of tax in another country or a saving in tax in Trinidad and Tobago that would give rise to an increase in tax in another country. Clause 14 addresses the simultaneous exchange of tax information through the conduct of simultaneous tax examinations in two or more countries. Clause 15 sets out compliance and enforcement provisions. Clause 16 provides for collaboration between Inland Revenue and other competent authority to correct any errors or incomplete information that is exchanged. Clause 17

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preserves the records. Clause 18 requires the Inland Revenue Division to notify the OECD Secretariat regarding any breach of confidentiality or failure of safeguards as well as sanctions imposed and action taken. Clause 19 would require a reporting financial institution to use service providers or allow them to fulfill the reporting and due diligence obligations.

The final part of the Bill, Part IV, starts with clause 20 which prevents an officer of the Board of Inland Revenue who properly discloses confidential information under the Act from being liable for any offence. Clause 21 requires the Minister of Finance to lay an annual report in Parliament on the operations of the Board of Inland Revenue in relation to the Act. Clause 22 authorizes the Minister of Finance to amend the Schedules to the Bill where necessary. Clause 23 allows the Minister to prescribe any date that must be prescribed. Clause 24 provides for the making of regulations and clause 25 provides for consequential amendments to existing legislation.

In the seven Schedules to the Bill, the First Schedule is the Common Reporting Standard, due diligence requirements. The Second Schedule is the competent authorities of all countries signed to the Convention. Schedule 3 sets out the full text of the Convention on Mutual Administrative Assistance in Tax Matters. Schedule 4 sets out the state parties to the Convention. Schedule 5 listed jurisdictions undertaking first exchanges in 2017 and in 2018. And Trinidad and Tobago is among the jurisdictions committed to first exchange by 2018, but we did not achieve that. Schedule 6 contains the model competent authority agreements and Schedule 7 is consequential amendments.

I now turn to another Bill, Tax Information Exchange Agreements Bill, 2018; the second Bill. Members may recall the FATCA Act, as it is called. It

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repeal and replace the Tax Information Exchange Agreements Act, 1989. Since the 1989 Act was replaced with an Act that treats only with agreements between Trinidad and Tobago and United States of America, there is need to enact another piece of legislation that can apply to all other existing and potential treaty partners. The Bill, Tax Information Exchange Agreements Bill, 2018, therefore mirrors the 1989 Tax Information Exchange Agreement Act and I want to stress, this Act has been enforced for over 30 years in Trinidad and Tobago, but it has been updated to provide for exemptions from certain specified sections of the Data Protection Act which came afterwards, as we also did with the USA FATCA Act and to increase the penalties for unauthorized disclosure of information.

This Bill has 10 clauses and your Committee recommended the introduction of an eleventh clause. Amongst significant amendments to the Bill, is an amendment to clause 5 that provides that an Order made by the President declaring that a tax information exchange agreement to be a declared agreement to be laid in both Houses of Parliament. An amendment is also proposed to clause 6 of the Bill to specify that the general directions that may be given to the Board by the Minister of Finance do not include any directions relative to the personal information of any specific person within the possession of the Board. I want to repeat that. The Minister of Finance will not be permitted to give directions to the Board of Inland Revenue, relative to personal information of any specific person. And this is in response to concerns raised by stakeholders.

Clause 6, in its current form, appeared in the repeal in 1989 Tax Information Exchange Act, allowed for the Minister to direct the Board on matters relating solely to the effective implementation of declared agreements. And this, did not in the past and will not now, extend to any ability of the Minister of Finance to access

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secret and confidential information. And this is, in fact, prohibited by the Income Tax Act.

However, notwithstanding all of that, notwithstanding all the safeguards, the Committee recommended that an express provision be included in clause 6, so it is now clear to all concerned that the Minister will not be authorized to direct the Board to provide them with any personal information that they hold on persons.

Clause 7(1) of the Bill, it is recommended be deleted, replaced with new subclauses 7(1), (2) and (3). The original draft of clause 7(1) came from the old 1989 Act and the Committee recommended that it be re-worded for clarity. The effect was not altered but it is much better worded now. It sets out the powers of the Board of Inland Revenue and allows the Board to utilize its existing statutory powers for giving effect to a declared agreement.

The new clause 11 addresses the matter of notification by the Board directly to the person affected to effect that their personal information was reported under an agreement to the competent authority of a particular state. The pragmatism of notification as well as appropriate timelines for such, was a matter that was well-ventilated before the Committee. The Committee recommends that such notification by the Board shall be within one year following the provision of information to a competent authority of another state under a declared agreement.

The final Bill—and, Madam Speaker, how many minutes do I have?

Madam Speaker: 3:06:05 p.m.

Hon. C. Imbert: 3:06 p.m.

Mr. Al-Rawi: Six past three.

Hon. C. Imbert: Right, okay, thank you very much. So I have 14 minutes. The final Bill in the package is the Income Tax (Amdt.) Bill, 2019. On November 02,

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2018, the Income Tax (Amdt.) Bill, 2018, now an Act, was debated before this House. At that time, I provided a detailed account of the events leading up to this Government's decision to introduce amendments to the Income Tax Act. I will explain, at length, the importance of the passage of such a Bill to Members opposite and the national community. One of the main aims, at that time, was to avoid potentially deleterious effects on Trinidad and Tobago's financial sector and the country as a whole, potential de-risking and other countermeasures as a result of Trinidad and Tobago failing to become compliant with Global Forum's standards. The amendments in that Bill, in 2018, were aimed at not only addressing Global Forum commitments, but also, our commitment to the Financial Action Task Force.

On November 02, 2018, while an attempt was being made to get on with the enactment of this legislation, Members opposite insisted that the work of the Committee needed to continue based on a suggested amendment to one clause in the Bill. In order to allow this to be considered, the Bill was referred to a Special Select Committee of the House to consider and report on the Bill. This Committee met twice, one of which was a public meeting. The Committee heard representations from 25 important stakeholders, including His Excellency Arend Biesebroek, the Ambassador of the European Union, representatives from the Bankers Association of Trinidad and Tobago, the National Anti-Money Laundering Committee, NAMLC, the Inland Revenue Division, Financial Intelligence Unit, Financial Intelligence Branch of the police service, American Chamber of Commerce and the Trinidad and Tobago Chamber of Industry and Commerce. Very productive and wide-ranging discussions were held.

During this public session, it was made clear that the main driver behind all

of this global interest in tax transparency, the eradication of tax evasion and tax avoidance, and all the usual issues such as money laundering, terrorist financing, which arise out of a lack of transparency in tax matters. It was also made clear by the European Union, to all present and the general public, the consequences for not passing the 2018 Bill. We were at risk, then, of being faced with defensive measures from European community members. These potential defensive measures included: the termination of correspondent banking, the cessation of the supply of European notes to our Central Bank, the suspension of credit card transactions and the suspension of money services such as Western Union and MoneyGram.

We came back to this House in November 2018 to consider and debate the report of the Special Select Committee. I reported to this House on the outcome of discussions, presented the Committee's report for adoption. It was our hope then, having considered all the relevant matters and having heard from the stakeholders that the 2018 Bill would be enacted. Despite all of this, Madam Speaker, despite all the risks of defensive measures from European community members, Members opposite withheld their support for the Bill. As a result, in an effort to at least do something about our FATF commitments, the clauses of that 2018 Bill which required support of a three-fifths majority were removed from the Bill. The Bill was then passed and it is now law and we press on.

The provisions that were excised from the 2018 Bill when incorporated into the Income Tax (Amdt.) Bill, 2019, now before us in this report and referred to the Joint Select Committee, further discussions continue. However, as we had said, while the Committee continues to do its work, members of the European Union made good on their promise. Trinidad and Tobago remains listed by the European

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Union as a non-cooperative jurisdiction for tax purposes. This listing is solely because Trinidad and Tobago has failed to comply with Global Forum standards. Individual European countries such as France, Netherlands, and Luxembourg have begun to exercise their option to apply defensive measures against Trinidad and Tobago. These measures include: suspension of wire transfers to and from correspondent banks. Students who are studying in these countries have been prevented from opening bank accounts in the European banks and are being subjected to enhanced due diligence. Nationals engaged in business transaction with European persons have encounter impediments to the transmission of funds. The impact of the delay in implementing these legislative changes has now gone from hypothetical, as we warned in November, to real as we speak now in January 2020.

Ordinary citizens of Trinidad and Tobago are now being impacted and if we do not pass these Bills today, Madam Speaker, these defensive measures will increase in severity. The international perception that has been created by the non-support of this legislation in the past, and I hope we are talking about the past, is that Trinidad and Tobago is a jurisdiction that contributes to tax evasion and tax avoidance. Our international reputation has been damaged. And so, Madam Speaker, we are now here, over a year later, to once again seek support for the passage of these critical amendments to the Income Tax Act.

This last Bill is a short Bill with 8 clauses. The Joint Select Committee only recommended one minor amendment to clause 5. For completeness, the Bill will now insert into the Income Tax Act a new section 4D which requires the Board or allows the Board to provide taxpayer information that is foreseeably relevant to the administration of domestic laws of another jurisdiction with which there is an

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arrangement for double tax relief for exchange of information, notwithstanding the secret provisions at section 4 of the Income Tax Act.

Amendments to section 93 are proposed, related to the double taxation agreements. A new section 93A would be inserted into the Income Tax Act by clause 6 of the Bill to exempt specified sections of the Data Protection Act. Finally, the Bill provides for amendments to section 117 and 117A of the Income Tax Act so that the powers of the Board specified therein will be exercisable to give effect to the full range of legislation under the purview of the Board.

3.00 p.m.

And, Madam Speaker, before I close, I want to put into the record some notes of meetings of the Committee that was appointed to consider and report on the Income Tax (Amdt.) Bill, 2019, the Mutual Administrative Assistance in Tax Matters, 2018, and the Tax Information Exchange Agreements Bill, 2018. On Monday, September 16, 2019—just a few months ago—during the Committee's Ninth Meeting in the Fourth Session, members raised certain matters which required further clarification from the Organisation for Economic Co-operation and Development. During this meeting, the chairman, yours truly, advised members that he was desirous of laying the report of the Committee during the sitting of the House of Representatives which was scheduled for Friday, September 20, 2019, pending the receipt of a response from the OECD on the issues raised by members.

The responses from the OECD, addressing these concerns, were received by the Secretariat on Friday, September 20, 2019, and was forwarded to the members on the same day along with the draft final report requesting comments and amendments. Shortly after that, correspondence was received from Sen. Hosein on behalf of members Karim, Charles and Hosein, raising concerns in relation to the

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final report. These concerns were in relation to the notification procedure for exchange of information on request, or spontaneously, and the proposed exception to legal professional privilege as contained in the Mutual Administrative Assistance in Tax Matters Bill. A concern was also raised by Independent Sen. Seepersad in relation to the issue of legal professional privilege.

As a result, since special majority is required, a decision was made by myself to save the work of the Joint Select Committee, carry forward the Bills to the Fifth Session—the session we are now in—to allow further discussion on the issues identified since September 20th was the last sitting day of the previous session. The Bills were, therefore, carried forward to the Fifth Session on Friday, September 20, 2019. At its first meeting in the Fifth Session held on Wednesday, November 06, 2019, the Committee discussed the issues raised by Sen. Hosein and Sen. Seepersad at length. Some of the points raised by the Committee during the discussion include, in relation to the notification procedure, the Committee noted that under clause 12 of the Bill a reporting financial institution, including a bank, is required to notify an account holder that information relating to that person has been reported to the Board and will be exchanged with the competent authority of an applicant state.

It was also noted, that when dealing with criminal matters, there is no requirement for notification of an account holder because such notification may thwart criminal investigations. In relation to legal professional privilege, the Chief Parliamentary Counsel, its representative at the meeting, noted that this clause was a mandatory requirement in order to be compliant with OECD standards. We have asked this question several times of the OECD and they said this was a non-negotiable requirement. The Committee made specific reference to the OECD's

response to concerns raised, which stated that jurisdictions were not required to provide information which would disclose information that is subject of attorney-client privilege. The Committee reiterated that legal professional privilege does not apply where the committal of a criminal or an offence is involved.

Ultimately, after wide discussion, the Committee decided there will be no further amendments made to the Bills. Thereafter, the final report of the Committee was laid in the House of Representatives on Friday, November 22, 2019. I make these points, Madam Speaker, because I want to go back now, in the few minutes available to me, to make the point that we tried to get this legislation passed a long time ago. We told Members opposite that if we did not, that members of the European Union would start to apply defensive measures against Trinidad and Tobago citizens, and that has happened.

Defensive measures include: the suspension of wire transfers to and from correspondent banks; students of the Trinidad and Tobago citizens who are studying in European countries have been prevented from opening bank accounts; nationals engage in business transactions with European persons or companies have encountered difficulty to transmit funds; and it will get worse. And therefore, Madam Speaker, after all these years, after all these discussions in this Joint Select Committee, after all the consultations, after all the deliberations, after all the clarifications, it is my sincere hope that Members opposite will support this Bill so that we can avoid these increasingly dangerous defensive measures being placed on Trinidad and Tobago citizens by EU countries. I beg to move. [*Desk thumping*]

Question proposed.

Madam Speaker: Member for Chaguanas East.

Mr. Fazal Karim (*Chaguanas East*): [*Desk thumping*] Thank you very much, Madam Speaker, for the opportunity to join this very significant debate which, to our minds, has far-reaching consequences for the people of Trinidad and Tobago. Madam Speaker, many of the viewers and listeners of today's proceedings may be asking themselves a simple question: Why are we here today? I wish to report to our citizens asking that valid question that the UNC, led by our distinguished leader, Mrs. Kamla Persad-Bissessar, is here—[*Desk thumping*]—one, to protect and defend the constitutional rights and interests; [*Desk thumping*] two, to ensure that good legislation is passed to the benefit of Trinidad and Tobago; [*Desk thumping*] and thirdly, to act as your voice, those of you who are listening and viewing, and hold this Government to account for your tax dollars. [*Desk thumping*]

Madam Speaker, today as a Parliament, we are here to debate and for the House to adopt the Report of the Joint Select Committee, Fifth Session, Eleventh Parliament, 2019/2020 on the following: number one, the Mutual Administrative Assistance in Taxation Bill, 2018; secondly, the Tax Information Exchange Agreements Bill, 2018; and thirdly, the Income Tax (Amdt.) Bill, 2019. Madam Speaker, in the interest of time and focus, I propose to speak mostly on the Income Tax (Amdt.) Bill, and my very capable colleague, the Member for Naparima, will deal with the other two Bills. My other colleague, as well, will deal with other matters as we continue this very important debate this afternoon. So Naparima will deal with the—my colleague on the Joint Select Committee who—I want to say that I want to express my gratitude and my thanks to our political leader for appointing us on this Committee, together with Sen. Saddam Hosein [*Desk thumping*] and when I conclude, I will give some remarks about the level of

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contribution which the Members of the Opposition made.

Madam Speaker, the nation is looking on, together with the Opposition, and asking: What is the relevance of these three pieces of legislation? How will these three pieces of legislation affect the man in the street? The truth of the matter is that Trinidad and Tobago, as you would have heard many times in various places, operate within a global, political and economic framework. The external geopolitical systems are demanding increased levels of access to information on citizens' financial and tax affairs to: one, conduct unfair tax competition, and control that to see how that is happening; secondly, to strengthen cross-border tax compliance; thirdly, to prevent money laundering; and fourthly, counterterrorism financing as we have been told; and fifthly, to combat the local and transnational criminal enterprises. Trinidad and Tobago, Madam Speaker, as a global partner, is therefore required to comply with the mandates handed down by the Global Forum, the United States of America, the European Union, and other agencies.

Madam Speaker, in fact, the June 2016 Mutual Evaluation Report, which was mentioned before for Trinidad and Tobago on anti-money laundering and counterterrorism financing measures stated that Trinidad and Tobago, we would have had some robust legislation to deal with some of these matters, and these did not start today. They predate us in terms of the year 2000 with respect to the Proceeds of Crime Act, and many of those clauses found in there, also found themselves as recommendation in the Financial Action Task Force (FATF) which was cited in the same June 2016 Mutual Evaluation Report.

Madam Speaker, we would have heard from the hon. Member for Diego Martin North/East, Minister of Finance, and we would not only have heard from him today about matters like these, but in previous incarnations as well. But on

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those occasions, I just want to remind all of us, as we start and we continue to debate these three pieces of legislation, what the Member for Diego Martin North/East would have said on Friday 18th of August, 2000. He said:

“I have...difficulty, Mr. Speaker. We on this side have a difficulty. We could”—not—“stay here whole night and argue clause by clause against this Bill.

There are certain questions of fundamental rights that have to be looked at, rights to property, rights to privacy...”

And, Madam Speaker, these are the very same rights which we are making reference to. It is one thing when you are in Opposition, like they were there at that time, to talk about fundamental or constitutional rights, about the rights to property and privacy, but when you are in Government, sometimes you tend to forget what you say.

Madam Speaker, while I make reference—and we were talking currently today about these three Bills, I also want to place on record that what we have heard time and again, ad nauseam, is the whole aspect of blame. We are here today and we are being reminded that these pieces of legislation were there for a very long time and they should have been dealt with. But I want to also place on record, reference has been made before now about Mr. Larry Howai and the period of time of 2010/2015, but Mr. Howai would have been there impacting upon these legislation that we are now faced with, particularly from the period of time, 2014. And therefore, Madam Speaker, I think it is important for me to read the chronology, with your permission, so that persons listening will get an appreciation and an understanding as to the sequence of events and the years that would have gone through to bring us to this point.

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Madam Speaker, what are the facts then? In October 2014, former Minister of Finance, Mr. Larry Howai—and let me say as well that we are very happy, and I am particularly pleased and privileged to have worked with Minister Larry Howai then, who is a very competent, capable and outstanding Minister of Finance. [*Desk thumping*] Minister Larry Howai committed Trinidad and Tobago to the Global Forum on Transparency and Exchange of Information for Tax Purposes and gave a timeline. I want to repeat this. Minister Howai is the one that gave a timeline of September 2017 for the first automatic exchange of information. Let me also place on record that—and I recall this from my stint from the Cabinet—Minister Howai would have visited Berlin towards the end of 2014 and would have requested the period of time of up to 2017 to have this legislation implemented, and certainly with respect to Global Forum.

It was Minister Howai, who presented the case for the Government of Trinidad and Tobago at that time and was given approval. [*Desk thumping*] He was given approval by the Global Forum. In fact, his presentation was so well received that Minister Howai was asked to make a presentation to the Global Forum on the challenges of small states with respect to implementing this legislation. [*Desk thumping*] I want to also state for the facts that when we talk about where we are today, the facts, we are saying that all of these matters were there long before, but I think it is important as I gave the 2014 for us, for me to give the chronology. It is important, because you see, Madam Speaker, persons may come after me when I have completed my contribution and may want to attack what we are saying, but I want to give the facts of these matters to be placed on the *Hansard* [*Desk thumping*] and therefore, I would have spoken about 2014.

Madam Speaker, with your permission, I now want to go to September the

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9th, 2016. In a parliamentary debate, the Minister of Finance, Colm Imbert, admitted that soon after he was sworn in as Minister, he was aware of the timeline that was put in place for compliance by the Global Forum. That was what you would have said—I am quoting what you said in 2016, but you indicated as well that in 2015— well, if you go back, 2015, you are now saying that even before this time, you would have known about it, and the question is: What did you do about it? [*Desk thumping*]

Hon. Member: Good point.

Mr. F. Karim: In April 2017, the PNM Government signed on to a fast track process which was designed to report on the progress made by Trinidad and Tobago in terms of passing the necessary legislation to meet the obligations of the Global Forum. In June 28, 2017, the OECD published the results of the fast track review process in which Trinidad and Tobago was deemed to remain non-complaint as it was unable to demonstrate progress to warrant any upgrade opportunities. Madam Speaker, I am reading basically in the current period. The Government after being fully aware of the results of the fast track review, which was published internationally, did absolutely nothing to address the deficiencies and caused Trinidad and Tobago to be placed on a blacklist by the European Union. On May 28, 2018 now, in a further demonstration of the Government's ineptitude and negligence, it was almost one year later, May 28, 2018, that the Government introduced these Bills to the Parliament for consideration in an attempt to move Trinidad and Tobago from the blacklist.

Madam Speaker, I now go to August 2018. The Government, which is responsible for scheduling meetings of the Joint Select Committee, met on the 6th of June, 2018 and did not schedule any meetings for a period of 10 weeks, and then

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met on Tuesday, the 21st of August, 2018, and Wednesday, the 29th of August, 2018. All three meetings lasted approximately two hours and 40 minutes, which is totally inadequate to complete the deliberations of the—[*Inaudible*]. [*Desk thumping*]

Madam Speaker, I have a letter in my possession written by my colleague, the Member for Naparima, and he was writing to the Secretary of the Joint Select Committee indicating that that meeting—and let me just read with your permission.

I write on behalf of members, MP, Fazal Karim, Sen. Saddam Hosein and myself, to indicate our deep concern.

You see I am reading this, Madam Speaker, and I am making reference to this because what is being presented to us is that we did nothing when we were there and we allowed these things to lapse. And therefore, I am saying if you did not and you were so cautious and you are moving in such as fast track, how come you did not meet and we had to write to ask for meetings? Madam Speaker, I want to tell you the date of this letter is May the 9th, 2019, addressed to the Secretary of the Joint Select Committee.

I write on behalf...

—as I indicated that before and myself. I called the names before—

...to indicate our deep concern about the fact that since its establishment, only one meeting of the Joint Select Committee on the Mutual Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreements Bill, 2018, and the Income Tax Bill has been held.

The meeting was held on January 25, 2019, three months have since passed. We note that the legislation under review are vitally important. In order for

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us to come off the various blacklists, we confess that we are not seeing the level of urgency commensurate with the importance of the proposed legislation.

[*Desk thumping*] My colleague continues:

It is our hope that we will see a number of meetings being urgently convened so that the requisite analysis of the Bills will take place to prevent us being called upon to support inadequately reviewed and not well-thought-out legislation.

Respectfully,

Rodney Charles, MP for Naparima.

Madam Speaker, I now go to November the 2nd, a day that was just mentioned by the Member for Diego Martin North/East. November the 2nd, 2018, after the Joint Select Committee Report was debated in the House on the 2nd of November 2018, in which the Opposition noticed serious concerns with the legislation, the Government undertook to write to the Opposition but did not do so until 10 days after, on the 12th of November, 2018, under the hand of the Minister of Finance. We consider this, and I consider this hypocritical of the Government to claim the Bill is at an impasse and lament that they must have this report to the Global Forum on the 20th to the 22nd of November, 2018, and CFATF on 19th to 23rd of November, 2018 when they adjourned the Parliament to the 23rd of November, after the Global Forum meeting, and on the last day, the CFATF meeting, to deal with what? The Income Tax Bill.

Madam Speaker, we on this side said, you are bringing one Bill, you are required to bring all three together. Had you “bring” all three together, we would have passed them, we would not have had to be here, and all of these things about

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the blacklist would have been dealt with long ago. [*Desk thumping*]. The Opposition in its minority position—which comprise submissions with myself, the Member for Naparima, and Sen. Saddam Hosein—listed three issues which I want to make reference to: number one, the lack of judicial scrutiny; secondly, data protection issues which is the privacy rights; and the application of the Bill to all citizens of Trinidad and Tobago and not EU citizens.

We reiterate that any amendment—and this is what we said to the Committee—to the Income Tax Act will have legal implications and consequences that will affect the Anti-Terrorism Act, that will affect the Proceeds of Crime Act, that will affect the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreement Bill, 2018. All of these Bills are interrelated which Minister of Finance has admitted.

Madam Speaker, as I continue, I think it is important for us to lay the records and I want to also present—and I am reading this document that is provided as part of the final report here which is before us. It is an attachment from the Ministry of Finance Global Forum status update and I read that because we seem to believe that it is only these three items, and I want to show—and we must advise the national community that it is not only these three Bills, and there are certain contingencies that must be fulfilled before we get off the blacklist and I think it is important that we get that information correct. What was completed so far? The summary of status as of June 2019, Trinidad and Tobago, completed: Companies (Amdt.) Act, 2019; drafted legislation to meet two international standards, EOR and the AEOI, the Automatic Exchange of Information to allow Trinidad and Tobago to sign onto the Convention; drafted amendments to the Income Tax Act to address other Global Forum concerns; prepare draft protocols; started developing

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administrative procedures, which was referred to just now by the hon. Minister, and processes; and considering the information technology infrastructure, which I am going to make reference to and I am going to read that very shortly.

Madam Speaker, some of the things that still need to be addressed: the deficiencies outlined in the phase one report; our commitment to implement the AEOI and getting acceptance to sign and implement the Convention. Madam Speaker—and I read from this document which was supplied to us in this report.

It should be noted that the items to be addressed require the enacting of the legislation before the Parliament. Also note, we are being told, that the legislation by itself—

And I want to repeat—

The legislation by itself does not guarantee full compliance with the international standards since the Phase 2 peer review will consider the effectiveness of exchange of information in practice similar to what obtains in FATF under AML/CFT reviews.

When the legislation is enacted, Trinidad and Tobago...

—and I think the hon. Minister, in fairness to him, alluded to this—

...will be required to put the administrative and IT infrastructure in place. Only when these systems are operational for a period of time, can then be reviewed and effectiveness determined. Having the legislative framework is the first and major step in moving Trinidad and Tobago from the current non-compliant rating to compliant rating.

And therefore—

Mr. Al-Rawi: Is the UNC supporting this package of legislation, yes or no?

[*Crosstalk*]

Dr. Moonilal: “Wey da come from?”

Mr. F. Karim: Madam Speaker, I do not know we have reached to the voting stage yet. [*Desk thumping*] I think it is important for us to also understand that there are certain timelines that need to be followed. I want to—anyway, I will talk about that just now. I think there are certain things that we need to have placed in front of us in terms of legislation and which need to be completed. We would not have had the Income Tax (Amdt.) Bill before us now, but there are other matters: the double taxation agreement Bill, 2017 before the JSC, deadline not met; the Companies (Amdt.) Bill, 2017, June 30, 2019 would have been the deadline, not laid in Parliament; Mutual Assistance in Tax Matters, well we have that before us now; and the BEPS, which is Base Erosion and Profit Shifting, June 30, 2019, not laid in Parliament.

Madam Speaker, I think what is also important for us is to indicate that the Committee of which I was a member—and again, I am saying that we are very proud to have done this work because we worked diligently, we work as a team, and what is important is that we should let the country know if nobody else will tell the country, we must tell the country what we would have done in terms of the various sessions. The Committee spanned three sessions of Parliament, the Third, the Fourth and the Fifth Sessions, and there are various reports that we would have presented and would have been presented to us. But, you know, sometimes we are told that much has to be done in a very short period of time, and one of the things that is very important is, what do we do within the time frame that we have? And now that we are debating these three pieces of legislation, what do we do in terms of ensuring that we have this reciprocity, this effective and efficient reciprocity of the exchange of information?

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3.30 p.m.

Madam Speaker, what is mostly regrettable is that the original list of 17 non-cooperative jurisdictions in 2017 had decreased to just eight. Some of these jurisdictions, with a population of 20,000, are now off of that list, small countries as they were. Some people may say, “Well, that is very easy to get off the list,” but we had sufficient time. We are now going into the fifth year and we are at this position, debating these three pieces of legislation which should have been done quite a while now had you—and you would have been—and you recognized that it was very late in coming.

Madam Speaker, my colleague will make reference to some of the matters with respect to Caricom. All I would say, Madam Speaker, we were told in the meetings, and in one meeting in particular, when we asked about the Caricom’s position, that a delegation from Caricom was going to meet with the Global Forum. But guess what? That delegation did not comprise Trinidad and Tobago. But my colleague, Naparima, will indicate that, and I am sure the Minister of Finance, chairman as he was of that Committee, he did, in fact, bring a document to us and we lamented the fact that we should have been on that Committee, and I know that he said that he would have made some representation. Had we gone to that Committee, it may have made a big difference.

And I think, Madam Speaker, what I want to do is to also indicate—many people would have been hearing about this Global Forum. I think it is important for us to understand what the Global Forum is and especially those who would be looking on on the television and listening. Maybe I should just give some brief points about the Global Forum, some of which may have been made by the Member for Diego Martin North/East. But the Global Forum on Transparency and

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Exchange of Information for Tax Purposes is the multilateral framework within which work on the transparency and exchange of information for tax purposes has been carried out by both the OECD and non-OECD economies and countries since 2000. Reference would have been made to its restructuring in 2009. The Global Forum has become the key international body working on the implementation of the international standards on tax transparency. Yes, that may have been made reference to—yes, it is in the report, but many persons who are hearing this for the first time, because they may not have been aware as to what this is all about. The Global Forum ensures that these high standards of transparency and exchange of information for tax purposes are in place around the world through its monitoring and peer review exercises.

In order to ensure a worldwide participation in the benefits of increased tax transparency and international cooperation, and in order to ensure that developing countries benefit from the new tax transparent environment, the Global Forum has a technical assistance programme for its members. Madam Speaker, there are two internationally-agreed standards on exchange of information for tax purposes and I think this is very important as well for all of us and for the national community to get an appreciation as to how this Global Forum interacts with us in Trinidad and Tobago and with particular reference to the Income Tax (Amdt.) Bill, 2019. The two internationally-agreed standards on exchange of information for tax purposes are: one, the exchange of information on request, abbreviated EOIR, and the Automatic Exchange of Information, the AEOI.

The Global Forum, Madam Speaker, currently has 158 members participating on an equal footing, together with 15 international organizations participating as observers. All member jurisdictions have committed to

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implementing the international standard on the EOIR. The Global Forum conducts rigorous assessments of compliance with this standard according to the element set out in its terms of reference. Madam Speaker, the implementation of these international standards significantly contributes to the fight against tax evasion as well as achieving greater international cooperation and enhanced transparency of corporate bodies, arrangements and financial information.

Madam Speaker, I now want to turn very briefly to some of the important aspects of the Income Tax (Amdt.) Bill, 2019. Madam Speaker, the Income Tax (Amdt.) Bill, 2019, which is before us and which should have been here a long time now, as we would have been told for many years, “These matters are being dealt with”—this amendment, this Income Tax (Amdt.) Bill, 2019 comprises eight clauses. So if you did some arithmetic, basically, and we have four years ago that we are here, it practically took two years, “two years ah clause in ah sense”. So that you would have done eight clauses and if you have two years per clause, by four years, you would have completed. If you would have done one clause or two clauses, as you go incrementally, we would have completed all of these matters long before today. Madam Speaker, I just want to indicate that we are still on the blacklist and we would have been off that blacklist and the people and the country of Trinidad and Tobago would have been in a better position based on our contributions [*Desk thumping*] that we would have been making.

Madam Speaker, I just want to give some brief highlights. Clause 4 of the Bill would introduce after section 4C, basically, it is empowering the Board of Inland Revenue to provide taxpayer information to a foreign tax administration authority for the administration and enforcement of the domestic laws of another jurisdiction with which there is an agreement for double taxation relief or exchange

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of information in relation to taxes.

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

Mr. F. Karim: Thank you, Madam Speaker. As I continue to give some very brief highlights of these clauses, clause 5 would seek, as we have been told, to amend section 93(1) of the Act to include a new paragraph which will provide for the arrangements for double taxation to be entered into, by Trinidad and Tobago, with the Government of another country. Basically, it has to do with the sharing of information and we were advised in the Committee meetings that they were about in excess of 13 to 17 countries that we had to sign double taxation agreements with on an individual basis.

Clause 6 recognizes that there are several secrecy provisions under the Data Protection Act which will prevent the sharing of information in the possession of the board. The Data Protection Act also restricts how information collected can be used and prevents the sharing with countries which do not have equivalent safeguards. In this regard, there are a number of provisions that were made with respect to the Data Protection Act which is modelled after section 12 of the FATCA and some of those that were referred to deals with section 6 of the Data Protection Act in terms of general principle of privacy. Section 38, the use of personal information without the consent of a person. Section 40, processing of sensitive information without consent. Section 30, collection of personal information. Section 31, again, that deals with collection of personal information and section 46, disclosure of person's information outside of Trinidad and Tobago without consent. Madam Speaker, we consider these to be very important.

Clause 7 of the amendment Bill deals with the tax information with the

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United States of America where the Bill will amend section 117A of the Act. Section 117A was introduced as a consequential amendment to the tax information exchange of the United States of America.

Madam Speaker, the final clause in the Bill, clause 8 would amend, again, section 117A of the Act. The OECD is of the view that double taxation agreements do not fall into the category of other enactments for a similar purpose and it is very necessary, therefore, to amend this section to allow double taxation agreements.

Madam Speaker, these are some of the highlights of the things that we would have witnessed in the Committee but I think it is important for me to indicate that there were some concerns that members of the Committee expressed and among the concerns, we saw, coming out in terms of the discussions, were that there were fundamental issues involved in the Act: issues of privacy, as I mentioned, property, sovereignty, international relations and the right to due process. Madam Speaker, we would have made mention of some of these before and, therefore, I need not repeat them.

However, what I wanted to refer to is the fact that we would have been advised and we would have discussed in the committee stage as well some of the consequences of non-compliance among which would have been a result in the severe compromise of corresponding banking relationships, international trading relationships, increased risk of enhanced due diligence, resultant reputation risks; all of these. And I want to say that members of the Committee, the members of the Opposition on this Committee, we worked very much together and hand-in-hand to ensure that, as far as possible, all our matters that we would have raised would have been taken into consideration and would have been given some level of

response.

Madam Speaker, I just wanted to mention some of the areas in which there were some level of debate, deliberations and discussions with committee members at that stage. What we would have done is to itemize some of the areas that we agreed with, some of which we were not able to agree, some of which we would have been told that these matters, we could not have gone into much debate and discussion because they were in fact agreed to and they were requirements of the Global Forum and, therefore, there was not much that we could have done in that case. But as far as possible, Madam Speaker, we would have been able to do as best as we can. Madam Speaker, I just wanted to read some of the areas that we would have done some work with. We would have been able to at least assist in deliberations after presenting the minority report, but not being able to locate some of those, I will leave some of that for my colleague when he is making his contribution on this matter.

Madam Speaker, as I conclude, I just wish to thank our political leader for, as I indicated, nominating our Members on the Opposition: hon. Rodney Charles, Sen. Saddam Hosein and myself, and here I want to make special mention of the amount of work that was done by Sen. Saddam Hosein [*Desk thumping*] and we commend him for supporting our Committee in a very significant way.

Madam Speaker, our esteemed Leader of the Opposition, political leader and Member for Siparia has said, ad nauseam, that we, on this side, will support good legislation. We will support good law in the interest of all the people of Trinidad and Tobago. We will support good law when they further progress prosperity and the well-being of our citizens. We will support good law when they promote the welfare of our country. However, Madam Speaker, we will not support laws that

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deny our citizens their fundamental rights, freedom and privileges as enshrined in our Constitution. We will not support laws that interfere with the sovereignty of our country. We will not support laws that place at risk the lives, property and privacy of our people and in so doing, we will not be rushed or ambushed into passing legislation that is politically expedient. We will not be bullied by those opposite and we abhor the malicious untruths emanating from Members of the Government who seek to malign and destroy the character of an integrity of persons without just cause of innocent Members on this side and most of all, we will not be intimidated by your vile threats, such as you made last week in this House, [*Desk thumping*] which is on the *Hansard*.

We, on this side, will stand strong behind our leader as we do our country's business. [*Desk thumping*] People are suffering all over this country and these laws—we have to make sure that we tell the country the truth. We gave all the facts. There is a report here and my colleague will speak in more detail about the two other pieces of legislation. People have said, increasingly, how they are fed up and they demonstrated this on the 2nd of December, 2019. Madam Speaker, at this point in time, as I indicated, we are here, we have made our contribution, we have done our best in this Committee and we want to make sure that everything that we do will be in the best interest of our country, our nation and its future. And you ask us: How we will do this? It is simple. It is simple in a few words. The PNM talks, the UNC works. Let us get this nation working again. I thank you. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I will do a very unusual thing at this moment and ask my friend, the first responder for the Opposition, standing behind his leader, a very simple question which I will

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give way to: Are you supporting this package of legislation?

Mr. Charles: “Yuh bullying us.” We will not be bullied.

Madam Speaker: Member for Naparima. Member for Naparima, please do not have any more outbursts.

Hon. F. Al-Rawi: Thank you, Madam Speaker. You see, I have started off in a very simple way with a very direct question to someone who I find unrecognizable today, intellectually, because I am at a loss that after 45 minutes and nine years—let me repeat that, 45 minutes and nine years, we having embarked on this journey in 2011, that the Member for Chaguanas East cannot answer a simple question as the first responder for the Opposition, as to whether they support the legislation or not. And, Madam Speaker, let me now treat with what I consider to be, gross misrepresentations, on the record of this Parliament.

Madam Speaker, we are here to debate three pieces of law under a Motion. The three pieces of law, quite simply, are the Tax Information Exchange Agreements Act; a Bill, that is to be treated with the amendments to the Income Tax Act, that is Bill No. 2; and the third one is to treat with a Multilateral Convention on Mutual Administrative Assistance in Tax Matters. Three Bills. Madam Speaker, the first point of reference is that the commitment to the Global Forum journey began in 2011 under then Prime Minister, the Member for Siparia. The simple position is that in 2011, Trinidad and Tobago underwent a Peer One Review.

What is the Global Forum? The Global Forum is a connection of countries put together to undertake a mutual arrangement where they assess each other and agree effectively, all 160 countries, and then their participating members as well, the 19 participating members, they agree to undergo a process of Peer One Review

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where they come and check each other and say: “Look, do you have laws to treat with tax transparency? Do you have laws to treat with tax evasion? Will you allow those laws to reach to foreign bank accounts?” They check in Peer One if you have compliance, and then Peer Two Review is simply where they come look at: Are you effectively implementing the laws that you have? The Global Forum says after your Peer One Review, you will then graduate to a Peer Two Review.

And, Madam Speaker, what is of material note is that Trinidad and Tobago received its Peer One Report: Peer Review Phase 1 Report coming from the OECD. It is entitled:

“Global Forum on Transparency and Exchange of Information for Tax
Purposes
Peer Review Report
Phase 1
Legal and Regulatory Framework
TRINIDAD AND TOBAGO”

It is a publication by the OECD. It is dated January 2011.

“(reflecting the legal and regulatory framework of Trinidad and Tobago...)”
And here, Madam Speaker, is what the OECD had to tell us and I quote from page 8 at paragraph 8:

“Trinidad and Tobago does not have in place elements which are crucial to it achieving an effective exchange of information and therefore will not move to a Phase 2 review until it has acted on recommendations contained in this report to achieve an improved legal and regulatory framework. Trinidad and Tobago’s position will be reviewed when it provides a detailed written report to Peer Review Group within 12 months of the adoption of this

report.”

Let me repeat this. Let me put it simply. The OECD came to the Member for Siparia’s Government, the hon. Kamla Persad-Bissessar, the Member for Siparia, handed them a written report at page 8, paragraph 8, which said: You have failed Peer One, you cannot go into the Phase 2 reporting until you have improved your legal and regulatory framework within 12 months from the date of this report. What is the date of this report? January 2011. Madam Speaker, it then goes on to say that Trinidad and Tobago and its checklists all of the things to be done, must undertake the reforms before they can go into Phase 2. I had to listen and the country had to listen through you, Madam Speaker, to the Member for Chaguanas East read out—uncharacteristic for the hon. Member was two things. Number one, he did not mention Singapore once and number two, the hon. Member had to read out the insults about being bullied, et cetera. He was actually reading his table of insults. Both two very uncharacteristic things for the hon. Member for Chaguanas East.

So, 12 months from January 2011, the hon. Member for Siparia presided over a government that did absolutely nothing to allow Trinidad and Tobago to come into position. [*Crosstalk*] And as I hear the babbling coming across the floor from the classic babbler herself, Madam Speaker, 2011 went to 2012, 2013, 2014—[*Crosstalk*] Madam Speaker, could you assist me?

Mr. Imbert:—did nothing.

Dr. Rowley: “Naparima, man.”

Hon. F. Al-Rawi: “Nah, the babbler is Siparia.” [*Crosstalk and laughter*]

Madam Speaker: To all Members, please abide by Standing Order 53 and Attorney General, I think we could find another word to describe what you see as

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interference. Thank you.

Hon. F. Al-Rawi: I meant the babbling of a brook and the noise of water that distracts you constantly where there is no substance in it. [*Laughter*] But anyway, Madam Speaker, 2011 went to 2012, 2013, 2014, 2015. All that happened in the UNC's tenure was that the Minister of Finance, Larry Howai, was happy to jump on "ah plane" October 2014, get to Berlin and then commit to do something. Madam Speaker, let me tell you what the deadline committed to for Trinidad and Tobago by Minister Howai, not by himself, but by two Cabinet Notes under the hand of the Member for Siparia as Prime Minister of Trinidad and Tobago, was. The deadline for compliance with the Global Forum was September 2015.

Mr. Imbert: '15 not '17

Hon. F. Al-Rawi: September 2015. Minister Howai and the Member for Siparia, presiding over the Cabinet, told the world that Trinidad and Tobago will have full compliance by September 2015. You know when that deadline was?

This Minister of Finance had to enter into Government on the 9th of September—[*Interruption*] The 11th of September, I apologize, and he had two weeks. Let me tell you what the two weeks "was" for because—"lemme tie it into this debate". The two weeks was to pass the multilateral convention legislation. The two weeks was to pass the amendments to the Income Tax Act. The two weeks was to pass the tax information exchange legislation. The two weeks was to negotiate 13 double taxation relief treaties with 13 different countries. So when I hear the unrecognizable contribution coming from the unrecognizable Member for Chaguanas East today, Madam Speaker, I am shocked and alarmed that my colleague could stand up here and misrepresent the truth to Trinidad and Tobago in the manner that he has.

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So, Madam Speaker, I would like to know where in the wild imagination of the UNC, a Minister of Finance, with responsibility for the Global Forum, is supposed to pass three pieces of law, negotiate 13 double taxation relief treaties, implement the reporting standards and, Madam Speaker, it is worse than that because the Phase 2 review means that you actually have to be complying with automatic exchange of information upon request, automatic exchange of information, generally, exchange of information, simultaneously and exchange of information, Madam Speaker, spontaneously. Four forms of exchange of information.

This Minister of Finance, between September 11, 2015 and two weeks after that, to the end of September, this Minister of Finance and this Government, in the wild imagination of the Member for Siparia and the colleagues that sit opposite us, was supposed to have ensured that the Board of Inland Revenue, as the competent authority for the automatic exchange on request, simultaneous or spontaneously, that that Board of Inland Revenue was supposed to be giving information.

Mr. Imbert: And they had four years to do that, eh.

Hon. F. Al- Rawi: What was worse than that is that the country will remember that apart from completely failing and putting Trinidad and Tobago into jeopardy—the Member for Siparia—apart from completely doing that in relation to Global Forum, there were two other nuclear devices set off. Number one, was FATCA which they required us to implement the intergovernmental model between the United States and Trinidad and Tobago, again, by 2015 and Siparia's Government, the hon. Member's Government, did absolutely nothing on that. And worse than that, Madam Speaker, the hon. Member for Siparia committed Trinidad and Tobago to undergo the Fourth Round Mutual Evaluation for the Financial

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Action Task Force in January 2015 and guess what happened? We failed every single item on that desk.

So, Madam Speaker, I surely cannot accept today anything that the hon. Member for Chaguanas East had to read out uncharacteristically today. It is untrue, it is a gross misrepresentation of the timeline and I condemn my learned friend, because he is my friend. He is unrecognizable today. I condemn that contribution coming from the Member opposite. Madam Speaker, I had to listen to my friend, the Member for Chaguanas East talk in a most churlish and childish fashion saying, “Madam Speaker, they had to amend the Income Tax Act. Madam Speaker, four years later, eight clauses, they did two clauses ah year.” Madam Speaker, my honourable friend could not be serious.

Madam Speaker, let me remind the country about the Income Tax Act. We drafted an Income Tax (Amdt.) Bill in 2018 to achieve two purposes. Number one, to achieve compliance with the Financial Action Task Force review and number two, to achieve compliance with the Global Forum; two things that we did. We came to this Parliament with a three-fifths majority Bill. The three-fifths majority Bill had two aspects of it. One, to cause an exception to the Data Protection Act and the second, to cause an amendment to the secrecy provisions in section 4.

In that Bill, we had something that mortified the UNC. We had the ability to have the Financial Investigation Branch, the Inland Revenue and the FIU have access to tax-paying information for criminal investigation. The Member for Siparia, hopping up and down, objected to the law, said: “There is no way. They want to get yuh tax-paying accounts, they wanna get yuh accounts”, refused to support the law. As Attorney General, knowing that we had to pass the law for the Financial Action Task Force, I asked the permission of the hon. Prime Minister and

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my colleagues to strip down the legislation from a three-fifths majority Bill into a simple majority Bill.

4.00 p.m.

And much to their utter shock, we saved the criminal investigation simple majority work, we passed that into law, Madam Speaker, by way of an Act of Parliament, in 2018.

And, Madam Speaker, you know what was lifted out of that Bill? What was lifted out of that Bill, Madam Speaker, were the eight clauses; the eight clauses that my hon. colleague from Chaguanas East today makes a mockery of. Those eight clauses, Madam Speaker, the worst point in that is that the eight clauses were a replica of the versions coming from the FATCA legislation. Let me repeat that. They were a replica of the law that we amended, by way of consequential amendment in the FATCA legislation.

So, Madam Speaker, the truth be told, it was the UNC that refused to pass the law in 2018. It was the UNC that insisted we strip out the special majority clauses. It was the UNC that I wrote to. And, Madam Speaker, the Minister of Finance, by way of letter, February 08, 2019, wrote—I wrote the letter, settled it for the Minister of Finance. We wrote to the hon. Mrs. Kamla Persad-Bissessar, SC, MP, setting out what was in the Income Tax (Amdt.) Bill, highlighting in red for the hon. Member the eight clauses that we had to strip out, pointing out to the hon. Member for Siparia that these laws were the same as the FATCA law. And you know what we were met with? Absolutely no response. Senior Counsel, Member for Siparia, had no response. And today, in a written speech prepared for the Member for Chaguanas East, he has the temerity to say that we took eight years to do eight clauses or four years to eight clauses? That is what you honestly said?

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Madam Speaker, let us get down to the clauses today. When we looked to the Income Tax (Amdt.) Act, Madam Speaker, let me tell you what has changed in the Income Tax (Amdt.) Act. Permit me to put this on record. Let me show you the hard work and the teamwork that the UNC held hands on and that they should be praised for today, that the Member for Chaguanas East boasted about so blatantly today. Madam Speaker, hear the amendments to the Income Tax (Amdt.) Act. It is at page 225 of the report. First column, clause 5. Second column, extent of amendments:

Delete paragraph (b) and (c) and renumber accordingly.

Mrs. Robinson-Regis: That is it?

Hon. R. Al-Rawi: That is it. Let us suppose that paragraph B and C are 10 pages long. Let us suppose that. Let us get to what the Act actually says, the Bill, the hard work, and the four years, and the two clauses a year. Nonsense, from the Member for Chaguanas East. Hear what clause 5 has to say. This is paragraph (b) and (c) that are deleted:

“(b) by inserting after the word ‘that country,’ the words ‘for the receipt and sharing of information relative to such arrangements,’ ;and”

(c) in paragraph (a), by deleting the words ‘; or’ and substituting the word ‘;.’”

Those two powerful clauses were deleted by the hon. Member for Chaguanas East, the Member for Naparima. “Ah mean jeezanages”, Madam Speaker. Come on, Madam Speaker, under instructions from Siparia today, who cannot tell her team whether they are supporting or not. Yet nine years later, Madam Speaker, we have to listen to that contribution from that hon. Member? Take out a semicolon. Nuclear epic amendments to the Income Tax (Amdt.) Act; the very same clauses

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that they refused to support, under Siparia's direction in 2018. My hon colleague “geh set up so” today? Because that “hadda be de best set up ah de year”, Madam Speaker.

Madam Speaker, what panics the UNC so desperately about foreign bank accounts? What?

Hon. Members: “Ahhh.”

Hon. F. Al- Rawi: What panics the UNC so desperately in 2011, '12, '13, '14, '15, that they did nothing? What panics Siparia, as the leader of that honourable Bench in 2011, jump now to 2015, 2016, 2017, 2018, 2019, 2020, that the nuclear amendment from my hon. colleagues opposite is delete a semicolon? “Ah” mean, come on Madam Speaker, where do you draw the line for the people of Trinidad and Tobago? [*Desk thumping*]

Madam Speaker, I am shocked. I am shocked. You think I saw you so, reading insults from a piece of paper, Madam Speaker? My colleague tells me he did not “see me so”. “Today is de day yuh get soak when yuh talk nonsense”. [*Desk thumping*] Today is the day you call a spade a spade.

Madam Speaker, let me put Trinidad and Tobago, as Naparima say “he coming after me”. If I am afraid of anything Naparima has to say, “I eh ’fraid lie. I eh ’fraid make up. I eh ’fraid anything”, Madam Speaker. So Madam Speaker, let us put this into context today. Madam Speaker, I need to declare something. I have a child—two—at university abroad, one of whom is in the United Kingdom and cannot open a bank account—so I declare my interest in this debate, Madam Speaker—cannot open a bank account, because, under the pre-Brexit position EU, we have not complied with the law, blacklisted, “cyah” open a bank account. So, Madam Speaker, I have declared that interest.

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Madam Speaker, when we look to the reports. And Madam Speaker, I have over a thousand pages of reports in here. Let me tell you that is from the Third Session of Parliament, the Fourth Session of Parliament, the Fifth Session of Parliament. I attended all the meetings. Madam Speaker, I want to pay a compliment today to the Chief Parliamentary Counsel team and the Office of the Attorney General' team who sat down there and swallowed their reflex actions at the nonsense that passed for interrogation of this legislation. Because I just read out to you Madam Speaker, clause 5, Income Tax (Amdt.) Act, delete 5(b) and (c). The nuclear device in subsection (c) was a semicolon. Right? So we understand that we had to wait nine years to delete a semicolon. We understand that now. But when you look to the comparative matrices produced by Ms. Ida Eversley, Deputy Chief Parliamentary Counsel, which effectively is just repeating what the OECD put in the model bills, alongside what we have proposed, in other words then, Madam Speaker, we could literally have just read from the right hand and read from the left hand. Everything is exactly as it was put forward.

Madam Speaker, the consequence of not passing this law is chaos. And I explained to the population in 2017, when we were trying to pass. Madam Speaker, I explained to the population, through you, that when we were looking at the FATCA legislation, I begged the Member for Caroni Central, literally begged the Member for Caroni Central, not to insist upon repealing the Tax Information Exchange Act of 1989. Why? That hon. Member was a member of the NAR Government in 1989. That hon. Member passed that Tax Information Exchange Agreements Act. That hon. Member saw the IGA, the Inter-Governmental Agreement, 1989, for the United States of America. I warned the UNC, begged them as Attorney General. I said: "Please, do not repeal this law, because the Tax

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Information Exchange Agreements Act is a bucket. You can take any tax treaty, any Inter-Governmental Treaty. For instance, this multilateral treaty that we are doing today, you can put that inside the bucket and pass it.”

Madam Speaker, let me tell you where we are on that one. Hear this: the FATCA legislation is Act No. 4 of 2017.

“An Act to repeal the Tax Information Exchange Agreements Act and replace it with the Tax Information Exchange Agreements (United States of America) Act...”

“Ah beg de Parliament, ah beg de UNC”, begged them that, being aware of the Global Forum catastrophe under Siparia's hand, I said we are going to need the Tax Information Exchange Agreements Act to bring the Global Forum compliance into compliance, begged. It is on the *Hansard* record.

Madam Speaker, when we look to the Bill before us now, as this Motion seeks to be adopted as amended, Madam Speaker the Tax Information Exchange Agreements Act has been brought back. We are in effect, Madam Speaker, re-enacting the Tax Information Exchange Agreements Act, Act No. 30 of 1989, almost verbatim today. Had we not repealed that Act as I begged— but back then, Siparia was: “No support, the sky is not going to fall.” She was calling us “Chicken Little.” We introduced the concept of death by a thousand cuts. But no, Senior Counsel from Siparia knows better than everybody else, and today this Motion to adopt the second Bill is in effect to put back the same law that we repealed. And there is my friend for Chaguanas East telling me: “Years to pass it. The Government did nothing.” The Government was compelled to ask you for your support and you refused to give it. And so we entered into an exercise of legislative insanity, Madam Speaker.

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Madam Speaker, I have the marked-up version, contained at pages 374, 375, 376, 377 and 378 of the report. And when you see what is put in red text, Madam Speaker, you will see on page 375:

Insert the word “agreement”.

On page 376, basically reorganize the language of what was clause 7. It is exactly the same language. It is put into paragraphs instead.

You get to page 378 and we are adding subclause 12 “notification of affected persons.” That subclause 12, by the way, comes from the FATCA. So had we amended the Tax Information Exchange Agreements, 1989 Act, put in the clause 12, there would have been no need to amend the law. Nine years later, Member for Chaguanas East comes to tell this Parliament: “What de Government do? And de Government had four years.” Madam Speaker, had you listened to common sense, the Income Tax (Amdt.) Act would have been passed already. Because you deleted a colon, okay, congratulations.

Secondly, you added in paragraph 12— clause 12, to the Tax Information Exchange Agreements Act. Had you not insisted on repealing the 1989 law and simply amended it in 2017 with the FATCA law, and introduced the clause 12, which is a replica of the FATCA Act, No. 4 of 2017, two Acts down. You understand what I am saying, Madam Speaker? Two pieces of legislation done, two minutes flat.

Madam Speaker, the third piece of legislation, the mutual assistance multilateral convention. Madam Speaker, that Bill, which is Bill No. 13 of 2018, Madam Speaker, we have effectively done nothing to the Bill that came. Today we are hearing Chaguanas East talk about sovereignty and we will protect people and their constitutional rights.

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Madam Speaker, the day for sovereignty being exercised by a country is best personified by the Democratic People's Republic of Korea. Where they stand; North Korea stands on its own as a sovereign entity. Anybody else has to play together.

The concept of international sovereignty, where you say to the rest of the world, FATCA, Global Forum, FATF, that you are not going to comply with their standards, is you stand alone. And Madam Speaker, my submission to the people of Trinidad and Tobago, through you, is that the hon. Members opposite are pleased to have Trinidad and Tobago, apparently pleased to have Trinidad and Tobago, descend into chaos. Because, Madam Speaker, let me ask a question: What could have been so difficult to delete the colon in the Income Tax (Amdt.) Act in 2018? What could have been so difficult to put in clause 12 in the Tax Information Exchange Agreements Act in 2017? What could have been so difficult in the multilateral convention formula to put into effect when we first brought it? What required a joint select committee, Third Session, Fourth Session, and Fifth Session? What?

Madam Speaker, I commend to the people of Trinidad and Tobago, the Joint Select Committee Report and I commend it because when you get to the pages I have identified, and you see what actually been marked up in the Bill as proposed amendments, you will realize that nine years later, we effectively changed about three paragraphs.

Madam Speaker: Attorney General, your initial speaking time is now spent. You are entitled to 15 more minutes to wind up.

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

Madam Speaker: Members, if the Attorney General exercises his full time, it will

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take him a few seconds beyond 4.30. So may he be allowed to speak until he is finished? [*Assent indicated*] Please continue.

Hon. F. Al-Rawi: Madam Speaker, so—you know, hon. Members opposite are at the position of defending something which is incapable of defence. A simple yes or no, we are going to support. I came a little bit earlier and tried to ask a few questions of a few people opposite, whether they are supporting this legislation or not. Madam Speaker, it was like watching an agouti in front “yuh car when de headlights passing”, and it freezes, cannot move, petrified, “he cyah answer a question.” Madam Speaker, “de day for gouti politics done yuh know.” You cannot be engaged in the business of the people of Trinidad and Tobago, being paid by the taxpayers, Madam Speaker, and be afraid to actually support legislation.

So Madam Speaker, let us get down to the connections here. [*Interruption*] A manicou. I confuse the agouti, which is rat-like in approach. Forgive me. It is understandable. It is a manicou. Madam Speaker, let us deal with what is in the report. Madam Speaker, we have 17 double taxation relief treaties. We have the ability, in our double taxation relief structures to enter into a fast track. The OECD has told us that we cannot—the country cannot get into the phase two review unless we sign the multilateral convention. You have to buy the ticket to win the lotto. You have to have the key to turn the door, Madam Speaker. I have completely debunked the attempt to skew the timeline and misrepresent the facts coming opposite. The fact is, since 2017, when we did the Tax Information Exchange Agreements Act, we could have prepared for this law, and we were ready. And since 2018, we could passed the Income Tax (Amdt.) Act, and that puts an end to the story.

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Now, Madam Speaker, there are other points observed by the Global Forum, beneficial ownership, the prohibitions against not pursuing tax crimes, which is contained in the Mutual Assistance in Criminal Matters Act, section 22(2)(k) in particular. There are concerns about a president by order accepting information. All of those other concerns of the Global Forum, we, as a Government, have attended to, whilst we pass the Companies (Amdt.) Act, the Non-Profit Organisations Act, the miscellaneous provisions legislation in 2018, the amendments to the Income Tax Act, and several other pieces of law. What we find inside of this particular point is simply two points, Madam Speaker, left on the table.

Madam Speaker, this report—there are three reports. There is the report of the Third Session, Madam Speaker. Let us put them on the record, if you do not mind. We have the report of November 22, 2019, which is the report which we are debating today. We then have the report of the Fourth Session, 20 September, 2019. We have the report of the Third Session, September 17, 2018. These are the three reports. In this report before us today which, we are debating today, there is no minority report. Let me repeat this. November 22, 2019—November, December, January, February—three months later, in this report, Madam Speaker, which is published for the world to see, all 384 pages of it, there is no minority report coming from the Members opposite. None. So, I do not know what minority report they are referring to.

What the Minister of Finance put on the record was a clear statement that a letter was written on the 20th of September, that is before the November report, that a meeting was convened, that the stakeholders were brought in, there were fulsome discussions, and the report was prepared after we addressed the two concerns

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coming from the Opposition. What are the two concerns? Number one, notification requirements. Number two, the issue of legal professional privilege. That is it.

So in September 2019, they raised two issues. We have the meeting. The report is produce in November. The report says, this is the report of the entire committee. Why? Because there is no minority report. The hon. Members opposite had the opportunity, if they were still insisting upon the views expressed in their letter in September 2019, they could have put it as a minority report and they did not. Three months later in February, we cannot get a straight answer from Chaguanas East, and we have noise coming from the other side of the Bench as to whether they are supporting or not.

Madam Speaker, when we look to the issue of notification, I remind that the exchange of information is of four types. There is an automatic exchange of information. There is an exchange of information upon request. There is an exchange of information spontaneously. And there is an exchange of information simultaneously. The notification requirements are embedded into the law, now put before us. They say that there is an annual notification issue. And with respect to the issue of legal professional privilege, Madam Speaker, I must address that issue in the short time that I have left, as follows.

First of all, Madam Speaker, it is not everything that is subject to legal professional privilege. This has been, in fact, the case since time immemorial. It is not every communication that is going to be viewed to be privileged communication. That is point one. Point number two is that there is no legal professional privilege. It can be waived or lost. For instance, you can waive your legal professional privilege and publish advice. It can be lost if you are engaged in

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a crime. And, Madam Speaker, that has been anchored since 1884, in the case of *Regina v Cox and Railton*:

“Legal”—professional—“privilege”—and I quote from Stephen J— “Legal” —professional—“privilege does not attach where the advice sought was being obtained for the purpose of committing a crime.”

So Madam Speaker, when the members of the Joint Select Committee, on the Opposition side, raised the point that they had to have an exception for legal professional privilege, Madam Speaker, let me put it this way, the Board of Inland Revenue, in complying with a request of an outside country, or in spontaneously informing another country, they do not inform of legal matters where the privilege has been lost in a tax evasion, because that is a crime.

So there is no legal professional privilege, with respect to matters of crime or tax evasion, and the Board of Inland Revenue would never have in its possession, the advice of lawyers advising a person who the Board of Inland Revenue was looking at for tax evasion. I mean, come on, it is a non sequitur. It does not add up. It makes no sense. It is hogwash, intellectually, Madam Speaker. It makes no sense, Madam Speaker, much like some of the mutterings from some people elsewhere, Madam Speaker.

Mr. Charles: You are insulting.

Hon. F. Al-Rawi: I would not insult if I had a straight answer. Naparima, are you supporting this legislation? The country will ask. Madam Speaker.

Mr. Charles: I will not be bullied by you.

Hon. F. Al-Rawi: Thank you. Thank you. [*Desk thumping*] So Madam Speaker—[*Crosstalk*]

Madam Speaker: Member for Naparima, [*Continuous crosstalk*] Member for

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Naparima, I have not recognized you. The Attorney General is on his legs.

Hon. F. Al-Rawi: Madam Speaker, jack-in-the-box that gets get wound up that still jumps up, but yet does not have a voice. Madam Speaker, a jack-in-the-box, which every child is familiar with, when wound up and jumps up, still does not have a brain. Madam Speaker, a jack-in-the-box when wound up and jumps up and still cannot make a contribution, Madam Speaker. But of course, I do not refer to anybody in here because surely that does not apply to anybody prone to jumping up without a voice, Madam Speaker.

So, Madam Speaker, there is no legal professional privilege that attaches to a crime. And, Madam Speaker, what I have to say is “story done, party done.” Nine years and several months are over. The Minister of Finance and the Government of the Republic of Trinidad and Tobago have worked assiduously since 2015, starting off with begging for an extension beyond two weeks after the Minister became the Minister of Finance on the 11th of September, 2015, engaging in a fast track admission, sitting with the OECD and drafting the legislation, begging the UNC in the FATCA legislation not to repeal the Tax Information Exchange Agreements Act, begging the UNC in the Income Tax (Amdt.) Bill in 2018, to support that Bill, standing here today watching Chaguanas East’s contribution, that there was an impactful position to be made in deleting a comma in subsection 5(b) of the Income Tax (Amdt.) Bill. Okay, I accept that, but today the line must be drawn.

The death by a thousand cuts is real. Trinidad and Tobago is being told by the Members opposite that they need to be panicked and what is this Government doing. This Government is attempting to get some common sense from the Opposition. [*Desk thumping*] This Government is attempting to get some degree

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of patriotism from the Opposition. [*Desk thumping*] This Government is attempting to uphold our financial services sector and the businesses of Trinidad and Tobago. [*Desk thumping*] This Government wants to make sure that people still have jobs, because it is important that we have exchange on the international market. This Government wants to be able to purchase medicine from abroad. [*Desk thumping*] This Government wants to make sure our children's school fees are paid, not just the rich people who could afford school fees. The Government has to pay for school fees for scholarship winners too. [*Desk thumping*] This Government wants to make sure that Trinidad and Tobago is not the only country in the world of Global Forum that is noncompliant.

Madam Speaker, it is astounding. November publication of the OECD, Trinidad and Tobago, they have one, two, three, four, five categories and a table: green, yellow, orange, red. In the red column, Trinidad and Tobago non-compliant, double asterisks. Footnote says:

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

Because, Madam Speaker, we cannot enter the gate because “we cyah pass de law.”

Mr. Karim: We will not be rushed.

Hon. F. Al-Rawi: Hear my colleague, my good friend, the Member for Chaguanas East: “We will not be rushed. We will stand up for the people of Trinidad and Tobago. We will stand behind our leader. We will not be bullied.” Really? Really, Madam Speaker?

Madam Speaker, an intellectual bullwhip is required in this Parliament

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today, to ensure that the people of Trinidad and Tobago can actually purchase the reward of making laws for the peace, order and good governance of our society. I thank you. [*Desk thumping*]

Madam Speaker: Hon. Members, it is 4:29:23. Should we take the suspension now? Okay, so that we shall return at 5.00 p.m. So this House is now suspended. We return at 5.00 p.m.

4.29 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Rodney Charles (Naparima): Thank you very much, Madam Speaker. It gives me pleasure to join this debate, and listening to the Member for San Fernando West, what I saw was optics over substance. [*Desk thumping*] Madam Speaker, I saw what we call in Naparima “zest” over data and facts. I saw “gallery” over a factual statement of the case. I saw the pre-eminence of emotions, I saw a giving off of the decibel levels in an attempt to fight a weak case.

Madam Speaker, listening to the Member for San Fernando West one got the impression that he was involved in this case, he was actively participating, he was concerned that we came off the watch list. But, Madam Speaker, when you look at the attendance, there were in the JSC—and I together with my colleague from Chaguanas East and I want to compliment him on an actual factual contribution, such that none of his points were rebutted. What we saw was an ad hominem attack on my friend, Madam Speaker.

Of the 13 meetings that were held, of 13 meetings, guess what? The Attorney General missed six of the 13 meetings. Madam Speaker, the first meeting held on the 6th of June, 6th of the 6th, and I have the attendance record, Mr. Faris Al Rawi, absent. The second meeting, excused, “but he very much interested, come

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here an gallery and zess". The third meeting, on the 7th of the 6th, he was excused. The meeting of the 25th of the 6th he was excused again. The eighth meeting the 6th of the 9th, he was excused. The ninth meeting, 16th of the 9th, he was excused. Madam Speaker, we have an excuse for an Attorney General and a—[*Desk thumping*]—Member for San Fernando West. He misled us when he said that he attended all the meetings.

Madam Speaker, but that absence from duty is a failing of the People's National Movement. They talk and when there is action they are not present. Dr. Francis, Lovell, was absent seven times, seven of the 13 meetings. Madam Speaker, I was there 11 times, my friend was there 11 and Sen. Saddam Hosein, 11. We stood up to our duty, we do not come and "zess". Dr. Lovell, you were absent seven times. The MP for Moruga/Tableland, absent, not only is he absent from his constituency, he is absent from meetings of the Joint Select Committee. Madam Speaker, Ms. Marlene Mc Donald, absent, the Member for Port of Spain South, absent 10 times of the 13 meetings. Sen. The Hon. Clarence Rambharat, absent seven times. Sen. Daniel Dookie, five times, and yet they come here and want to spin a narrative that they are concerned and willing to work hard to get us off the blacklist.

Madam Speaker, nothing could be further from the truth. You know why we are here today? We are here today because there is a meeting, there is a meeting in Paris that started on the—it is from the 13th to the 21st in Paris, a plenary meeting of the working session of Global Forum, et cetera. And they want to get this Bill passed so that they could go there and they can say that we have passed the legislation. In doing that, they are rushing us at the last minute.

But before I get to the substance of my—a lot of the contribution by the

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Member for San Fernando West was ad hominem attacks on my colleague, the Member for Chaguanas East. I want to tell the Member for San Fernando West that my colleague from Chaguanas East is a performer. He decentralized the Ministry's head office in Ministry of Tertiary Education to Chaguanas, he created the UTT campus, aviation campus in Camden Couva, and he created the phrase, the Member for Chaguanas East, "From cutting cane to flying cane" which talks about a first world aspiration for the citizens of Trinidad and Tobago. The Member for Chaguanas East created the El Dorado Nursing Training Academy.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1), please. [*Crosstalk*]

Mr. R. Charles: I am responding to—[*Crosstalk*]

Madam Speaker: Okay, so Member, please proceed.

Mr. R. Charles: Thank you very much. Two more, they cannot take performance, that is the problem. The UWI, Penal/Debe Campus. And just one more, we left them the complete building but they are lazy and slothful to open it. Madam Speaker, and the Tobago UTT Education Campus.

I want to correct—the Member for San Fernando West said that he assisted in writing a letter for the hon. Colm Imbert, MP, Minister of Finance to the Leader of the Opposition, Mrs. Kamla Persad-Bissessar, SC and MP. And he said in his contribution that they did not get a response from the United National Congress. I wish to place on record the fact that we take our job seriously, and when the Minister of Finance writes our leader, our leader responds consistent with her position and consistent with the requirement of someone who wants to take this country forward. I refer to the letter, Madam Speaker, it is dated, the letter from the Leader of the Opposition, it is dated 22 November, 2018. It is important that I clarify the record, and it is addressed to the Hon. Colm Imbert, MP, Minister of

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Finance, Level 8, Eric Williams Financial Centre, and the topic, the subject is Income Tax (Amdt.) Bill, 2018. And the letter says and I will quote in part, some parts:

I refer to the Bill at caption and your letters dated 12 November, 2018, and 19 November, 2018, regarding same, to which this is in response.

Madam Speaker, this is an eight-page response I am referring to. I continue:

I remind your good self that the Opposition is committed to the passage of legislation for the peace, order and good government of Trinidad and Tobago. During the debate on the FATCA legislation and now in the short debate of the Income Tax (Amdt.) Bill, 2018, our arguments have centred on striking the proper balance of protecting our citizens' fundamental rights and privileges whilst at the same time complying with our international obligations.

The Opposition holds the view as advanced during the short debate of this Bill and during the debate on FATCA legislation that while compliance with our international obligations is important, of even greater importance is to ensure that any legislation that is passed with a special majority pursues a legitimate aim and is proportionate.

And I will just read one other part and then I will go to the conclusion:

Unfortunately the legislative process that preceded debate on the Income Tax (Amdt.) Bill, 2018, has been plagued by the identical issues that arose in the lead up to and passage of the Tax Information Exchange Agreement United States of America Act, FATCA legislation

—and it went on to list the issues.

Madam Speaker, I will just go to the conclusion and I have to do this

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because it is important that we place on record the facts relating to our position. The legitimacy, transparency and the fact that we act responsibly at all times and it is also an attempt to debunk the misstatements and untruths of the Member for San Fernando West. And I go to the conclusion:

Having regard to all these concerns and deficiencies as outlined herein, it is clear that a proper discharge of our legislative duty warrants that the Bill be subject to further, deeper and intense consideration of the Joint Select Committee.

Further, given the urgency of matters related to FATF, CFATF and Global Forum compliance, we demand that the Government disclose a clear timeline as to the plan to proceed with the two other Bills before the JSC, namely the Mutual Administrative Assistance in Tax Matters Bill, 2018, and the Tax Information Exchange Agreements, 2018.

Wanted a timeline.

We consider it proper that all three Bills be finalized in the JSC. And, therefore, submitted to the Parliament so as to ensure consistency and uniformity of three Bills is fully deliberated by the JSC before further debate continues.

And it goes on and it says:

The Government has failed to properly manage the legislative process to ensure timely compliance with our international obligations and this has resulted in irreparable damage to our country's international reputation, et cetera.

The date of this letter is the 22nd of November, 2018, and it is signed Kamla Persad-Bissessar, SC, MP, ladies and gentlemen. [*Desk thumping*]

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Madam Speaker, consistent with what the Leader has written, I need to indicate that we at all times wanted this legislation passed and there was no reason why this could not have been passed in 2017. Had we been in power, had we been in government this would have been done, finished, and we would have not been the only country to be on a blacklist by the OECD.

Madam Speaker, why are we here? Firstly, to clean up the four-year incompetence indicative of this Government's inability to get us off the various watch lists, whether it is Global Forum, whether it is OECD, whether it is the EU. And I need to go to give the chronology and the history to say where it all started.

You see in previous debates they said it started with us and they wanted to blame Minister Larry Howai. Madam Speaker, it all started in the 1st of March, 2010, when Trinidad and Tobago underwent a Phase 1 Global Forum evaluation. Those are the facts. Who was in power, Madam Speaker, on the 1st of March, 2010? The PNM. And they were given a one-page questionnaire to fill out and that was due on the 29th of March. They had one month. And that slothful—and the slothful PNM refused to do it, refused, and those are irrefutable facts, Madam Speaker.

In 2014, Trinidad and Tobago gave a commitment to Global Forum, through Minister Larry Howai, for increased tax transparency and a timeline for 2017, for the first exchange of information in accordance with the common reporting standards of Global Forum for tax transparency. It was due in 2017. Had we won the election in 2015 this would have been completed already. And the Minister of Finance cannot say that he was unaware, that we were in a situation where we had to comply, because on the 9th of September, 2016, he indicated and I could quote:

“One of the first things I had to do when I was appointed Minister of

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Finance and I took up office around the 12th or the 13th of September last year was to write a letter to the Global Forum seeking a one-year extension to a deadline that had been given to”—our country—“Trinidad and Tobago to be compliant with the Global Forum.”

And he said we received a one-year extension for 2016. The Government was also aware that Trinidad and Tobago had to undergo a fast track review in 2017, June 2017.

But you know what, Madam Speaker? We see here, I am going to give you two dates, we will see here the incompetence of the PNM Government. On October 23, 2017, the Code of Conduct Group wrote the Minister of Finance requesting commitments and clarifications by November 17, 2017, on our status with rectifying our blacklisted position. So they wrote the Minister of Finance, he cannot deny that and I challenge him to deny that, and they told him to respond by November 17th. Guess when he responded? November 21st, three days after. He missed the deadline. He missed it.

And, Madam Speaker, I have learnt when you are in Europe and you are dealing with the Europeans, and the Canadians, and the Americans, when they tell you three o'clock, they mean three o'clock. When they tell you the 17th, they mean the 17th, but for our slothful Minister of Finance, the 17th was the date they gave him to comply, he decided to take it on his own to respond on the 21st. And you know what that meant? That meant we were blacklisted. Even though he sent the letter late, we were blacklisted. And you know why? He failed to comply within the prescribed time by the OECD. That is the history of this incompetent PNM.

But hear what, Madam Speaker, he wrote on the 21st, or he, the Minister of Finance, wrote on the 21st of November. The Minister of Finance said that we

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would pass the necessary legislation to make us compliant by 31 December, 2018. The Minister of Finance gave a commitment. But you see, their word is not their bond. They write and give a date, they pick any date they want and they give commitments which they do not intend to carry out.

Madam Speaker, the Minister of Finance committed to pass five pieces of legislation, five. These included the Income Tax (Amdt.) Bill, the Minister said this should be passed by 2018, December 31. Where are we today? We are in 2020. The Minister of Finance gave a commitment that we would pass the double taxation agreements Bill. He gave a commitment that we would pass the Companies (Amdt.) Bill. Have we seen that in Parliament? The Companies (Amdt.) Bill. Those are commitments sitting in the OECD that we said we will pass and today two years after, nothing.

The Mutual Administrative Assistance in Tax Matters Bill, the Minister of Finance gave a commitment to pass that by 2018, and the BEPS inclusive framework by June 30, 2019. Has anyone here seen the Base Erosion and Profit Sharing Measures?

Mr. Al-Rawi: That is not a Bill.

Mr. R. Charles: That was supposed to be passed by June 2019, approved. Madam Speaker, the slothfulness of this Government, the laziness of this Government. And I said that even with the meetings they would not attend—what, they appointed people to collect—well, let me not say that.

Mrs. Persad-Bissessar SC: That is what they said about yours.

Mr. R. Charles: But you see, I come from a school, when I give my word that is a commitment, my word is my bond. So when there are meetings I attend the meetings, I do not give excuses and then come and say, and “gallery” and say I

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attended all. The Member for San Fernando West, you did not attend most of the meetings of the Joint Select Committee.

Mrs. Persad-Bissessar SC: Let the record speak.

Mr. R. Charles: And the record will speak. So this PNM administration gave a commitment that by 2018 they would have passed four pieces of legislation and a fifth in 2019, which is the BEPS on transfer pricing. And we have heard repeatedly in budget speeches, the IMF is helping us and “we are thinking about doing this”, and “I am planning this”. But what you never get from this Government, never get apart from ole talk and “zessing”, you never get concrete deadlines by which we could commit and check them afterwards, Madam Speaker.

So we were blacklisted in 2017 because when we wrote, we wrote too late. We are in 2020 and they are now scampering to pass legislation and we are still uncertain whether the passing of this legislation is going to get us off the EU blacklist. On December 05, 2017, the Council of the European Union wrote and I quote:

Trinidad and Tobago has been attributed a rating of non-compliant by Global Forum, on transparency and exchange of information for tax purposes; has not signed and ratified the OECD Multilateral Convention on Mutual Administrative Assistance in Tax Matters as amended; has a harmful preferential tax regime and did not commit—Madam Speaker—to addressing these issues by 31 December, 2018.

According to the “Brief on the State of Play on the international tax transparency standards September 2017” by the OECD, several jurisdictions made sufficient changes towards meeting the exchange of information on request standards which led to the upgrade in the overall ratings of 17 jurisdictions.

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Not Trinidad and Tobago, and the reason is because Trinidad and Tobago at that time was governed by the People's National Movement, under Prime Minister Dr. Rowley. Only one jurisdiction, Trinidad and Tobago, has a non-compliant rating against the EOIR, that is, the Exchange of Information on Request.

Madam Speaker, as a citizen of Trinidad and Tobago I took it on myself to do a release begging the Minister of Finance, because I knew about this date, the 31st of December, 2018. And it says: "Charles challenges Imbert:"—and I am just quoting, the hon. Minister of Finance—"bring two tax bills to the JSC now—stop the last minute charade". Stop it, this is here it is in the public domain and I said:

"MP Rodney Charles is challenging Minister Imbert to reconvene a JSC with

haste to deliberate on the two additional tax bills...to make T&T compliant with international tax laws before December 31st EU/Global Forum deadline if indeed this is the true deadline."

Madam Speaker, we are not sure what is the deadline, we hear it is a shifting goal post.

When we look at the sloth on that side we suspect that the deadline that they gave us is not real because they would have been worried. They would have been worried. Why would you bill one tax Bill, take off the other two, Madam Speaker, and then come back today, bring back the Bill what you has excised certain clauses, you bring that back and then you bring the two together and you are talking about comma and full stop and what not. You are slothful, you are lazy, you are incompetent, you are an embarrassment to Trinidad and Tobago. That is what you are.

I asked the question in the same release:

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“Why does this PNM administration continue with its lackadaisical approach, and characteristic sloth”—Madam Speaker—“in passing very important pieces of legislation?”

And I go down to just one last:

“Is it that, in similar fashion to the Income Tax Amendment Bill and also with FATCA, they are going at the very last minute to scurry...”

Madam Speaker, I am a prophet, you know. This is written on 05 December, 2018—

Hon. Member: You predicted.

Mr. Indarsingh: Four years.

Mr. R. Charles:—’19, we are in ’20. And I prophesied that they are going to come at the last minute and they are going to scurry to—“lemme geh meh own words”, quote:

“...to scurry to pass...two bills when we are reviewed by the Global Forum...”

And I end:

“We are fed up of this continuing charade every time important Legislation comes before the House.”

Fed up, fed up, fed up.

Madam Speaker, when we were given a rating of non-compliant our Caricom neighbours, St. Lucia, Grenada, Barbados they were removed. But Trinidad and Tobago under this PNM, remained. You have to ask yourself what is the difference between all the other Caricom countries and Trinidad and Tobago. The difference is we have a PNM Government. [*Desk thumping*] How come Grenada—Madam Speaker, there is a story, you know—you know, and the

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Minister of Finance, please take note that almost every island in the Caribbean had growth rates according to the IMF reports, growth rates of 2 per cent, 4 per cent or what not. Trinidad, minus 9.9 per cent; we are last. We are a laughing stock in the Caribbean,

Madam Speaker, I had an old hundred-dollar bill, and I think it is the same with the new hundred-dollar bill. I left it in St. Lucia on a table by mistake and I am scampering—left on Friday, scampering on Monday to get the hundred-dollar bill, the people left it there, they are laughing at Trinidad's hundred-dollar bill—had no value; they laugh at us, Madam Speaker.

Madam Speaker, in the Joint Select Committee meeting, on the joint select meeting on August 29, 2018, I asked what list we would be on or upgraded to, if we pass the Income Tax (Amdt.) Bill. But the Chairman could not give a definitive answer, Madam Speaker. The verbatim notes from the meeting were as follows:

“Mr. Chairman: We will be upgraded.”

I asked—“You have that in writing?”

The Chairman said, “Well, I have—”

And he fumbled and obfuscated. And I indicated:

“The reason why I am...asking is to make sure that the limited time we have, we work in such a way that it will result in us coming off the list. We do not want to pass this and then find out that—”—we are not taken off the blacklist. Typical of the PNM, unable to give facts.

Typical of the Dr. Rowley, PNM, because the PNM is better than this, Madam Speaker, I was a PNM and this is not the PNM, this is not the PNM. That is a sin that I have to deal with my maker. [*Laughter*] I have to get down to my maker and say, “Lord, I have sinned”. “I was PNM, forgive me because you have said, as long

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as you see the light and you are baptized.” Not as you were baptized in Laventille West. “You are baptized, you shall be forgiven.” So I am living in the hope that in the judgment day that sin would have been excised from me, Madam Speaker.

The EU outlined three major criteria needed to be addressed in order—you say I will be forgiven—in order for Trinidad and Tobago to become compliant. Criteria: tax transparency, one; two, fair taxation; three, implementation of the anti-base erosion and profit sharing measures. Madam Speaker, they are yet to say that this legislation will definitely result in compliance.

In *Hansard* on 25th May, the Minister of Finance said and I quote:

“To become compliant with Global Forum, European Union and FATF requirements, Trinidad...is required to have in place the legislative framework that would allow for the exchange of information and the administrative structure for that exchange. In this regard, two related Bills have been laid before this House to address the many deficiencies, namely the Income Tax (Amdt.) Bill, 2018 and the Mutual Administrative Assistance in Tax Matters Bill, 2018.”

That is *Hansard*, May 25, 2018, page 110.

The Bills were referred to the Joint Select Committee. The Joint Select Committee’s work was incomplete as it only reported on one Bill, the Income Tax (Admt.) Bill, and we had to reconvene the Committee to deal with the other Bills as well as make further changes to the Income Tax Bill. Does this sound to you, Madam Speaker, like someone anxious for our country to get off a watch list? This is work—we could have done this in four months. A UNC government would have gotten us off the watch list in four months. A lazy, incompetent, clueless PNM will take four years.

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Madam Speaker, and they come here and “gallery” and talk, and that is why, that is why, that is why, we do not have a record of wining cases in the Privy Council where you need facts, you “doh” need zest, you have to state your case. State your case, provide facts. You “don’t go and zess” in the Privy Council and “gallery”. You could come in this Parliament and do that and get away with it, perhaps. Madam Speaker, first they bought one piece of legislation, the Income Tax (Amdt.) Bill. They chose to—

Madam Speaker: Member for Naparima, your initial speaking time is now spent. You are entitled to 15 more minutes to wind up.

Mr. R. Charles: All right, thank you, Madam Speaker. [*Desk thumping*] They chose to rush it to completion, claiming that it would take us off the non-compliant list, Madam Speaker. Then they returned the Bill and removed the sections which required a three-fifths majority. They did not address the two other Bills, and today, we are here now with three Bills. They brought back the original Bill, the Income Tax Bill, inclusive of the sections that were previously removed. “Dey doh know what dey doing.” As usual, they rush, rush, and wait until the last minute to bring important legislation to the House.

Madam Speaker, they now come in haste to pass this legislation, only giving us five days. And notwithstanding the fact that we were on the Joint Select Committee, we have other members, they have perspective, we caucus, but we had five days of which two, Saturday and Sunday, so we had two days, two days really. They have failed to remove us from the blacklist and continue to display their gross incompetence. We are here to make up for the sloth and incompetence. Between the 16th—I mentioned this, but it is worth for the facts—between the 16th

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and 21st of February, there will be a FATF working group plenary session in Paris where Trinidad and Tobago will be assessed based on a visit earlier this year. I presume that the Attorney General will be leaving, presumably tomorrow, to attend this session, and that is why he is panicking. He wants to know now, what is your position? There is a process, my friend. There is a process when we are required to say what we will do, and we will not be bullied. We are a competent government that operates by process. So the AG will presumably leave tomorrow to attend this session, and here we are today, on the eve of his intended attendance, trying to pass this legislation so that we could get off the blacklist. But we can see clearly how flippant and half-hearted the Government was in getting the work done for this Bill.

Mrs. Persad-Bissessar SC: You come here and tell this Parliament, “We on a blacklist and we have to get off.” Now you are asking, “Which blacklist?”

Mr. R. Charles: Madam Speaker, so slothful—

Mrs. Persad-Bissessar SC: Tell him which blacklist, please. He does not seem to know.

Mr. R. Charles: Tell him which blacklist? The EU OECD Global Forum. Madam Speaker, so slothful are they, that clause 6 of the application of the Mutual Administrative Assistance in Tax Matters Bill, 2018, states that the legislation in the Bill, that we have before us, will be retroactive to 1st of January, 2017, which was the date on which they gave the commitment. But they gave a commitment, they could not keep it for whatever reason, pass legislation today but because they gave the commitment, we have to have a retroactivity clause in the legislation before us. And we gave the 2017 date.

Madam Speaker, you know this PNM administration, they are not up to the

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task of representing the best of us. That is why, wherever you go, we are missing in action. Madam Speaker, so I want to place on record that I had to write a letter—I think my colleague wrote too—I had to write a letter to say that, for almost three months we had no meeting, and they will come and pretend that the letter did not exist, and I did not impress upon them the need to be urgent about this thing because we, on this side, know the implications of—if we are not on the watch list. So, we had to wake them up, wake them up from their sluggishness and their slumber. One might even get the impression that they just held the meetings just so that I could not criticize them further. Because there were a flurry of meetings afterwards, after I wrote the letter. They waited one month to wake up, and then there were a flurry of meetings of which the Attorney General and others—Member for Moruga/Tableland—missed most of them.

Madam Speaker, so were they sluggish in calling meetings, that even when meetings were called, some lasted less than half hour. This is an important thing, important set of Bills. The 6th of June 2018, you know how long the meeting lasted? Fifteen minutes—

Hon. Members: What!

Mr. R. Charles:—to come here and “zess, “don’t zest on me”. [*Laughter*] January 25, 2019, 25 minutes, “dais ah hurry, by de time yuh sit down and shift around de meeting finish”. June 7th, 19 minutes. “Dis is de thing that we—serious thing about de country’s future and dey come and talk about” we cannot get credit cards, and our children up there cannot enter into banking arrangements and get bank accounts. June 25th, you know how long that meeting was? This is the record—

Mrs. Persad-Bissessar SC: What year? June 25th, what?

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Mr. R. Charles: June 25, 2019. That meeting lasted, guess? Thirteen minutes, 1-3, five, five, three, 13 minutes. Serious things, serious matters of national import, treated flippantly and coming and blaming the Opposition [*Desk thumping*] for the lethargy and sloth on that side. September the 6th, well they made a record, 41 minutes. And September 16th, they gone back down, 31 minutes. On top of that, they continue to give us little time to go through important pieces of legislation. This Joint Select Committee, we got five days of which two, Saturday and Sunday and today is half-day, so we got two and a half days.

The Bail (Amdt.) Bill (No.2) of 2019, five days. The Administration of Justice Indictable Proceedings (Amdt.) (No.3) Bill, 2019, five days. The Gambling Bill, five days I imagine.

Mrs. Persad-Bissessar SC: Not even that.

Mr. R. Charles: But the Interception of Communications (Amdt.) Bill, my colleagues in the Senate said they got one week. What it is? You “doh” want us to scrutinize, because you have a hurry “set ah” legislation, you are scared of the full view and focus on the Bill’s assessment?

Mrs. Persad-Bissessar SC: In your final days, you are rushing to pass everything.

Mr. R. Charles: Madam Speaker, we are here to show how our relations in Caricom are being surrendered. We have surrendered our leadership position, even though we have aspirations to be a regional financial centre. On Tuesday, March— [*Interruption*] Yes, Madam Speaker, it deals with this legislation, this legislation, Caricom.

“On Tuesday, March 12 2019, the European Union issued a revised list of —Caricom jurisdictions— “not adhering to good tax governance.”

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Seven Caribbean jurisdictions are being placed on a monitoring list. In addition, having made commitments—“we eh make no commitments”—to undertake reforms by December 2019. According to the Caricom statement, and I quote, dated March 2019:

“This renewed attack...”

They are seeing this as an attack on our sovereignty that the EU could dictate the legislation of our country. Some—the Caricom secretariat sees that as a colonial inter-initiative.

“This renewed attack on our Member States’ economic prospects constitutes an infringement of our sovereign right of self-determination in the best interest of the Caricom people. Moreover, we are concerned that the EUs ‘tax good governance strategy’ is beginning to border on anti-competitive behavior targeted at the decimation our international...financial sectors in the Caribbean.”

And they said:

“It is becoming apparent that...ECOFIN”

—that is the group of foreign ministers—finance ministers, in the EU, from the 27 states, now 26—

“are designed to destroy the financial sector in our Member States even as we...build resilience in our economic sectors in order to mitigate our inherent vulnerabilities.”

Given our ambitions to be a regional financial centre, one would have expected lobbying efforts from our Government aimed at mitigating the negative consequences of the EU blacklisting of Caricom States. In this regard—my colleague referred to the meeting of Caricom Ministers to Brussels, we were not

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there—efforts by Opposition Members to determine if such a lobbying initiative was held, and who from Trinidad and Tobago was on that team, left with no answers.

We note, Prime Minister Holness, Jamaica, met Donald Tusk prior to the last CHOGM in 2018 to discuss the—inter alia—EU blacklisting. Nothing from our Prime Minister. We should have engaged a lobbyist to advance our cause. Instead we spent millions on a democratically aligned US lobbyist in a republican-led administration. “geez and ages”, talk about gross incompetence. Five minutes, good. We should have held meetings with EU ambassadors based in Port of Spain to advance our interest, Madam Speaker. If those meetings were held, that should have been drawn to the attention of the Joint Select Committee.

But, Madam Speaker, while Caricom is pushing the case against the EU—and we are not sitting at the table, and there is a saying that if you are not at the table, you could end up on the menu. That is our position. We are no longer on Caricom's A-team, we are diplomatically adrift, Madam Speaker. Gone are the days when the voice of Eric Williams in collaboration with Burnham—Forbes Burnham, in collaboration with Norman Manley, were leading figures in the global arena.

Mrs. Persad-Bissessar SC: “What Trump could do we”?

Mr. R. Charles: We hear nonsense like what Trump could do? Well, he showed us what he could do us with Dragon Field.

In 2014, we were punching above our weight at the UN Security Council. The Member for Siparia was co-sponsoring legislation, global terrorism before it became an issue, Madam Speaker. [*Desk thumping*] She was encouraging and led the charge for increased women participation in politics. We have an example of

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slothfulness and incompetence, Madam Speaker. But we did make contributions, significant contributions. It was not changing a comma, and a dot, and a paragraph. That is an insult to the contribution of the Opposition Members. [*Desk thumping*] That is an insult to Member Saddam Hosein, Sen. Saddam Hosein, who made significant contributions, and they cannot deny that. And to put it in a comma and what not is indicative of the pejorative approach they have to anybody else who does not agree with them, Madam Speaker. [*Desk thumping*]

We raised in clause 5(2) of the Bill, that is the Tax Information Exchange Agreements Bill, 2018, an order on this subsection shall be made in both Houses of Parliament, Madam Speaker. We suggested a clarification and detailing of the general directions which the Minister may give to the Board of Inland Revenue. We wanted the Minister of Finance out of that equation [*Desk thumping*] so it would be the Board of Inland Revenue dealing with their equivalent in the member state. We requested that—and this was Sen. Saddam Hosein's input and if they are honest, they will admit it was so. He requested, as obtained in FATCA, a person be notified that after some specified period, that their information was being shared. In this regard we sought and obtained a new clause, clause 12(1) and clause 12(2), which spoke to those specific—[*Interruption*] Two minutes.

Madam Speaker, we requested that penalties for unauthorized disclosers under this Act should be consistent with the FATCA Act, specifically that clause 11(b) be amended \$250,000. So we did not want to have one set of penalties in FATCA and a different one for the OECD.

Madam Speaker, in closing, even if this legislation gets us off the blacklist, this PNM has a poor record when it comes to implementation and the Global Forum does not only look at your passing laws, they look at your

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operationalization of the laws.

The second question I have in closing, when will we see the BEPS? What are we getting from the IMF, and what are is the status? Finally, apart from this, are there any other threats to Trinidad and Tobago being blacklisted by the EU in other areas? And I ask the Minister of Finance and the Minister of Agriculture, Land and Fisheries, are we subject to any blacklisting regarding deficiencies in our fisheries legislation? In April 2016, Trinidad and Tobago was issued a first warning pre-identification or yellow card under the EU regulation to prevent, deter and eliminate illegal, unreported and unregulated fishing.

The next step is identification or red card and then we will be blacklisted, given this Government, given their slothfulness, given their laziness, “I doh want tuh say duncey-headedness”. I do not think—

Mrs. Persad-Bissessar SC: Do not say that, do not say that. It might be true but do not say that.

Mr. R. Charles: I think all of us passed common entrance, “all of us bright”, and I withdraw that if it is included in my contribution. But we stand to be—we will get off of this and then wake up tomorrow, “a hurry down thing”, call joint select committee, no meetings, no attendance and at the last minute, we come to get the fisheries thing and they give us a long story about if we do not do this, what fire and brimstone will fall upon the citizens of Trinidad and Tobago.

Madam Speaker, in closing, we are fed up. There is a short time remaining, enjoy your seats over there for the Lord will rescue Trinidad and Tobago. The time draweth nigh, and I ask you to recognize that if you treat us with scorn, we will not do that to you when we are on that side. We will treat you with respect, befitting the loyal Opposition of Trinidad and Tobago. I thank you. [*Desk thumping*]

Madam Speaker: Member for Port of Spain North/St. Ann's West.

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, after that last contribution I join this debate wondering what exactly this is all about. And I would like, through you, Madam Speaker, to remind the population of Trinidad, why it is that we are here today to pass this significant legislation, what the consequences of us not passing this legislation are for the people of Trinidad and Tobago, and for the citizens of Trinidad and Tobago. Because, you see, Madam Speaker, after all of the theatrics, some of which I will get into to point out to the population, the purpose behind it, we are still here today, in an area where Global Forum is saying that Trinidad and Tobago can stand to lose its correspondent banking, Trinidad and Tobago can end up being de-risked. Trinidad and Tobago, should we continue with this infantile behaviour, juvenile theatrics, can stand to suffer our citizens.

So what we are seeing here today is the culmination of the last four and a half years of a strategy by the Opposition to delay, to throw out red herring words, and to just try to push Trinidad and Tobago over the proverbial cliff. If we lose correspondent banking, as it is a potential consequence to happen, what it means—I remind the population of Trinidad and Tobago—it means that we can no longer participate in international financial transactions. What does that mean for the man on the street? It means that you can no longer send money away to your family. You can no longer pay your children's school fees, your credit cards cannot be used for international transactions, and these are the risks that we run. This is not a game. So after all the screaming and the shouting, and the theatrics, and the use of words, and turning around for colleagues to smile, clap and cheer you on, we

continue to be at ground zero.

So, Madam Speaker, what I would like to do is use the next few minutes to remind the population how we got here. One of the catchphrases being used continuously is “rush”. They are pretending as though the Government, this Administration, has rushed to bring this legislation here; completely untrue. When we brought the legislation they screamed “high hell, bloody murder, we need to go to a joint select committee” because you see that was always the Opposition’s strategy, drive everything to joint select committee. They use words like “we will support good legislation, there must be due process, it is not good law, we need to better it.” What did the responsible Government do? They talk about being democratic, we agreed to the Joint Select Committee, Madam Speaker, and through you, I am reminding the population of that here today.

What we are here today is not debating Bills. What we are here today is not going through clause by clause, every single one of these three Bills. What we are here today, Madam Speaker, is to debate and to either support or not support the report of a joint select committee. I have been reliably informed that quite ironically, maybe even hypocritically, the Members from this House from the Opposition who participated in the Joint Select Committee, had very little contribution. And I just heard it confirmed by the Member for Naparima. Because what they did is they rode on the curtails of Saddam Hosein, a Senator from the other place. But they really had no contributions to make. The Joint Select Committees went on. And I will remind the population a few months ago, when we were really at that cliff’s edge with some FATF requirements, and I will soon get to the distinction between FATF and Global Forum because you see—I will get to that.

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We came to this House to pass— we had to dissect one of the Bills from the Joint Select Committee. We came here, the Bill had to be amended to take out all of the provisions that would require a special majority to be passed. You know why, Madam Speaker? And I remind the population, because as usual, the UNC Opposition population plays this game, carrot on a stick, “you can’t speak to us that way, you can’t treat us this way because we won’t support the legislation”. It is not legislation for the Government. [*Desk thumping*] It is not legislation for the PNM. It is legislation for the 41 constituencies in Trinidad and Tobago, and the people we are elected to represent. Because you see, at the end of the day, if this important legislation is not passed, Madam Speaker, and we lose correspondent banking and we become de-risked, it is the people of Trinidad and Tobago that suffers, not the PNM. So this continuous threatening—and they talk about bullying, the hypocrisy of bullying, they are bullying the people of Trinidad and Tobago, because they are telling the people of Trinidad and Tobago, “Well if you don’t abide by this, and if you don’t speak to me nicely, I am not going to pass the legislation, you are not going to get my support for a special majority”. It only suffers the people of Trinidad and Tobago.

The next thing, spending time counting how many meetings were attended, how many meetings were not attended, what was done at those meetings, takes us nowhere. You asked for a joint select committee, you were granted the opportunity to sit on a joint select committee, you participated in meetings of the Joint Select Committee. I am reminded by the chairman that when during the vacation period, he wanted to call meetings to do the people’s business, to deal with these specific Bills, to fulfill the report, he was told “no” by the Opposition.

Mr. Imbert: He wrote a letter. He wrote a letter.

Hon. S. Young: There was mention here this afternoon about a minority report. It reminded me of what happened last week where we were told, again, by the Opposition of the existence of a minority report that simply does not exist. The same thing here today. This cannot continue, it should not continue, misrepresenting.

I also want to remind the population, our entrance into Global Forum was not under a PNM administration. The entrance and obligation to Global Forum was under a UNC administration in 2011, and they did absolutely nothing to progress Trinidad and Tobago towards being in fulfillment of their legal obligations. So all this screaming and shouting about sloth and incompetence takes us nowhere, because the truth is facts are a stubborn thing. And it was a 2011 government that signed us on to Global Forum, and the fact is that as at September 2015, nothing was done. I have never heard such hollow talk, and such ludicrous suggestions as “if we were in Government in 2017, we would have gotten it done.” When the people gave them a chance to be in government, a day that I am sure many regret, they did nothing, and that is the fact. This Government came in, they put the legislation to the Parliament, and what happened when the legislation was brought to the Parliament? “No we won’t support it, we want a joint select committee”. So I remind the people of Trinidad and Tobago, the reason we are here today debating a report from a joint select committee is because the UNC asked for it. And these consequences are serious consequences.

Mention of Caricom countries, everybody in this House has a responsibility, being an elected Member of Parliament for a certain constituency in Trinidad and Tobago, to fly the flag of Trinidad and Tobago. “Doh” wear it here only on your lapel. So to hear the Member for Naparima say that he left a Trinidad and Tobago

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hundred dollar bill in a restaurant somewhere, and laughing that when he came back our money—first of all I “doh” believe him, but assuming that he is telling the truth, he is laughing at Trinidad and Tobago. It is not a PNM hundred dollar bill, it is a national one hundred dollar bill.

Mr. Imbert: Signed by Jwala Rambaran. [*Desk thumping*]

Hon. S. Young: I “doh” know if it signed by Jwala Rambaran or not. The point is, even when PNM is in Opposition, and any member on this side was not in government, I am certain when we are outside there, “we batting hard” for Trinidad and Tobago. [*Desk thumping*]

Hon. Member: With pride.

Hon. S. Young: Let me talk a little bit about Caricom countries and why they are all not in a position like us, because Madam Speaker, a few months ago I was sent to the US Congress. At that meeting, it was being chaired to represent the Caricom. The delegation was being chaired by the Prime Minister of Antigua and Barbuda. It was the Prime Minister of St. Lucia, the Minister of Finance of Jamaica, the Attorney General of Barbados, and myself. And we went to speak to members of the financial committee in the US House of Representatives, and you know why? Because every single one of those jurisdictions was facing the risk of losing correspondent banking. And they sent their Prime Ministers, their Ministers of Finance, and they were petrified, they were worried. So we came together as Caricom. Trinidad went. We are the furthest along in FATF but today is about Global Forum. So when he tries to mislead—the Member for Naparima—tries to mislead the country, as usual, about Caricom and about us being the worst in the Caricom—it is not true.

We are going out there and batting for our Caricom sister islands, sovereign

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countries, to ensure they are not de-risked. And this is what we are forced to come here and listen to. Everything is a joke, everything is a song and a dance, serious matters that are going to affect the population of Trinidad and Tobago. This continuous abuse of Trinidad and Tobago, I take offence to. [*Desk thumping*] This continued attack of Trinidad and Tobago by certain Members, in particular, the Member for Naparima, I take serious offence to.

Hon. Member: Disgrace!

Hon. S. Young: Every single constituent of Port of Spain North/St. Ann's West, I am assured, takes offence to anybody who is sitting on the inside of the Parliament of Trinidad and Tobago and attacking Trinidad and Tobago. So when he uses the examples of other Caricom countries—completely out of context.

As I was telling the Minister of Finance it takes a small island, one of our sister Caricom members who may be at rate five, and we at 100, he is talking about growth of GDP. If you grow from five to 10 that is 100 per cent growth. But Trinidad is up here at 100, we are at the highest level of GDP in the whole Caribbean. So do not try to twist things, and turn them out of context. Instead, be proud of Trinidad and Tobago, right?

Our GDP per capita in terms of purchasing power is twice that of Barbados, it is four times that of Jamaica, [*Desk thumping*] it is higher than every other Caricom country. But the Member for Naparima comes here today to tell us “I leave ah \$100, ah Trinidad \$100 down in St. Lucia, kee, kee, kee, kee, kee.” Right? “I left that.” Trinidad and Tobago's currency is only useful in Trinidad and Tobago.

Hon. Member: It is legal tender.

Hon. S. Young: It is only legal tender in Trinidad and Tobago. But I would never,

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ever, ever, as a citizen of this great twin-island republic degrade my own country. [*Desk thumping*] And that is straight out of Member for Naparima's playbook. He comes here every single week, week in, week out, week in, week out, and criticizes Trinidad and Tobago.

So let the population take note that, once again, the Member for Naparima has come here and attacked their twin-island State, and I take offence to that as a citizen of Trinidad and Tobago. [*Interruption*] They would not take him in Singapore.

6.00 p.m.

The next point that is being made, because you see, they cannot help themselves, but always attempt to mislead the population, making fun of the Member for San Fernando West, the Attorney General, who is going to a FATF plenary. A FATF plenary is different to Global Forum; two completely different bodies. The Attorney General is going to FATF at the culmination of four and a half years of hard work, along with the Ministry of Finance, other Ministries, the technocrats in the Attorney General's office, the police, the FIB and the FIU. All of these organizations have been working hard to clean up the mess that was left behind, and I hope that the Attorney General returns, as he has told us, on Jouvert morning, to tell the country that at the FATF plenary he has gone to attend, he was successful for the country of Trinidad and Tobago [*Desk thumping*] and that it has—and when I am making the point, they keep trying to say that we are rushing this legislation for that meeting. That is a complete falsehood; an attempt, as usual, to mislead the population.

The meetings in Paris, the plenary of FATF, have absolutely nothing to do with what we are being called upon to debate here today. What we are called upon

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to debate here today is the work of a joint select committee that has been going on for months and months and months. That is what we are doing. Global Forum, as they know, is completely separate to FATF. It has nothing to do with it whatsoever. So to come and try and mislead the population that this Administration is putting pressure, coming at the last minute, completely untrue, no truth whatsoever, but we are now seeing the culmination, Madam Speaker, of the strategy from day one, of, "send to a joint select committee", send everything that requires a special majority to the joint select committee. Work done or work not done, the point is you go to a joint select committee to have the cumulative effect, not only of those in this House, but also of Independent Senators and Opposition Senators as well, to try and produce a better piece of legislation, but every single time we come back to the House at the end of it, for what you would expect now to be the joint product, the cumulative effort, the intellectual effort and contribution of all, the country is always dragged down this road, this pathway, by the UNC Opposition.

So, Madam Speaker, I am putting the country on notice of a few things here today, respectfully. If this legislation is not passed, we stand the risk of losing our correspondent banking. We stand the risk of living in the blacklisting. We have found ourselves in an embarrassing position by this same Global Forum and other people in the EU who really do not care about Trinidad and Tobago, because they do not know Trinidad and Tobago. They have put us in a category saying that we are a tax haven. There is no way Trinidad and Tobago is a tax haven, because our tax laws do not favour. We do not have international business corporations, we have no favouritism for offshore companies. We do not even have that type of legislation here. But if we do not pass this type of legislation that is not new, it

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is not unique. The country would recall we had to this with the United States a few years ago and, again, even with that taken to the brink that was FATCA. This is almost identical to that regime of FATCA.

So, Madam Speaker, I am asking that some level of responsibility returns, some level of care for country, some level of let us do the right thing for the people of Trinidad and Tobago, return to this debate because it is the people's serious business we are dealing with here today. Madam Speaker, with those few words, I thank you. [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, let me put some matters into the public domain. It is a fact that the UNC Government joined Trinidad and Tobago to the Global Forum in 2011. That is a fact. It is a fact that the first deadline given by the Global Forum to the UNC Government to enact the necessary legislation, this legislation, was January 2012. It is a fact that it was delayed several times through inaction on the part of the former administration. It is a fact that the final deadline given by the Global Forum to the UNC was the 30th of September, 2015. It is a fact that up to September 07, 2015, the UNC had not laid any legislation to make us compliant with Global Forum. The only reason we got a new deadline from the Global Forum was the Government changed, and the Global Forum recognized that the new Government would do what was necessary to prepare the necessary legislation, table it in Parliament and try to get it passed, which is what we did. Those are the facts, Madam Speaker.

And it is also a fact that we are here four years later, because these Bills require a special majority and as is their habit, hon. Members opposite, whenever a Bill requires a special majority, as they did with the FATCA legislation, they drag it and drag it and drag it, until they think that public perception of them has

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reached such a low point that they have to eventually give the necessary votes to pass the legislation.

When we introduced this legislation, Madam Speaker, they insisted on a joint select committee and then dragged it and dragged it and dragged it for years as is typical of them, very typical of them, Madam Speaker. We tried to have this legislation dealt with before the Session ended last year, they complained. We are trying to deal with it now, they are complaining, Madam Speaker. They pretended that they have a minority report. That is not true. They indicated in September that there was some issues they wanted to deal with. So what I did as Chairman of the Committee, recognizing that they did not want to support the legislation—they were dragging it out and hoping they could drag it through the whole five years, because there is something wrong with the UNC when it comes to tax information. There is a problem.

Any time we try to enact legislation that deals with trying to prevent tax evasion and to catch tax evaders, they will not support it, Madam Speaker. [*Desk thumping*] There is something wrong with them, and it is the same familiar refrain—that they want to protect the citizens of Trinidad and Tobago, joint select committee, stakeholder consultation, more time, expert consultants, more consultation, more meetings, change the committee, Members coming in, Members coming out, new Senators—they do Senators over there like revolving doors—new Senator comes in, new Senator on the Committee.

That has been their modus operandi for the last four years with these very important Bills, and they come and pretend that they do not know how important this is. They come and pretend that they do not know that Trinidad and Tobago citizens in Europe are now being prevented from opening bank accounts to conduct

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business. They come and pretend that correspondent banks in Europe are now refusing to do business with Trinidad and Tobago banks. They come and pretend that Trinidad and Tobago manufacturers and businessmen are having trouble doing wire transfers to the European Union. They pretend that they do not know that, but all their supporters telling them that, but they will come here and play politics and pretend they do not know and pretend that we are trying to scare people, and that is no big thing and the sky is not going to fall, and there is no problem, and there will be no blacklisting and there will be no issue—pretence, after pretence, after pretence, for four years, Madam Speaker, four years after they signed us up to the Global Forum in January 2011. They signed us up. They knew what the requirements were.

The Global Forum told them that you have 12 months, one year, until January 2012 to enact this legislation. They had a majority. They had 29 seats. They did not need us. They could have passed this thing with their eyes closed, Madam Speaker, and they are telling us we are slothful. They are telling us that? From January 2011 to June 2015 when the Parliament was dissolved, they are telling us that we are slothful? They had 29 seats. They could have come here and ignored everything we had to say and pass the legislation with the required special majority and make us Global Forum compliant. They could have done that in two months, but instead they allowed 2011, 2012, 2013, 2014 and 2015 to run out [*Desk thumping*] and then come here and “gallery” today and talk about how we are slothful.

Madam Speaker, there is a time to put country first, a time to put country first. [*Desk thumping*] As I said, the Tax Information Exchange Agreement with the United States, which they were so worried about, that people would be trapped

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and their business would be exposed and be all over the street, and it is not fair, and it is against their constitutional rights; that same FATCA legislation has now been functioning for two years. I have not heard a single complaint from a citizen of Trinidad and Tobago in the two-year period that their information has been leaked or that they have been prejudiced in any way. It is working seamlessly.

ADJOURNMENT

The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis): Madam Speaker, I beg to move that this House do now adjourn to Friday the 28th day of February. Madam Speaker, on that day it will be Private Members' Day, so I would like to hear from the Member for Pointe-a-Pierre what we will be doing, please.

Mr. Lee: Okay. Madam Speaker, can I communicate what Motion we will be doing in two days' time before the end of this week to the Leader of Government Business?

Hon. Members: Slothful. Slothful.

Hon. C. Robinson-Regis: Yes, Ma'am.

Madam Speaker: The Whip has indicated that it will be communicated to you in two days' time.

Hon. C. Robinson-Regis: In that instance—I have no problem with that, but I did not indicate a time as I was waiting for the Whip to tell me what he will be doing, but it will be Friday the 28th at 1.30 p.m.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.13 p.m.