

FOURTH

REPORT
FROM

THE PUBLIC ACCOUNTS
COMMITTEE

EXAMINATION
OF

An Examination of the Audited Financial Statements
of the Trinidad and Tobago Fair Trading Commission
(TFTC) for the financial years 2014 to 2018.

Public Accounts Committee

Office of the Parliament
Parliamentary Complex
Cabildo Building
St. Vincent Street Port of Spain
Republic of Trinidad and Tobago



The Public Accounts Committee (PAC) established by the Constitution of the Republic of Trinidad and Tobago in accordance with Section 119(4) is mandated to consider and report to the House of Representatives on:

- (a) appropriation accounts of moneys expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago;*
(b) such other accounts as may be referred to the Committee by the House of Representatives or as are authorized or required to be considered by the committee under any other enactment; and
(c) the report of the Auditor General on any such accounts.'

Current membership

Mr. Davendranath Tancoo	Chairman
Ms. Jearlean John	Vice- Chairman
Mrs. Ayanna Webster-Roy	Member
Mr. Adrian Leonce	Member
Mrs. Paula Gopee-Scoon	Member
Mrs. Charrise Seepersad	Member
Mr. Roger Monroe	Member
Dr. Amery Browne ¹	Member

Committee Staff

The current staff members serving the Committee are:

Ms. Keiba Jacob	Secretary to the Committee
Ms. Hema Bhagaloo	Assistant Secretary to the Committee
Ms Khisha Peterkin	Assistant Secretary to the Committee
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Publication

An electronic copy of this report can be found on the Parliament website:

http://www.ttparliament.org/committee_business.php?mid=19&id=335&pid=29

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Date Laid in Senate:

¹ Dr. Amery Browne was appointed in lieu of Mr. Randall Mitchell with effect from January 12, 2021.

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Members of the Public Accounts Committee

TWELFTH PARLIAMENT, REPUBLIC OF TRINIDAD AND TOBAGO



Mr. Davendranath Tancoo
Chairman



Ms. Jearlean John
Vice- Chairman



Mrs. Ayanna Webster-Roy
Member



Mrs. Paula Gopee-Scoon
Member



Mrs. Charrise Seepersad
Member



Mr. Adrian Leonce
Member



Mr. Roger Monroe
Member



Dr. Amery Browne
Member

Executive Summary

The Public Accounts Committee (PAC) is the Parliamentary Financial Oversight Committee tasked with the responsibility of examining the issues outlined in the Report of the Auditor General and Audited Financial Statements of Ministries, Departments and Statutory Bodies referred to the Committee by the House of Representatives or as are authorised or required to be considered by the Committee under any other enactment. The PAC presents its Fourth Report of the Twelfth Parliament which details its examination of the *Audited Financial Statements of the Trinidad and Tobago Fair Trading Commission (TTFTC) for the financial years 2014 to 2018*.

This report highlights the issues, observations and recommendations made by the Committee in its review of the Audited Financial Statements of the Trinidad and Tobago Fair Trading Commission (TTFTC) for the financial years 2014 to 2018.

During this inquiry, the following issues arose:

- Partial Proclamation of the Fair Trading Act, Chap 81:13.
- Incomplete Guidelines to the Act.
- The TTFTC's lack of its own independent premises.
- The absence of Risk Management Policy
- The absence of Fraud Policy
- The absence of Whistle-Blowing Policy.
- The absence of an Internal Auditor.
- Collaboration with Consumer Protection Authorities
- Public Awareness of the TTFTC's Work

Based on the Committee's examination, the following observations were made:

- Since the proclamation of the Act, the TTFTC was able to process official complaints of anti-competitive practices and investigate them. The TTFTC was also able to take enforcement action if necessary and exercise merger control. The PAC hopes that the TTFTC will be able to fully achieve its mandate since the Act has been fully proclaimed.
- The Ministry of Trade and Industry (MTI) has already indicated to the Ministry of Finance - Investments Division that, once the premises for the TTFTC are duly located and selected, there will be a corresponding increase in the sum requested in the form of Government Subvention to the TTFTC². The Committee welcomes the recognition of the need for such additional funding arrangements.
- The TTFTC should re-examine the criteria for prospective firms to encourage applications.

² Written submission from the MOF-ID dated November 19, 2021, page 2.

Based on the Committee's examination, the following endorsement was made:

- The Committee welcomes the TTFTC's engagement with the youth as part of its public education initiatives, which is one of the Commission's objectives that contributes to raising awareness of the benefits of competition. Inviting the youth perspective could help to promote an exchange of ideas and the development of a healthy competition culture among future participants in Trinidad and Tobago's economy.

Based on the Committee's examination, the following recommendations were proposed:

- The MII and TTFTC should report to Parliament by July 31, 2022 on the following:
 - its assessment of the effectiveness of the procedure followed for official complaints of anti-competitive practices; and
 - the number of applications received for mergers and the number of approvals granted.
- The TTFTC should report to Parliament on the progress of the completion and publication of the Guidelines by July 31, 2022;
- The TTFTC should submit to Parliament by July 31, 2022 a report on the benefits of having their own premises, outlining its specific requirements as well as indicating the extent to which the two premises viewed were aligned with their specifications;
- The TTFTC should provide Parliament with a status update on the finalisation and implementation of the Risk Management policy by July 31, 2022;
- The TTFTC should provide an account of factors hindering progress of the development of the Risk Management policy if it has not yet been completed by July 31, 2022 to Parliament;
- The TTFTC should provide a status update to Parliament on the development and implementation of the Fraud Policy by July 31, 2022;
- The TTFTC should report to Parliament on the status of the development, completion and implementation of the Whistle-Blowing policy by July 31, 2022;
- The TTFTC should provide a status update to Parliament on the recruitment of an Internal Auditor by July 31, 2022;
- The TTFTC should report to Parliament on plans to establish collaboration with the Consumer Affairs Unit of the THA by July 31, 2022;

Introduction

The PAC of the Twelfth Republican Parliament was established by resolutions of the House of Representatives and the Senate at the sittings held on Monday November 9, 2020 and Tuesday November 17, 2020 respectively.

The Constitution of the Republic of Trinidad and Tobago mandates that the Committee shall consider and report to the House on appropriation accounts of monies expended out of sums granted by Parliament to meet the public expenditure of Trinidad and Tobago and the report of the Auditor General on any such accounts.

In addition to the Committee's powers entrenched in the Constitution, Standing Orders 111 of the House of Representatives and 101 of the Senate also empower the Committee, inter alia, to:

- a) send for persons, papers and records;
- b) have meetings whether or not the House is sitting;
- c) meet in various locations;
- d) report from time to time; and
- e) communicate with any other Committee on matters of common interest.

Election of the Chairman and Vice-Chairman

In accordance with section 119(2) of the Constitution, the Chairman must be a member of the Opposition in the House. At the first meeting held on Wednesday November 18, 2020 Mr. Davendranath Tancoo was elected Chairman of the Committee and Ms. Jearlean John was elected Vice-Chairman of the Committee.

Establishment of Quorum

The Committee is required by the Standing Orders to have a quorum so that any decisions made by the Members during the meetings can be considered valid. A quorum of three (3) Members, inclusive of the Chair or Vice-Chairman, with representatives from each House was agreed to by the Committee at its First Meeting.

The Inquiry Process

The Inquiry Process comprises the steps taken by the Committee in its examination of the Audited Financial Statements of the Trinidad and Tobago Fair Trading Commission (TTFTC) for the financial years 2014 to 2018. The Inquiry Process agreed to by the PAC included the following steps:

- I. Identification of issues in the Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Fair Trading Commission for the financial years 2014 – 2018.
- II. Prepared an Inquiry Proposal for the selected issues. The Inquiry Proposal outlines:
 1. Background;
 2. Objectives of Inquiry; and
 3. Proposed Questions.
- III. Questions for written responses were forwarded to the Ministry of Trade and Industry (MTI), the Ministry of Finance- Investments Division (MOF-ID) and the TTFTC on October 25, 2021. Responses were received on November 8, 2021 by the MTI, on November 12, 2021 from the TTFTC and on November 19, 2021 from the MOF-ID;
- IV. Preparation of an Issues Paper which identified and summarised matters of concern in the responses provided by the MTI, the MOF-ID and TTFTC;
- V. Based on the responses received and the issues identified, the Committee agreed to have a Public Hearing;
- VI. A public hearing was conducted and the relevant witnesses were invited to a virtual meeting to provide evidence on December 8, 2021;
- VII. Questions for additional information were sent to the TTFTC and MTI on December 10, 2021 and responses were received from the MTI on December 29, 2021;
- VIII. Reported Committee's findings and recommendations to Parliament upon conclusion of the inquiry;
- IX. The Report will be transmitted to the MOF -ID as the Minister with oversight of the TTFTC for written response within sixty (60) days in accordance with Standing Order 110(6) of the House of Representatives and 100(6) of the Senate; and

- X. Conduct follow-up on the responses to the Committee's recommendation to monitor progress in the implementation of the Committee's recommendation.

Background: Trinidad and Tobago Fair Trading Commission

About³

The Trinidad and Tobago Fair Trading Commission (TTFTC) is an independent Statutory Agency established pursuant to the Fair Trading Act 2006. It is the third competition agency established in the CARICOM region and is one of the more than one hundred competition agencies that are presently functioning globally. Its objectives are to:

- Ensure that all legitimate business enterprises have an equal opportunity to participate in the economy.
- Prevent Anti-competitive conduct while at the same time complementing other policies that promote competition.
- Maintain and encourage free and fair competition.
- Raise awareness of the benefits of competition through advocacy.
- Provide guidance on how to comply with the law.

Establishment of the TTFTC⁴

The Fair Trading Act, 2006 Chap 81:13 section 4 states that:

“4. There is hereby established for the purpose of performing such duties and functions as are conferred upon it by this Act and by any other written law, a body corporate constituted in accordance with Part IV and hereafter called “the Commission”.”

The full proclamation of the Act occurred on February 7, 2020⁵. This effected Parts:

- I – Preliminary;
- III – Mergers, Anti-Competitive Agreements or Practices and Monopolies;
- VII – Powers of the Court;
- VIII – Community Competition Commission; and
- IX - Miscellaneous

Objectives⁶

The TTFTC seeks to create and maintain a fairer Trinidad and Tobago for all which will be characterized by vigorous competition with the result being high quality goods and services being provided at competitive prices. The TTFTC prides itself on being a transparent and accountable agency that encourages the maintenance and promotion of free and fair competition in the conduct of business in Trinidad and Tobago. Our objectives include:

³ Trinidad and Tobago Fair Trading Commission’s website, *About*, accessed December 17, 2021: <http://tandtftc.org/who-is-the-ttftc/>

⁴ Constitution of The Republic of Trinidad and Tobago, accessed December 17, 2021: <http://laws.gov.tt/pdf/Constitution.pdf>.

⁵ Legal Supplement Part B – Vol. 59, No. 16 – February 7, 2020: Legal Notice No. 41

<<http://www.ttparliament.org/legislations/ln2020-041.pdf>> accessed December 17, 2021

⁶ Trinidad and Tobago Fair Trading Commission’s website, *About*, accessed December 17, 2021: <http://tandtftc.org/who-is-the-ttftc/>.

1. Ensuring that all legitimate business enterprises have an equal opportunity to participate in the economy
2. Preventing anti-competitive conduct while at the same time complementing policies that promote competition
3. Raising awareness of the benefits of competition
4. Exhibiting a high level of integrity and intellect

Powers⁷

The TTFTC has certain powers that enable it to carry out its functions, some of which include the power to:

- Carry out investigations.
- Summon and examine witnesses.
- Call for, require the production of and examine documents with respect to an investigation.
- Direct an enterprise to take such steps as are necessary and reasonable in the circumstances.

TTFTC and the Court

The TTFTC can, pursuant to the Fair Trading Act, take to court any business or individual who has been found to have been carrying on anti-competitive practices and has failed to take corrective measures. The courts can then:

- Prohibit the offending conduct.
- Prohibit an agreement from being made or carried out.
- Order that an agreement be modified or terminated.
- Prohibit any specific conditions being attached to transactions.
- Prohibit the acquisition of another company or impose appropriate conditions.
- Impose fines (limited to 10% of annual turnover).

Chairman and Commissioners⁸

- Dr Ronald Ramkissoon, Chairman
- Mr. Christopher Sieuchand, Commissioner
- Mr. Dennis Scott, Commissioner
- Mr. Dexter Joseph, Commissioner
- Mr. Dan Martineau, Commissioner

⁷ Trinidad and Tobago Fair Trading Commission's website, What can the TTFTC do, accessed April 12, 2022: <http://tandtftc.org/what-can-the-tftc-do/>

⁸ Ibid

Background: Auditor General

Role and Function⁹

The Auditor General is required by law to examine and report annually to Parliament on the accounts of Ministries, Departments, Regional Health Authorities, Regional Corporations and such State Controlled Enterprises and Statutory Boards for which the Auditor General is the statutory auditor. The portfolio also includes the audit of:

- The accounts of projects funded partly or wholly by International Lending Agencies
- All pensions, gratuities and other separation benefits paid by the State in accordance with the Pensions Acts and other Agreements; and
- The grant of credit on the Exchequer Account in accordance with the requirements of section 18 of the Exchequer and Audit Act, chapter 69:01

The audit services take the form of financial audits, compliance audits and value for money audits intended to promote:

- Accountability
- Adherence to laws and regulations
- Economy, efficiency and effectiveness in the collection, disbursement and use of funds and other resources.

Duties and Powers of the Auditor General¹⁰

The duties and powers of the Auditor General are defined in the Exchequer and Audit Act Chapter 69:01 of the laws of Trinidad and Tobago. Part III of the Exchequer and Audit Act specifies these duties listed here under:

7. The Auditor General shall not be capable while holding the said office of holding any other office of emolument in the service of the State.
8. (1) Save as is otherwise provided for in the Constitution the provisions of the law and regulations in force relating to the public service shall apply to the Auditor General.
(2) Where the Auditor General is removed from office under the Constitution the Minister shall make a full statement of the reasons therefore at the first opportunity to Parliament.
9. (1) The Auditor General shall examine, inquire into and audit the accounts of all accounting officers and receivers of revenue and all persons entrusted with the assessment of, collection, receipt, custody, issue of payment of public moneys, or with the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other State property.
(2) The Auditor General shall satisfy himself that -

⁹ Auditor General's Department, *Appointment, Role and Function*, accessed April 10, 2022:

<http://www.auditorgeneral.gov.tt/content/appointment-role-and-function>.

¹⁰ Exchequer and Audit Act Chapter 69:01, accessed April 10, 2022:

http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/69.01.pdf

- (1) all reasonable precautions have been taken to safeguard the collection of public moneys and that the laws, directions and instructions relating thereto have been duly observed;
- (2) all issues and payments were made in accordance with proper authority and that all payments were properly chargeable and are supported by sufficient vouchers or proof of payment;
- (3) all money expended has been applied to the purpose or purposes for which the same was granted by Parliament and that such expenditure conforms to the authority which governs it and has been incurred with due regard to the avoidance of waste and extravagance;
- (4) essential records are maintained and the rules and procedures framed and applied are sufficient to safeguard the control of stores and other State property.

Auditor General: Ms. Lorelly Pujadas¹¹

¹¹ Auditor General's Department website, *Profile of the Auditor General*, <http://www.auditorgeneral.gov.tt/content/profile-auditor-general> accessed April 10, 2022.

Issues and Recommendations

During the examination of the Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Trinidad and Tobago Fair Trading Commission (TTFTC) for the financial years 2014 to 2018, the Committee identified issues, proposed recommendations and made observations and endorsements as follows:

1. Partial Proclamation of the Fair Trading Act Chap 81:13

The TTFTC was unable to achieve its mandate due to the length of time taken for the Fair Trading Act to be fully proclaimed. The full proclamation of the Act only occurred on February 7, 2020. This effected the following Parts:

- I – Preliminary;
- III – Mergers, Anti-Competitive Agreements or Practices and Monopolies;
- VII – Powers of the Court;
- VIII – Community Competition Commission; and
- IX - Miscellaneous Included among the suite of government.

The TTFTC is empowered by the Fair Trading Act to restrict anti-competitive practices. This mandate could not have been properly achieved until the full proclamation of the Act, which then allowed the TTFTC to utilize its powers specifically under Part 3 of the Act to review and undertake enforcement action. Before the full proclamation of the Act in 2020, the TTFTC was only able to focus on public education and awareness efforts.

After the proclamation of the Act in February 2020, the impact of the COVID-19 pandemic hindered the ability of the TTFTC to achieve its mandate.

Observation:

- i. Since the proclamation of the Act, the TTFTC has been processing official complaints of anti-competitive practices, investigating the complaints, taking enforcement action if necessary and exercising merger control. The PAC hopes that the TTFTC will be able to fully achieve its mandate now that the Act has been fully proclaimed.*

Recommendation:

- ***The MTI and TTFTC should report to Parliament by July 31, 2022 on the following:***
 - *its assessment of the effectiveness of the procedure followed for official complaints of anti-competitive practices; and*

- *the number of applications received for mergers and the number of approvals granted.*

2. Incomplete Guidelines to the Fair Trading Act

The Guidelines to the Fair Trading Act have not been completed and published. The Guidelines were intended to give an independent overview of the TTFTC and the Fair Trading Act and serve as a reference for businesses. The TTFTC stated in their written submissions dated November 12, 2021, that the Guidelines were being finalized by a consultant sourced by the Inter-American Development Bank who has been engaged with local stakeholders. It was expected that the Guidelines would be published on the TTFTC website in early 2022. The publishing of the Guidelines is important to fulfilling the TTFTC's mandate as it makes available to consumers, general information regarding the rights and obligations under the Act.

Recommendation:

- i. The TTFTC should report to Parliament on the progress of the completion and publication of the Guidelines by July 31, 2022.*

3. The TTFTC's lack of its own independent premises

The TTFTC continued to be housed on the premises of the MTI despite being an independent organisation. The TTFTC has been operating at the MTI's main office in Nicholas Towers since 2014 and has tried to maintain a degree of separateness. According to the written submission of the TTFTC dated November 12, 2021, the TTFTC made a formal request to the MTI seeking help in identifying suitable office premises from the Ministry of Public Administration (MPA), Property and Real Estate Services Division (PRESD). The TTFTC was active in its efforts to acquire its own premises and visited a number of potential premises that may be suited for the operations of the Commission and the accommodation of its staff. Subsequently, according to the written submissions of the MTI dated November 3, 2021, a formal submission on behalf of the TTFTC was made by the MTI on June 25, 2018 to the PRESD. The MTI continued to follow up on this matter with the MPA.

According to the additional information response of the TTFTC dated December 29, 2021, the Commission visited two premises in Port of Spain that have been identified by PRESD. However, the written submission from the TTFTC dated November 12, 2021, the Commission has not received the relevant budgetary allocation to allow it to rent its own premises.

The TTFTC was of the opinion that having its own distinct premises was important to demonstrate its impartiality and promote public confidence.

Observation:

- i. The MTI has already indicated to the MOF-ID that, once premises for the TTFTC are duly located and selected, there will be a corresponding increase in the sum requested in the form of Government Subvention to the TTFTC¹². The Committee welcomes the recognition of the need for such additional funding arrangements.*

Recommendation:

- i. The TTFTC should submit to Parliament by July 31, 2022 a report on the benefits of having their own premises, outlining its specific requirements as well as indicating the extent to which the two premises viewed were aligned with their specifications*

4. The absence of Risk Management Policy

The TTFTC did not have Risk Management policy in place. Risk Management contributes to the objective and improvement of performance in human health and safety, security, legal and regulatory compliance, project management and efficiency in operations¹³. A Risk Management policy is an important tool to ensure that the operations of the TTFTC are productive and regulated. It accounts for uncertainty, the nature of that uncertainty and how it can be addressed. The written submissions from the TTFTC dated November 12, 2021, stated that TTFTC's Risk Management Policy and a part of the TTFTC's Strategic Plan for 2022-2024 was being finalized. The additional information from the TTFTC on December 29, 2021 stated that the projected timeline for the finalization and implementation of this policy would be the first quarter of 2022.

Recommendations:

- i. The TTFTC should provide to Parliament a status update on the finalisation and implementation of the Risk Management policy by July 31, 2022;*
- ii. The TTFTC should provide an account of factors hindering progress of the development of the Risk Management policy if it has not yet been completed by July 31, 2022 to Parliament.*

5. The Absence of a Fraud Policy at the TTFTC

The TTFTC did not have a Fraud Policy in place but is in the process of developing a Fraud Policy. A fraud policy is important as it assists staff by linking the TTFTC's function to its daily operations. A document on fraud would allow management to guide operations without the need for constant physical intervention. In the absence of the Fraud Policy, written submissions from the TTFTC dated November 12, 2021, stated that the Commission has been monitoring any fraudulent

¹² Written submission from the MOF-ID dated November 19, 2021, page 2.

¹³ Ministry of Finance - State Enterprise Performance Monitoring Manual, page 118

activities through an Annual Procurement Plan and through subsequent audits by the Auditor General's office. The audits by the Auditor General's office did not identify any cases of possible fraud on the part of the Commission and any of its officials during the period under review. The TTFTC did not have a documented process for recording, tracking and responding to all allegations or suspicions of fraud. In the absence of this, the TTFTC follows section 51 (2) of the Fair Trading Act which states that 'it is an offence for any person in the service of the Commission to disclose to any other person who is not in the service of the Commission any trade secret of any business which may come to his knowledge in the course of discharging his duties under the Act'.

Recommendation:

- i. The TTFTC should provide a status update to Parliament on the development and implementation of the Fraud Policy by July 31, 2022.*

6. The Absence of Whistle-Blowing Policy

The TTFTC did not have a Whistle-Blowing Policy in place but was in the process of developing a Whistle-Blowing Policy. A Whistle-Blowing policy provides standard guidelines that the TTFTC should follow in responding to ethical or moral concerns of their employees. In the absence of the Whistle-Blowing policy, the TTFTC has reminded staff of the need to report any ethical concerns to the Executive Director or to the Chairman. However, a standardised Whistle-Blowing policy is needed for the effective functioning of the TTFTC to provide formality and a structured procedure to follow in the relevant instances. Additionally, Whistle-Blowing policies should have the following minimum criteria¹⁴:

- A clear statement that employees who are aware of possible wrongdoing within the organization have a responsibility to disclose that information to appropriate parties inside the organization; and
- The designation of specific individuals or groups outside the chain of command as complaint recipients.

Recommendation:

- i. The TTFTC should report to Parliament on the status of the development, completion and implementation of the Whistle-Blowing policy by July 31, 2022.*

¹⁴ Government of the Republic of Trinidad and Tobago website, accessed on March 29, 2022. http://ethics.csc.ncsu.edu/old/12_00/basics/whistle/rst/wstlblo_policy.html

7. The Absence of an Internal Auditor

The TTFTC did not have an Internal Auditor. An Internal Auditor is essential for the efficient operation of the TTFTC as it is an independent, objective assurance to improve the TTFTC's operations by monitoring and assessing risks and the adequacy of corresponding controls¹⁵. A Request for Proposal (RFP) was sent out by the TTFTC for an Internal Auditor in October 2020. However, no proposals were submitted by prospective service providers. The TTFTC was expected to send out another RFP in December 2021. The TTFTC has an Audit Committee in place. An Audit Committee provides oversight of the financial reporting process, the audit process, the company's system of internal controls and compliance with laws and regulations whereas an Internal Auditor is responsible for reviewing and confirming information and compliance with policies, procedures and laws.

At the public hearing on December 8, 2021, the TTFTC stated that there was a lack of new proposals after the RFP in 2020. To address that, the TTFTC sought to lengthen the contract time and expand the criteria for potential audit firms.

Observation:

- i. The TTFTC should re-examine the criteria for prospective firms to encourage applications.*

Recommendation:

- ii. The TTFTC should provide a status updated to Parliament on the recruitment of an Internal Auditor by July 31, 2022;*

8. Collaboration with Consumer Protection Authorities

There was potential for beneficial collaboration with consumer protection authorities, including in Tobago. Competition policy is closely associated with consumer protection policy. For example, Article 169(2)(c) of the Revised Treaty of Chaguaramas establishes the promotion of consumer welfare and the protection of consumer interests as key goals of competition policy¹⁶. For its part, the TTFTC recognised that 'aggressive competition among sellers gives consumers access to higher quality goods and services'¹⁷.

The Commission explained that it collaborated with the Consumer Affairs Division (CAD), MTI in terms of stakeholder engagement and exchange of information. The Commission, however,

¹⁵ The Institute of Internal Auditors website, accessed on April 21 2022, <https://www.theiia.org/en/about-us/about-internal-audit/#:~:text=According%20to%20the%20Definition%20of,and%20improve%20an%20organization's%20operations.>

¹⁶ CARICOM, Revised Treaty of Chaguaramas, accessed April 10, 2022: https://caricom.org/documents/4906-revised_treaty-text.pdf

¹⁷ TTFTC website, Frequently Asked Questions, accessed April 10, 2022: <http://tandtftc.org/faqs/>

acknowledged that there was potential for collaboration at an institutional level in Tobago. Although the Commission has engaged in some stakeholder engagement in Tobago, there were no official links between the TTFTC and the Consumer Affairs Unit of the Division of Finance and the Economy, Tobago House of Assembly (THA), similar to what has been done with the CAD. As the Commission moves into fully executing its mandate, stakeholders in Tobago must be fully integrated into all initiatives.

Recommendation:

- i. The TTFTC should report to Parliament on plans to establish collaboration with the Consumer Affairs Unit of the THA by July 31, 2022.***

9. Public Awareness of the TTFTC's Work

The Commission has been engaging in significant public outreach. These initiatives have become even more robust since the onset of the pandemic. Under Issue 1 of this Report – Partial Proclamation of the Fair Trading Act Chap 81:13, it was noted that the Act was only fully proclaimed in 2020. In its written submission dated November 12, 2021, the TTFTC explained that in the absence of the ability to pursue all aspects of its mandate, the Commission emphasised advocacy and public education initiatives.

Advocacy and public education were used as an alternative mechanism to discourage anti-competitive practices, as prior to February 2020 the Commission was not able to hold businesses accountable in court, given that the enforcement provisions of the Act had not been proclaimed.

The written submission further explained that the Commission was advised by international counterparts and umbrella agencies that it was important to get buy-in from the youth to the concept of fair trade.

In this regard, the Committee notes that the TTFTC launched an essay competition in September 2021, geared towards young people aged 16 to 19 on the theme ‘The Benefits of Competition’¹⁸.

The questions to which competition participants may respond were the following:

1. In what ways can the Trinidad and Tobago economy benefit from greater competition?
2. What should be done in order to make Trinidad and Tobago more globally competitive?

Endorsement:

- i. The Committee welcomes the TTFTC's engagement with the youth as part of its public education initiatives. This contributes raising awareness of the benefits of***

¹⁸ TTFTC website, TTFTC Essay Competition, accessed April 10, 2022: <http://tandtftc.org/essay-competition/>

competition, which is one of the Commission's objectives. Inviting the youth perspective could also help to promote an exchange of ideas and the development of a healthy competition culture among future participants in Trinidad and Tobago's economy.

Concluding Remarks

The TTFTC is an important entity in the promotion of fair trading and anti-competitive practices in Trinidad and Tobago. Due to the partial proclamation of the Fair Trading Act, the TTFTC has been unable to fully achieve its mandate as it is empowered by the Act for most of its existence. However, the TTFTC appears to have established good institutional relationships with partner entities and promoted public awareness of the Commission.

With the Act being fully proclaimed in February, the TTFTC now needs to assume all of the responsibilities entrusted to it by law. To do this, the Commission's institutional architecture must be built up to its full strength. Notably, to this end, the TTFTC needs to quickly source an internal auditor to ensure that there is an independent and objective evaluation of the Commission's internal controls. The absence of Risk Management, Fraud and Whistle-Blowing policies will also hinder the effectiveness of the internal functioning of the TTFTC. These gaps must be filled as a matter of urgency.

The importance of the functions of the TTFTC has been heightened by Trinidad and Tobago's current economic context due to the COVID-19 pandemic. The Vision 2030 National Development Strategy welcomes "competition and initiative" as factors contributing to development¹⁹. These factors will play a role in Trinidad and Tobago's economic recovery. The TTFTC must play its role in ensuring that competition and initiative take place within the confines of the law without becoming economically and socially harmful anti-competitive practices. The work of the TTFTC has been satisfactory given the circumstances and it is hoped that it will receive adequate resources to facilitate the fulfilment of its mandate.

¹⁹ Ministry of Planning and Development website, *Vision 2030 National Development Strategy of Trinidad and Tobago*, accessed February 26, 2022: <https://www.planning.gov.tt/sites/default/files/Vision%202030-%20The%20National%20Development%20Strategy%20of%20Trinidad%20and%20Tobago%202016-2030.pdf>

This Committee respectfully submits this Report for the consideration of the Parliament.

Mr. Davendranath Tancoo
Chairman
Sgd.

Ms. Jearlean John
Vice - Chairman
Sgd.

Mrs. Ayanna Webster-Roy
Member
Sgd.

Mr. Adrian Leonce
Member
Sgd.

Mrs. Paula Gopee-Scoon
Member
Sgd.

Mrs. Charrise Seepersad
Member
Sgd.

Mr. Roger Monroe
Member
Sgd.

Dr Amery Browne
Member
Sgd.

Appendix 1 – Minutes

**THE PUBLIC ACCOUNTS COMMITTEE –
SECOND SESSION, TWELFTH PARLIAMENT
MINUTES OF THE SIXTH MEETING HELD VIRTUALLY ON
WEDNESDAY DECEMBER 8, 2021 AT 10:01 A.M.**

Present were:

Mr. Davendranath Tancoo	-	Member
Ms. Jearlean John	-	Member
Mrs. Ayanna Webster-Roy	-	Member
Ms. Charrise Seepersad		Member
Ms. Hema Bhagaloo	-	Assistant Secretary
Ms. Khisha Peterkin	-	Assistant Secretary
Ms. Rebecca Rafeek	-	Procedural Officer

Excused were:

Dr. Amery Browne	-	Member
Mrs. Paula Gopee-Scoon	-	Member

Absent were:

Mr. Roger Monroe	-	Member
Mr. Adrian Leonce	-	Member

COMMENCEMENT

- 1.1 At 10:01 a.m., the Chairman called the meeting to order and welcomed those present.

EXAMINATION OF THE MINUTES OF THE FIFTH MEETING

- 2.1 The Committee examined the Minutes of the Fifth (5th) Meeting held on Wednesday March 10, 2021.
- 2.2 There being no omissions or corrections, the Minutes were confirmed on a motion moved by Ms. Charrise Seepersad and seconded by Mrs. Ayanna Webster-Roy.

COMMITTEE REPORTS - FIRST SESSION, TWELFTH PARLIAMENT

- 3.1 The Chairman informed Members that the following Committee Reports were presented in the House of Representatives on November 10, 2021 and in the Senate on November 16, 2021:
- The First Report of the Public Accounts Committee on an examination of the Follow-up on the Implementation of the Recommendations made in the Twenty-Fifth Report of the Public Accounts Committee on an examination of the Audited Financial Statements and Internal Controls of the National Lotteries Control Board (NLCB) for the years 2008 to 2012;
 - The Second Report of the Public Accounts Committee on an examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the Financial Year 2020; and
 - The Third Report of the Public Accounts Committee on an examination of the Follow-up on the implementation of the recommendations made in the Twenty-Second Report of the Public Accounts Committee on the examination of the Audited Financial Statements of the Telecommunications Authority of Trinidad and Tobago for the Financial Years 2010 to 2016.

DETERMINATION OF WORK PROGRAMME

- 4.1 The Chairman highlighted the Mandate of the Committee as outlined in Standing Orders 99 of the House of Representatives and 89 of the Senate.
- 4.2 The Chairman invited Members to review the proposed work programme and list of entities under the purview of the Committee for the Second Session, Twelfth Parliament that were uploaded to the Rotunda (e-repository) for consideration. A discussion ensued.
- 4.3 The Committee agreed to the following:
- i. Members were to review the proposed work programme and indicate their preference/ suggestions for inquiry topics to the Secretariat by Friday December 17, 2021;
 - ii. At the Seventh Meeting of the Committee, the Committee would finalise the Work Programme;
 - iii. That the Secretariat write to the Auditor General's Department (AGD) and the Ministry of Finance (MOF) with regard to the status of the outstanding

- financial statements of the entities under the purview of the Committee, with a deadline for response of one (1) week; and
- iv. Based on the written responses received from the AGD and MOF, the entities would be given an opportunity to provide a written response and be invited to explain the non-submission of the audited financial statements or deliver the response in public.

PRE-HEARING DISCUSSIONS RE: TRINIDAD AND TOBAGO FAIR TRADING COMMISSION (TTFTC)

- 5.1 The Chairman reminded Members that the purpose of the virtual public hearing was to examine the Audited Financial Statements of the Trinidad and Tobago Fair Trading Commission (TTFTC) for the financial years 2014 to 2018.
- 5.2 The Chairman outlined the remit of the inquiry.
- 5.3 The Chairman invited Members to review the Issues Paper based on the written submission received from the Trinidad and Tobago Fair Trading Commission (TTFTC).
- 5.4 The Chairman invited Members to raise any issues or questions on the examination of the Audited Financial Statements of the Trinidad and Tobago Fair Trading Commission (TTFTC) for the financial years 2014 to 2018. Members discussed the issues of concern and the general approach for the public hearing.

SUSPENSION

- 6.1 There being no further business for discussion *in camera*, the Chairman suspended the meeting at 10:32 a.m.

AN EXAMINATION OF THE AUDITED FINANCIAL STATEMENTS OF THE TRINIDAD AND TOBAGO FAIR TRADING COMMISSION (TTFTC) FOR THE FINANCIAL YEARS 2014 TO 2018.

- 7.1 The Chairman called the public meeting to order at 10:47 a.m.
- 7.2 The following officials joined the meeting:

Trinidad and Tobago Fair Trading Commission (TTFTC)

- Mr. Bevan Narinesingh - Executive Director
- Ms. Farisha Mohammed-Ali - Secretary to the Board of Commissioners

- Dr. Ronald Ramkissoon - Chairman
- Mr. Christopher Sieuchand - Commissioner

Auditor General's Department (AGD)

- Ms. Lorelly Pujadas - Auditor General
- Mr. Shiva Sinanan - Assistant Auditor General
- Ms. Annesah Baksh - Audit Director

Ministry of Trade and Industry (MTI)

- Mrs. Alyeen Alleyne-Ovid - Permanent Secretary
- Ms. Dana Iles - Director, Legal Services
- Ms. Beverly Mahabir-Charles - Senior Anti-Dumping Investigator

7.3 Key Topics Discussed:

1. The status of the proclamation of the Fair Trading Act.
2. The achievements of the TTFTC.
3. The challenges impacting the ability of the TTFTC to fully achieve its mandate.
4. The status and purpose of the Guide to the Fair Trading Act that was being prepared by the TTFTC.
5. The status of the reporting manual and the implementation of the processes from the manual.
6. The status of the Strategic Plan for the period 2022-2024.
7. The financial and human resources required to fulfil the mandate of the Commission.
8. The TTFTC's intention to continue to pursue Memorandums of Understanding and other cooperation arrangements.
9. The status of the public awareness of the TTFTC and its work.
10. The role of the TTFTC in mitigating the closures of Small and Medium Enterprises.
11. The TTFTC's lack of risk management, fraud and whistle blowing policies.
12. The projected timeline for completion of each of these policies.
13. The status of the recruitment of an internal auditor.

14. The lack of new proposals after the Request for Proposal (RFP) in 2020 and how TTFTC aims to address this issue.
15. The reason the TTFTC was without Commissioners from June 2017 to April 2018.
16. The training of TTFTC's Commissioners.

Please see the verbatim notes for the detailed oral submission by the witnesses.

- 7.4 The Chairman thanked the representatives from the TTFTC, the Auditor General's Department and the Ministry of Trade and Industry for attending the virtual meeting and they were excused.

SUSPENSION

- 8.1 At 12:22 p.m., the Chairman suspended the public meeting to resume for a post-mortem discussion with Members only.

POST-MORTEM DISCUSSION

- 9.1 At 12:23 p.m. the Chairman resumed the meeting
- 9.2 The Chairman sought Members' views on the public hearing. A discussion ensued.
- 9.3 The Committee agreed that additional questions would be sent to the MTI and TTFTC.

[Please see Appendix]

ADJOURNMENT

- 10.1 There being no other business, the Chairman thanked the Members for their attendance and the meeting was adjourned to January 12, 2022 at 10:00 a.m. The committee will conduct an inquiry into the Audited Financial Statements of the Office of the Procurement Regulation for the financial years 2018 to 2020.
- 10.2 The adjournment was taken at 12:30 p.m.

We certify that these Minutes are true and correct.

CHAIRMAN

SECRETARY

December 08, 2021

ADDITIONAL INFORMATION

Additional Questions arising from Meeting of the Public Accounts Committee

Question to the Ministry of Trade and Industry

Issue: Line Ministry Oversight²⁰

To ensure accountability, transparency and value for money at the TTFTC, the MTI did the following:

- periodic reviews to ensure that the Commission's planned activities and deliverables are in line with its mandate;
- monthly variance analysis of expenditure; and
- assessment of project status to ensure that timelines are respected.

Possible Question to the MTI:

1. Did these monitoring initiatives ever raise any red flags?
2. If yes, what action was taken in response to the findings and how responsive was the TTFTC to the action taken / instructions given by the MTI?

Request for Additional Information from TTFTC

General Questions

1. The TTFTC explained that its work would be strengthened if Government Ministries, Departments and Agencies paid more attention to competition issues in the development of legislation and policies.
 - a. How would the Commission rate, on a scale of 1 to 10, the level of awareness and understanding shown by MDAs regarding competition issues?
 - b. What strategies has the Commission developed to increase institutional buy-in for competition-related issues?
2. What is the projected timeline for the finalization and implementation of the outstanding policies?

²⁰ Written submission dated November 3, 2021 from the Ministry of Trade and Industry, pages 2-3.

Issue: TTFTC Premises

Although it is housed at the MTI headquarters, the TTFTC plans to move into its own office premises as an independent entity. In June 2018, a request was made by the MTI to the Property and Real Estate Services Division (PRESD) of the Ministry of Public Administration to assist the Commission in locating suitable premises. The TTFTC has visited several premises but efforts to find suitable office space were still ongoing.

1. How many premises has the Commission viewed as at November 2021?

Issue: The Commission's Income

1. The Commission indicated that some of its funding could come via the Public Sector Investment Programme (PSIP).
 - a. Has the TTFTC received any funding via the PSIP to date, for example under Vision 2030 Theme IV: Building Globally Competitive Businesses?
2. It was also indicated that funding has been accessed from external partners like the Inter-American Development Bank (IDB).
 - a. What did this funding entail and when was it provided?

Issue: Property, Plant & Equipment

The Commission was in the process of updating its policy for the replacement and disposal of equipment in accordance with the Public Procurement and Disposal of Property Act. This policy is part of the Commission's procurement guidelines.

1. When does the Commission expect to complete these updates?

Appendix II – List of Attendees at the Public Hearing

PUBLIC ACCOUNTS COMMITTEE

6th Meeting – Wednesday December 08, 2021
10:30 a.m. via Zoom Video Conference

ENTITIES ATTENDANCE

Trinidad and Tobago Fair Trading Commission

No.	NAME OF PERSON ATTENDING	POSITION
1.	Mr. Bevan Narinesingh	Executive Director
2.	Ms. Farisha Mohammed- Ali	Secretary to the Board of Commissioners
3.	Dr. Ronald Ramkissoon	Chairman
4.	Mr. Christopher Sieuchand	Commissioner

Ministry of Trade and Industry

No.	NAME OF PERSON ATTENDING	POSITION
1.	Mrs. Ayleen Alleyne-Ovid	Permanent Secretary
2.	Ms. Dana Iles	Director, Legal Services
3.	Ms. Beverly Mahabir-Charles	Senior Anti-Dumping Investigator

Auditor General's Department

No.	NAME OF PERSON ATTENDING	POSITION
1.	Ms. Lorelly Pujadas	Auditor General
2.	Mr. Shiva Sinanan	Assistant Auditor General
3.	Ms. Annessah Baksh	Audit Director

Members of the Committee

No.	NAME OF MEMBER
1.	Mr. Davendranath Tancoo, MP
2.	Ms. Jearlean John
3.	Mrs. Paula Gopee-Scoon
4.	Dr. Amery Browne
5.	Ms. Charrise Seepersad
6.	Mrs. Ayanna Webster-Roy, MP
7.	Mr. Adrian Leonce
8.	Mr. Roger Monroe

Appendix III – Verbatim Notes from the Public Hearing

VERBATIM NOTES OF THE SIXTH VIRTUAL MEETING OF THE PUBLIC ACCOUNTS COMMITTEE HELD (IN PUBLIC) ON WEDNESDAY, DECEMBER 08, 2021, AT 10.47 A.M.

PRESENT

Mr. Davendranath Tancoo	Chairman
Ms. Jearlean John	Vice-Chairman
Ms. Charrise Seepersad	Member
Mrs. Ayanna Webster-Roy	Member
Ms. Hema Bhagaloo	Assistant Secretary
Ms. Khisha Peterkin	Procedural Officer
Mr. Justin Jarrette	Graduate Research Assistant

ABSENT

Mr. Roger Monroe	Member
Mr. Adrian Leonce	Member
Mrs. Paula Gopee-Scoon	Member
Dr. Amery Browne	Member

TRINIDAD AND TOBAGO FAIR TRADING COMMISSION

Mr. Bevan Narinesingh	Executive Director
Ms. Farisha Mohammed-Ali	Secretary to the Board of Commissioners
Dr. Ronald Ramkissoon	Chairman
Mr. Christopher Sieuchand	Commissioner

MINISTRY OF TRADE AND INDUSTRY

Mrs. Ayleen Alleyne-Ovid	Permanent Secretary
Ms. Dana Iles	Director, Legal Services
Ms. Beverly Mahabir-Charles	Senior Anti-Dumping Investigator

AUDITOR GENERAL'S DEPARTMENT

Ms. Lorelly Pujadas	Auditor General
Mr. Shiva Sinanan	Assistant Auditor General
Ms. Annesah Baksh	Audit Director

10.47 a.m.

Mr. Chairman: A pleasant good morning all. It is now 10:47 exactly. I want to welcome officials from Ministry of Trade and Industry, the Auditor General's Department, and the Trinidad and Tobago Fair Trading Commission. My name is Davendranath Tancoo, and I am the Chairman of the Public Accounts Committee, which Committee you are appearing here before today.

The Public Accounts Committee has a mandate to consider and report to the House on:

- (a) Appropriation accounts of moneys expended out of sums of granted by Parliament to meet the public expenditure of Trinidad and Tobago;
 - (b) Such other accounts as may be referred to the Committee by the House of Representatives, or as authorized or required to be considered by the Committee under any other enactment;
 - (c) The report of the Auditor General on any such accounts;
- and
- (d) Whether policy is carried out efficiently, effectively and economically and whether expenditure conforms to the Authority which governs it.

The purpose of this meeting is for the Public Accounts Committee to conduct an examination of the Audited Financial Statements of the Trinidad and Tobago Fair Trading Commission, the TTFTC, for the financial years 2014 to 2018; to assess whether expenditure conforms to the authority which governs it; to hear the challenges being faced by the key stakeholders in an attempt to determine some of the possible solutions to these challenges, and to assist the Trinidad and Tobago Fair Trading Commission in achieving its efficient delivery of services while fulfilling its mandate in an efficient, effective, and economic manner.

Based on the issues identified the following key stakeholders were invited to today's session: the Ministry of Trade and Industry, the Auditor General, and the Trinidad and Tobago Fair Trading Commission.

Please note that this meeting will be broadcast at a later date on the Parliament's Channel 11 and Radio 105.5 FM and the Parliament's YouTube Channel *ParlView*. Participants are advised that their microphones should remain muted until recognized by the Chair.

I wish to invite now members of the Public Accounts Committee to introduce themselves to the members of the various guests and stakeholders present here today. May I commence with member Webster-Roy.

[Introductions made]

Mr. Chairman: Thank you, members. I will now like to ask and invite representatives from the Ministry of Trade and Industry, the Auditor General's Department, and the Trinidad and Tobago Fair Trading Commission to introduce themselves. Can I begin with the Ministry of Trade and Industry? Can the relevant agency introduce yourselves?

[Introductions made]

Mr. Chairman: So thank you very much to the members from the Ministry of Trade and Industry. Can I have members from the Auditor General's Department introducing themselves?

[Introductions made]

Mr. Chairman: Pleasant good morning to representatives of the Auditor General's Department. I would like to invite now members of the TTFTC to also introduce themselves. Starting with Mr. Narinesingh.

[Introductions made]

Mr. Chairman: Thank you all on behalf of the Public Accounts Committee I wish to welcome all stakeholders to this meeting of the Public Accounts Committee. I would like to invite the Auditor General, Ms. Lorelly Pujadas to make a brief opening statement as we move forward.

Ms. Pujadas: Thank you, Chair. It is with pleasure that we are here this morning. We are the auditors for the Trinidad and Tobago Fair Trading Commission and we have audited the financial years 2015 to 2018. The audited financial statements is a single financial account which represented income and expenses. The income of course is subvention from the Government of Trinidad and Tobago. And during the years that we audited and because it was start-up years and some of the sections of the Act were not proclaimed, the audited statements were generated by the Commission, but the books and records were being maintained by the Ministry of Trade and Industry. And that is all we would have to say at this point. If there are any other questions that you wish to raise, we are here to answer. Thank you.

Mr. Chairman: Thank you, Ma'am. May I now invite the Permanent Secretary of the Ministry of Trade and Industry to make a brief opening statement?

Mrs. Alleyne-Ovid: Good morning and thank you, Chair, and members of the Public Accounts Committee for affording the Ministry of Trade and Industry the privilege of participating in these deliberations to examine the audited financial statements of the TTFTC for the period 2014-2018.

The Ministry of Trade and Industry is mandated to expand energy and non-energy exports, facilitate and attract investment, and support the development of globally competitive businesses to contribute to sustainable growth and diversification of the economy.

And therefore, one of the key policies of the Ministry to enhance sustainable growth and development is to upgrade the protection of local industries against unfair trade practices. And one of the ways in which this is achieved is through the legislative framework for competition, law, and policy known as the Fair Trading Act. And this Act provides for the establishment of a fair trading commission which has the responsibility for promoting and maintaining fair competition in the domestic market.

And the Commission's functions as stated in section 5 of the Act are to carry out on its own initiative or at the request of the Minister or any other persons, investigations in relation to the contraventions of the Act, to advise the Minister on such matters relating to the operation of the Act as it thinks fit or as may be requested by the Minister, and to undertake studies and publish reports of information regarding matters affecting interests of consumers.

Accordingly, essentially it is expected that the activities being pursued by the Commission would enhance its operations and contribute towards greater competition. The Ministry looks forward to the recommendations of this august committee that has served to assist with providing sound oversight and improve the operations of the Trinidad and Tobago Fair Trading Commission, and by extension its contribution to the diversification thrust of Trinidad and Tobago. Thank you, Chair.

Mr. Chairman: Thank you very much, Ma'am. May I now invite a representative from the Trinidad and Tobago Fair Trading Commission to make a brief opening statement? Preferably either the Executive Director or the Chairman.

Dr. Ramkissoon: Chairman, thank you very much. I am pleased to have this opportunity to explain what we do, why we do it, and how it is expected to advance the development of Trinidad and Tobago. The TTFTC or the Trinidad and Tobago Fair Trading Commission is charged with the responsibility for promoting fair trade in Trinidad and Tobago and indeed with the intention of advancing economic development of this country. Thank you, Chair.

Mr. Chairman: Thank you very much. What I would like to propose to do now is that we begin the questioning of the—we will begin the enquiry. Normal procedure is that I would initiate questions and then open the floor to the other members of the Public Accounts Committee to add questions and to probe for responses.

At the outset I would just want to ask maybe one or two questions and then allow other members of the Public Accounts Committee to raise their issues, and then I will come back in if possible thereafter. So let me begin: During various travel and study visits, one recommendation that has been made consistently to the Trinidad and Tobago Fair Trading Commission was to target and devote limited resources to issues and areas that have particular interest to the consumers. My questions, I have two questions related. What has the Commission identified as the issues of most interest to consumers? That is my first question, and the second question is that how have these issues been prioritized within the Commission's initiatives?

Dr. Ramkissoon: Chair, I would begin and then ask our ED Mr. Narinesingh to expand. The Trinidad and Tobago Fair Trading Commission is responsible for ensuring that there are no anti-competitive practices amongst businesses in Trinidad and Tobago. Our

focus by the Act is directly targeted at businesses. Of course, the beneficiary of a competitive business environment will be the consumers of Trinidad and Tobago. So in a sense we work indirectly to the consumer. Our connection to the consumer is indirect but very important because it has been recognized globally if companies are competitive, then consumers in fact benefit in numerous ways from that behaviour.

Accordingly, we have gone about the several ways in which we speak to businesses in regard to their practices, vis-à-vis the consumer. And I will allow our ED Mr. Narinesingh to expand on that. Mr. Narinesingh.

Mr. Narinesingh: Thank you, Chairman. And again, good morning to everyone. What I would say to add to what the Chairman has eloquently stated there, is that when the Public Accounts Committee Chairman was speaking about you know, targeting and areas, what we try to do is that we try to look at what is going on the market in Trinidad and Tobago. And as a result of that we have whether it be directly or through a stakeholder session, we do reach out and we try to address pertinent issues that are affecting the consumer because we realize and of course this is common, that with a well-functioning organization such as the Fair Trading Commission together with existing government policies can lead to benefits to consumers in the form of more competitive prices, greater innovation, greater productivity, and greater product choice.

It must also be borne in mind that we as you would know are an organization, and we are not alone with that with respect to limited resources. So the sense being that when we do our work we do have to target and really it is what you call in competition parlance “low hanging fruit” is that we have to also identify areas that are of direct interest to consumers. And this has been reflected in some of the work we have been doing which we could elaborate later on. But we have had for instance sessions in the food and beverage industry as well as the pharmaceutical industry as well too. Those are just two examples of where we have had meetings with stakeholders where we try to you know, when we have these meetings we try to find out very—the issues that affect this industry from all levels of the supply chain. And this is an opportunity to hear from stakeholders and from that we can, you know, make recommendations to the relevant policy makers in terms of how we can improve the overall competitiveness of that industry, while at the same time possibly identifying anti-competitive practices that may be taking place in the particular

industry, with the objective being to put an end to these practices so that consumers ultimately benefit.

Mr. Chairman: Thank you, Sir. I have a little bit of a concern because what is before us today are the financial statements—[*Technical difficulties*] Colleagues, I apologize. Apparently we had a technical glitch in the system. We are all back on now. Can you all hear me? Just indicate by nodding.

[Assent indicated]

Mr. Narinesingh: Yes, I am hearing you.

Mr. Chairman: Excellent. Was just checking to make sure we are paying attention and we are on board.

Folks, I started saying basically that I have some concerns because what is before us today are the financial statements from 2014 to 2018. But in the responses provided by the TTFC to our query there was an indication that during the period 2014 to 2018 a lot actually was not able to get done. In fact, up to 2000, up to the year 2000—sorry 2020. Up to the year 2020, because particular parts of the legislation had not been proclaimed which basically meant that from 2014 to 2020 the Fair Trading Commission was unable at all to achieve its mandate. That in theory should mean that during that period 2014 to 2020 a substantial amount of footwork should have been done, it is already an extended period. Unacceptable in my view, but I am hoping to get some clarification going forward, for such a long period of time to have lapsed between when this Commission was set up and when it was actually given the authority and the ability to act on its mandate. That, I have grave, grave, grave, very grave concerns about that. Especially bearing in mind that the Commission was set up on the basis of perceived need. On the basis of there being a desire for a fair trading commission to be in existence to engage proper trade practice, et cetera. But it has taken us as a country six years before we can go from legislation to some form of teeth to give the Commission the ability to do its job.

In that vein, I would appreciate if any representative can advise why it has taken so long—two questions. Why it has taken so long for us to get to this point? And two, if having gotten now to 2021, on the edge of 2021 and the edge of 2022, whether or not the Fair Trading Commission is now at a point where it can effectively fulfil its mandate. Because we can go backwards and

discuss the accounts of all those years gone by, but I am hoping that today we will get some clarification that the weaknesses of the past do not currently exist.

So back to the questions. Whether or not there was a reason for this extended period of time before the Fair Trading Commission was given the resources in terms of the sanctioning of the legislation, in terms of the “proclamation” of the legislation.

And two, whether if at current point in time the Fair Trading Commission as at 2021 December, is in a position to execute its mandate fully? I will open the floor to whoever can respond please.

Dr. Ramkissoon: Chairman, I would begin and I expect that others would join in, in terms of explaining the concern. Chairman, let me say we at the FTC appreciate your concern and indeed have a similar concern. There have been at least two factors I wish to place on board. The first is like in any other organization the first few years are usually involved in setting up the organization in ensuring that there is staffing and there is training in particular. And you would note that we spent the first few years doing just that.

In other words, although from 2014 the Act was not fully proclaimed we set about and Commissioners before me or along with me, were in fact involved in ensuring that we recruited, to start with, the ED and that we familiarized and trained ourselves with the issues that other commissions were dealing with all over the world, and then relating that to what happens in Trinidad and Tobago.

The second factor really is one over which we have no control and it was the way in which the Parliamentary process, you would appreciate very much Chairman, the way in which the legislative process works, I see you smile, and we have no control over that. Chairman, and you would note in our written submissions to the Commission that we do in fact point out what has happened there.

And if I might add a third factor Chair, having to do with the way resources are given to agencies, state agencies, or not given, and the way in which it is not always in sync with how that organization operates. So I wish to point that out.

In respect of your last question, are we ready? I want say since the final part of the Act was proclaimed in February 2020, we have moved at a much faster pace as you would see in respect of the activities that we have been involved in. And I would invite with your permission, members of the TTFTC or anyone else to expand. Thank you, Chair.

Mr. Narinesingh: Thank you, Chairman. And just to add to what the TTFTC Chairman had indicated. During the period where the Act came into force obviously it was February 2020, so let us say a year and a half. And of course that has been also a time that we as a country have been experiencing some challenges. We have done I think a lot of work in the sense that in terms of enforcement, in terms of, you know, we are now able to officially receive complaints about anti-competitive activity.

What I would say we have received a lot of is requests for information as opposed to actual complaints, but the fact is we do now have that capability to properly advise on our role and powers under the Fair Trading Act. In particular, an area that where we have done a lot of work has been in the area of merger review. We have received a number of merger applications in the past year. These applications have called for us to do industry studies into the particular sector where the proposed activity is happening. And this has been you know, of some—a lot of work on our part. And I think that we have done a very good job. At least based on the stakeholders who have been involved we try to be very efficient and effective in terms of time.

It has also meant that we have recruited additionally as well, Chairman, as you would know that at the beginning we were of the view that because we did not have this legislation in force it did not make—the idea was to do more recruitment when in fact we could enforce this legislation. And during that period we have now since the Act came into force recruited a number of persons, and we have also tried to train these persons as well too, because this is a very technical area of both law and economics.

And I think that we are in a very good position right now to take it forward. We have a very experienced and knowledgeable Commission in terms of the commissioners as well as the staff members as well too. So I think we are well placed to properly carry out our statutory mandate.

Mr. Chairman: Thank you very much. Mr. Narinesingh and Chairman Ramkissoon.

11.15 a.m.

My concern still remains though, that it has taken this extended period of time for us to get to where we should be going and hopefully where we are, as of today, which is 2021. Can you advise what specific measures were taken during the period 2014 to 2020, to see how best we can expedite the proclaiming because during that period, we actually had—there was a cost to the taxpayer, there was an entity set up that was for all intents and purposes functioning at some level. I am hopeful that you are corrected that we now have fully trained commissioners, because during that period the one item that I saw, in your response to the Public Accounts Committee—the one item that I saw repeatedly was that this period of lull, between 2014 and 2018 under the financials that we have, during that period, what you did was a substantial amount of training of the commissioners, which is credible and commendable.

But can you advise what specific—I mean, it is difficult to conceive that six years can pass before an entity is actually able to fulfil its mandate, six years is a long time, plus we have been spending money as a country for this purpose and it cannot be acceptable that during that period, all we can claim to have done in at least in the first three or four years is to train the commissioners, without having staff for them to execute their training, training in this field is continuous and consistent and must be continuous and consistent. And therefore, even the training that they got in 2015, 2016, 2017, 2018, based on what I am seeing here, they could not put it into practice. Can you advise what methods or what specific things were done to try to get this—the rest of the Act proclaimed so that we can be able to fulfil our mandate?

Mr. Narinesingh: Well, if I may, Chairman, what I would say is that during this period, we—it was a period not only—training was also in the sense of attending a number of international conferences, as well as meeting with relevant stakeholders. For instance, the International Competition Network, which is made up of the competition agencies all over the world so again, network where there is a sharing and exchange of information there, there is over 130 competition agencies in the world. And what I would say too, is during this period, this was a period where we did public education, we did go around and speak with relevant stakeholders. But—as you would imagine, Chairman, one of the issues we did face during that period was the fact that we could not advise in terms of a definitive date as to when this legislation would have eventually been proclaimed. And we know our market in Trinidad and Tobago, persons would not necessarily change the way they are doing—how they do their business and things like that, unless there is

some kind of sign or where they would have to know when this legislation is coming in. What I would also say during that period, we did find a lot of partners in terms of the business community in particular the various associations, such as the Trinidad and Tobago Manufacturers Association, the American Chamber of Commerce of Trinidad and Tobago, where there was greater awareness of the work and I think that the legislation eventually being proclaimed in 2020 had a lot to do, as well as, with the business community, also requesting that this legislation coming as well too, because by and large, I think that everyone wanted this legislation in terms of compliance, in terms of what the legislation could do in terms of creating a more level playing field. So I would say that was that but also what needs to be reiterated was that these meetings that we attended were an opportunity to meet with various stakeholders in terms of—especially international development partners and that has led to a number of benefits that we are now experiencing and I will just give a few as an example.

Right now, we are doing a guide to the Fair Trading Act that is being provided to us through Inter-American Development Bank, the IDB source consultant, we have also received technical equipment from the European Union. In terms of attending of meetings, a lot of these—if you notice some of these meetings it was very front-ended in terms of 2015 and 2016 and in subsequent years, we did attend some meetings, but these meetings were actually sponsored by a lot of these international agencies. Right now, we are also getting a lot of assistance through the Organisation for Economic Cooperation and Development (OECD). And that I think, has been a large part because we have been willing to go out and introduce ourselves to the world at the very early stages and we are seeing some of the benefits now in terms of the technical assistance, because I think this has been an indication to them that Trinidad and Tobago is very serious in terms of where we want to go and goals that we want to achieve with respect to fair trading and fair competition.

So, what I would say is that a lot of the work during the period 2014 to 2018, was in the area of public education and advocacy, but very stakeholder-focused in terms of particularly the business community, because we were clearly of the view and it was really recognized that it was necessary for the business community to really be advocates for us in the sense that we would want them to—that we would have the support of them for this legislation to come in and by the legislation eventually being fully proclaimed, I would think that this also had a large part to do with the encouragement that they had been given from our assurances in terms of how we would

be acting as an organization, as well as, they were convinced that we need to have this legislation in place to help in terms of encouraging the sustainable development of Trinidad and Tobago.

Mr. Chairman: Thank you, Mr. Narinesingh. It is interesting that you said that you have done quite a bit of public outreach and providing a lot of public information during this long period within—before you were able to actually do much more than that. But yet you are saying that you have not yet completed what is in fact, the most basic of public documents which is that guide to the Act, that should have been provided to all stakeholders. Is it that you have not yet completed this line item that you have defined here and that was actually mentioned in your written response, a “Guide to the Act,” you have not yet completed that as of today?

Mr. Narinesingh: Yes, just to the guide—the purpose of the guide really is to give an independent assessment of the legislation. Right? The Fair Trading Commission can do a guide but obviously, the idea is for an independent person to do this so that there would be—and also reference being made to relevant—how this guide is going to be structured is that examples would be given as well by the consultant, the IDB source consultant and that would, again, give a better idea, I think, to the public in terms of the provisions in the legislation and explain it in a way that—I think that if we do it, it would be basically our interpretation of this, which I think that is not the intention so, the idea was to get this done and we had indicated that in the questions—in the answers and the idea and the objective is for this guide, to be finished and circulated to the public before the end of 2021.

So, we have already received a first draft of the guide and we have actually done in terms of recommendations in them, with respect to that. But what I would also say Chairman, is that, we have been at the forefront of that because there are not a lot of jurisdictions that have competition legislation that really has done an independent guide. So we—a few have done it but definitely none in—I wonder if—Jamaica may have done it here but the other jurisdictions have not done it in the region, well, we also have competition agencies in Barbados, as well as on Guyana. So, the idea really is for this guide to be where an independent competition expert would go through the provisions and explain this—explain the provisions in a way that hopefully the public would understand and at least they would know that it is not coming from the competition agency.

What I would also say too is that we have also been very focused with respect to our—in terms of presentations, in terms of feedback, getting their feedback from the Law Association. We have also involved the Judiciary in the exercise, we have actually through the work that we have

done, we have also gotten both the European Union as well as the IDB to also do separate sessions for members of the Judiciary. So it is not like it is coming from us, it is coming from textual experts in these areas. Because at all times, we want to ensure that we are not necessarily putting our interpretation of things, the idea is to have an independent interpretation, which is why this may have taken some time for this guide to be sourced and prepared, and it is going forward now and the idea is that this will be available to the public, by the end of 2020.

Mr. Ramkissoon: Chair, if I may, with your permission, add that we do in fact, understand and appreciate your concern. I wish to point out, however, that it is not uncommon that agencies such as ours, would take a few years in the first phase of setting up the institution. It is not uncommon at all, when we look at other jurisdictions that they first would train their people, they would first ensure that they do the recruitment that is necessary. And I must say the first few years, the only person we had really in the management of the Authority was the ED, we did not have anybody else there. So that we were training ourselves those who were on the board and the ED in respect of what was happening in that first phase and we view as the second phase to come the aspect of the full proclamation of the Act. Again, I emphasize, over which we had no control. And if I may point to you and to your committee how important the legislation was, when it was proclaimed in February of last year, immediately, almost immediately, we had quite a number of applications for permission from companies—for permission and approval for mergers. So that the work we were doing over the last few years clearly they were listening to us, but the legislation was not there and therefore, they did not have to apply to us. Since the legislation was fully proclaimed we have been extremely busy, we have moved at a rapid rate to recruit investigators, to recruit a senior legal counsel and we really at the present time, doing full justice we think, given the resources that we have to what the Act asked us to do.

Mr. Chairman: Thank you very much, Chairman. I raised that in the context—I raise my questions in the context of several things provided by your own written responses to the Public Accounts Committee that there are still if I am to take from 2014 to 2021, there are still a lot of things substantially outstanding so, I appreciate that it takes a while to build, I appreciate it takes a while to build capacity and competence in any type of these organizations. However, the number of years that we have been in existence compared to what we have in place now is of grave concern to me. Let me narrow that down to a question. My colleague, member Ayana Webster-Roy had to leave so, I will ask her question on her behalf—this is still to the TTFPC. The organization was in

the process of developing a financial reporting manual to help ensure proper accounting processes, member Webster-Roy wanted to know, what is the status of the manual and are the processes in the manual being implemented and has there been any noticeable improvement if processes have been in fact implemented?

Mr. Narinesingh: Well, Chairman, this is an operational question so I will address it. Well, the manual is being prepared, as we would have articulated earlier. At the beginning the—our accounts were being done basically through the Ministry of Trade and Industry, which we of course, we are very—extremely grateful for the period in question. Subsequent to that we have recruited a person in that area and we are presently in the process of preparing these documents and everything. Now, we also have clear policies in terms of procurement, in terms of our general financial operations and the procedures in which we do our business in that area and we actually have, I think, very clear, robust systems in place but again, we are finalizing these documents more specifically and so that is still a work in progress.

Mr. Chairman: Thank you very much, I want to turn over now to other members of the Committee who may have questions for the representatives here today.

Ms. John: Yes, Chairman, oh, sorry—all right. I will give way to member Seepersad.

Ms. Seepersad: Okay, thank you. Chairman, I have been listening to everything that has been said and I am concerned about the plans and the implementation of these plans. Do you have—I know you said you have a strategic plan and there is another one to be implemented but is that finalized, are your plans, your strategic plan for 2022 to 2024, 2025, has that been completed?

Mr. Narinesingh: No, it has not. What has been done though, we have submitted to the board, a plan in terms of how in—and of course, it is building on the previous plan, what we would—what we want included in the plan so, what I would say is that it is in draft but the idea is that this will be clearly discussed and over a period in January, with the expectation that this plan would be approved in the first—definitely in the first half of 2022. But we have already set out what I would say internally, not to the commissioners in—but internally, we have already set out how the guides of what this plan is going to be. It is, of course, going to be a plan of an organization that is now fully functioning, as opposed to the 2018/2021 plan which was really articulated and prepared in a way for—where we were anticipating eventually the legislation would have been coming in at somewhere in the plan. But the plan really is to—focusing on how we would be measuring our success, which I think is very important in terms of agencies such as this and to ensure that we are

already accomplishing our objectives and what I would say is that, we have already done prepared—done some good work internally, staff-wise and this is going to be brought to the attention of the board where we would have a clearer discussion and articulation with it being finalized, as I said before in 2020.

Ms. Seepersad: As a follow up question, you will also have metrics you said, to measure the performance of the organization against the targets, which would be submitted to the board, I guess on a quarterly basis?

Mr. Narinesingh: Sorry, we report to the board on a monthly basis so they would have a clearer idea of where we are going with respect to the various metrics and everything. But what I would say, member, is that the metrics that we are looking at, are not only quantitative metrics, because a lot of the quantitative things are not things that—it depends on the market, and depends on things that might be beyond our control but it is also qualitative. And what I mean by that is that we intend to really be very focused in terms of how our external—we call them external partners, the stakeholders, regard us, how we are doing our work, if they believe that we are really addressing issues that are very pertinent to them. And so what I would say, it is going to be very stakeholder-involved as well too, so that they have a better understanding of what we do, because the public advocacy of public education is a continuing effort of all competition agencies, it keeps—that is a never-ending thing. But the idea is for them to clearly have a better idea of what we do, and more importantly, to have more confidence in the work of the Commission. So there will be a quantitative element, complaints received, you know, public releases things like that, but there will also be a lot of qualitative elements too to really get the sense that the members—our stakeholders are aware of us in a greater detail, and more confident in terms of how we do things in terms of that.

Ms. Seepersad: Do you have the resources, both financial and human to carry out your mandate? Because I saw an org chart which looks very, I would say lean, which is fine but I am wondering if you have the resources that you require.

Mr. Narinesingh: Well, given the resources that have presently been allocated to us, we are focused on trying to perform as efficiently as possible. But bearing in mind we do try to do recruitment when we notice that there is room for more assistance. It must be borne in mind too that we have before in the past and we intend to going forward to also utilize the On-the-Job

Training Programme as well too, to assist in certain elements, particularly the area of research, as well as communications as well too.

So, what I would say is that given our present resources, and the constraints and all regulatory, all Government funded agencies are facing, I think that we have tried our best to fulfil our mandate, which I think we have done in a more than adequate way up to now with the objective being that we will try to continue to use our resources very effectively and efficiently but also, look at other sources of assistance as well, as I mentioned the OJT Programme. And hopefully, if indeed, we do get additional resources and in ensuing years, we will continue to do our recruitment drive and complete some of the—and fulfil in our organizational chart some of the outstanding positions as well.

Mr. Ramkissoon: Member, if I might just add, through you, Chairman, the ED has explained and what indeed we try to do, which is maximize the resources, whatever we have. Our expectation, however, moving forward is that based on the fact that we are using up now, the resources that have been allocated to us, and indeed, we are at times, not quite able to immediately meet the demands in respect of staff and other costs that we have, we are managing, but our expectation is that as we go forward now, given that the Act has been fully proclaimed, and we are fully on board in respect of what is required of us, that the powers that be would in fact, see it important to give us the necessary resources to be able to do the job as in perhaps a better way than we have been able to do in the past.

Ms. Seepersad: So then you do not have the resources to carry out your complete mandate, is that correct?

Mr. Ramkissoon: Well, in that sense member, we never will. The way, especially our appreciation of the current economic circumstances, we do understand that we have to do the best that we can with what we have. However, we are also making the point that the way the budget process seems to work is that if you are not able to use the resources, whatever surplus is there goes back and if you look at what has happened to us financially, we have suffered as a result of that. What we are saying now, and we are being optimistic is that given that we are utilizing fully the resources that are being made available, that we will be able to get the kinds of resources that we would ask for whenever those demands are made.

Ms. Seepersad: In terms of your outreach and your visibility, I was reading that you were going to establish memoranda of understanding with a number of agencies like the RIC, the Office of

Procurement, et cetera. Can you tell me what progress has been made with respect to these MOUs and other corporation agreements?

Mr. Ramkissoon: Well, we see working with other regulatory agencies as very important. I must admit it has not been a priority at the present time, however, we intend to move closer and closer to establishing these memoranda of understanding. In that light, we have been convening, beginning last year, a meeting of regulators, essentially of businesses and we will be having the second one at the beginning of next year. So, we appreciate the need for regulators not to duplicate effort, or to share from each other's experiences, especially where we are very new and we would be moving forward to not only having that sort of informal kind of arrangement, but to actually having memoranda of understanding and of agreement with other regulatory agencies as we seek to improve the business environment and regulatory environment for businesses in Trinidad and Tobago. Mr. Narinesingh may wish to add.

Mr. Narinesingh: Yes, thank you Chair, and thank you, member for the question. What I would also say, it is very important that we do these agreements, because as Chairman was indicating there would be potential situations where there would be co-jurisdictional issues, for instance, with procurement, the area of bid rigging. Bid rigging could be—is an offence under the Fair Trading Act and obviously, it is an offence under the procurement legislation as well too. So we have to find a way in terms of how we can cooperate in situations with the procurement regulations—under the procurement legislation consequences would be criminal, while under the Fair Trading Act the consequence would be civil. One of the areas what I would also say with respect to, and I am just highlighting the OPR right now, is that we of course, need to wait until when that legislation is fully proclaimed. And that is when they would then be able to advise in terms of what type of agreements that they would want to do with us. Now, we also are looking at doing agreements with organizations such as the Central Statistical Office, in terms of sharing of information, because the key of course is to have verifiable data which is a very important part of the work that we do. In terms of the RIC, the Regulated Industries Commission, they are a member of that—the board of that Commission also sits on our board as well.

11.45 a.m.

So there are areas where we would want to cooperate with them in terms of the work that they do, the specific work that they do. We also would want to have some clear understanding as well with the work of other regulators such as the Telecommunications

Authority of Trinidad and Tobago, the Central Bank, as well as the SEC as well too. So when we have the meetings that we have and we would—that is the first, our meeting with the key regulator of Trinidad and Tobago which we did in January and which we intend to do this coming January; it is the first of its kind, and it is really a way for us to bring the various regulators together because they are of course under the relevant legislation. There are a lot of exemptions in terms of certain sectors that where the sector regulator is the primary regulator.

So we have to have these types of meetings so that they properly understand that the element of competition is also well reflected. And this has been really a part of our public education as well as too because when we reach out it is—I did not say at the beginning but the interactions that we have are not only with the private sector, it is also with the public sector as well too, because under the Fair Trading Act state-owned entities, once they are involved in commercial activity are covered under the Fair Trading Act in terms of whatever offences might be identified.

So we try to adopt a very holistic approach and this is something that we will be continuing to do and we believe that MOUs and other types of cooperation agreements are a good step to enable us to do so.

Ms. Seepersad: All right. Thank you. My last question concerns your audited accounts. Your accounts are audited up to 2018, what is the status of the 2019, 2020 and '21? Well, it will become an issue, 2021 accounts.

Mr. Narinesingh: Well, the Office of the Auditor General will be coming in, in early January to—well, early 2022 to audit the accounts of 2020 and 2021—well, 2019 and 2020. So we have already prepared them, the financial statements internally. It now has to be submitted to the Office of the Auditor General but we have already agreed to the dates for the audit to be conducted.

Ms. Seepersad: And what about 2021?

Mr. Narinesingh: Well, yes, for 2021 as well too.

Ms. Seepersad: Okay. All right. Great.

Mr. Narinesingh: Yeah.

Ms. Seepersad: Okay. Thank you. Thank you very much.

Mr. Narinesingh: And if I may, 2019 was already submitted and audited, so it is 2020; and 2021 was going to be audited.

Ms. Seepersad: Okay. Great. And it was sent to the—

Mr. Narinesingh: Yes. The Office of the Auditor General did come into the premises and they did conduct the audit for 2019. So it is now when they come in 2021—2022—sorry—it will be for the accounts of 2020 and 2021.

Ms. Seepersad: Oh, okay. Great. Thank you.

Mr. Chairman: Member John, I know you had some questions you wanted to raise.

Ms. John: Yes, Chairman. Okay. Well, you did indicate or mention the training visits and I think those were explained that they were getting ahead of the curve but it was quite—it took place in—I saw several in 2015 and really what the impact will be now, you know, that I think the board is now trained but the public is not the beneficiary of that training. I think it is particularly sad, particularly in this period of COVID when you are seeing a sort of predatory arrangement where some of the large companies in Trinidad and Tobago are taking advantage of the small and medium-sized enterprises. I think now more than ever there should be an urgency in ensuring that you all are ready because people need you, you know, because what is happening the small and medium-sized companies are falling by the wayside and you are seeing advertisements where the larger corporations are taking up all of these opportunities. And you all are probably the world's best kept secret because I actually went on your website and you have a better organized website. It “eh” fancy but at least it has a lot of—it has enough information that people know what you are doing, you know.

I have seen companies that have been in existence much longer and you cannot go and know what they are doing. At least I can go on your website and find out what you are doing, so in that regard I commend you. I am sure the Chairman would have gone there and felt the same way because he is in the business of your business. So the point is, even if whatever is not proclaimed and you need this or whatever you need to put out there, more—sorry—now more than ever you need people to know what you are capable of doing; what you can do because Trinidad and Tobago needs you now more than ever. I think now you could justify your existence. So, I mean, I did look at the various audited accounts and your management statement but it does not have much in it because you

do not have a lot of activity. So I think it was very straightforward and that probably should be commended that you do not have a lot of—we say in Tobago, “simi-dimi”, inside of there. So you are more or less very straightforward.

So my thing is the public awareness that—and you can take advantage of the social media interaction and you have been getting a lot of like NGOs assistance when you do a lot of these visits and so on. I believe that if you call a press conference the media will come because you have, I see, as your chairman of your board; you have a personality and a lot of your personality is well known in the business community. Take advantage of that leverage so people could know what you are doing because, really, every day you look at the papers and you see the larger companies, they have a new business interest; the smaller ones are going under, our people need you now. So, thank you, Mr. Chairman. That is all I think I have to say at this time. Thank you.

Mr. Chairman: Well said. Thank you. I do not know if any of the members want to respond to any of the issues you have raised, any of the comments you have made.

Mr. Sieuchand: Hon. Chairman, if I may, I want to thank member John—[*Technical difficulties*]*—relevant with the current climate, COVID-19 pandemic—[Technical difficulties]*

Mr. Chairman: Colleague, you are breaking up badly. Colleague, you are breaking up very badly so we could barely make out what you are saying.

Mr. Sieuchand: I do beg your pardon. Hon. Chairman, is this at all better?

Mr. Chairman: Yes, it is. Thank you.

Mr. Sieuchand: Thank you very much. I wanted to commend and thank member John for the statements and the sentiments she has—[*Technical difficulties*]*—which we consider to be very—[Technical difficulties]*—and at the board level we have encouraged strongly, the executive of the Commission to be much more active in the public awareness role that—[*Technical difficulties*]*—necessary for them—[Technical difficulties]* To that end we have been making a series of public statements in the media over the last two or three years and that has been, I think, an activity to which we must commend the executive of the Commission—[*Technical difficulties*]*—done quite a good job in that. But of course we recognize the opportunity is there and the need is there for us to do more, particularly as it relates to the consumers at the public level.*

So it is not just the commercial stakeholders, consumers themselves, and that is something we continue to work on. I want to point out that in fulfilling that mandate, fulfilling that very important role to—[*Technical difficulties*]
—public awareness, what we have also done is we have made a very strong attempt to ensure that regulatory support and regulatory guidance is available to stakeholders—[*Technical difficulties*]
In that regard we have published—[*Technical difficulties*]
—guidelines which I think has been very well received that allows them to understand what is required of them when making applications for mergers.

We have done statements on matters of public interest. We have done statements in relation to certain markets during the course of the year. And what we are seeking to do through the guidelines Act which would as previous, is to really expand on and make sure public. And not just a sort of sanitized piece of legislation, they can look at a working document. A living, breathing document that draws on experiences, not just locally but also abroad to assist them in understanding our role and assist them in understanding how they can capitalize on making the best use of the functions and services—[*Technical difficulties*]

Mr. Chairman: Thank you very much. I do not know if it might have any of my other colleagues who want to make any additional comments or raise any other questions. Members? Okay. I have one more issue I would like to raise and it spins off what was raised by member John, which is that at present we are actually seeing a substantial amount of closures of small and medium-sized businesses but ironically we are seeing large business enterprises open branches that do the same things that the smaller businesses, small and micro businesses were engaging in. So it may be an area that you may want to spend some kind of attention looking at whether or not mega businesses are eclipsing smaller businesses for whatever reason. But I raise that in the context of having read your submissions so I want to list it generally. Having read your submissions there is, as at today:

No risk management policy.

No internal audit unit function.

No fraud policy.

No whistle-blowing policy.

No process for recording or reporting suspicions of fraud—et cetera.

So there is still a tremendous amount of weaknesses that I am seeing within the Fair Trading Commission. As at to date because this is based on your own report to the Committee which would have been dated—I am not seeing the date but this would have been between last month and this month—somewhere—yes, between last month and this month of December. So there is still a huge gap between what you should be doing and how you should be doing it and what I think we are seeing in the public domain and there is this area of concern, especially given that we are now in—we are in the new fiscal year already with three months has gone in the current fiscal year and we are going into the new calendar year shortly.

Is there a designated time frame for the delivery of all of these policies?—because these policies, the risk management policy, the internal audit function, the fraud policy, the whistle-blowing policy, these policies are actually what will enable you to become much more effective as an institution rather than just having the warm bodies in place. So is there a timeline? Is there a delivery? Is there some way in which we as a public will know that by day X or by quarter X of this year or next year or the following year, all of these relevant policies would be some form of your strategic plan going forward where you will know for fact where you are proposing to take the entity and therefore you will have KPIs to judge your successes going forward? Is there a timeline or time frame of some sort for the delivery, preparation and delivery and implementation of these policies and including the strat plan?

Mr. Ramkissoon: Okay. Chairman, if I may—first let me apologize, for a little while I was completely offline because of no Internet connection but I have tried to listen to the contributions. I first want to thank those who—your members who have understood, I think, the challenge that we face and we wish to really thank you and your members for the concerns raised. The particular one in respect of the—what is happening with the economy and the size of businesses, what is happening with the smaller businesses, vis-à-vis large businesses is indeed an international development that we are following very closely externally and indeed in Trinidad and Tobago. And we are in a short space of time hosting a seminar, a stakeholder meeting with small and medium-sized businesses where in fact we are going to seek to find from them what are their challenges that

speak- to what we are responsible for and what we can do about them because we foresee that as a very important aspect of what we do and of what we plan to do.

In respect of several of the policies you raised we have already in process been doing some of these draft policies. They are around in drafts and we are going to, within a short period of time, be able to complete them. I would invite all of your members, Chair, to keep abreast of what we are doing on our website. Much of what we are doing are constantly presented on our website. As you know it is the new way that companies and agencies are doing things now and we are going to continue to do that. Our strategic plan is indeed before us, parts of it. We are working on it. We now have the full legislation, the full proclamation of the legislation so we are much clearer as to what we can and cannot do.

I wish to point out that the business community in fact is responding to our activities and we thank them very much for that. We encourage them to continue along those lines and I am sure as we get the resources which we require and as the next few years evolve you would begin to see some of the results of the work that we have done over the last couple of years and that we are presently doing as I indicated.

Mr. Narinesingh: And, Chair, if I would just add—

Mr. Chairman: Sure.

Mr. Narinesingh:—these policies that you mentioned, all of them—and I would like to thank you all and thank you for the feedback from the questions because we were originally, as the Chairman was indicating, preparing these policies but now it has brought it more to the forefront with respect to particularly the fraud policy as well as the risk management policy. And what I would say about the internal audit is that we actually have sent out a request for a proposal; we will be sending out for an internal auditor to be regularly on board to be doing our internal audits on half-yearly basis.

With respect to whistle-blower, what I would say is that under the still to be proclaimed Whistleblower legislation, the Fair Trading Commission is included in terms of the entities where if someone wants to be a whistle-blower, some of the protection that would be afforded would include the submission of a complaint under the Fair Trading Act as well. So what I would say is that we did not develop that policy as yet because we wanted to see where the legislation itself was going to be going with that, but at the same time we are of course internally doing some work now

with respect to that in terms of the area of whistle-blowing. So, again, thank you very much for the opportunity to discuss the policies.

Mr. Chairman: Well, thank you, but I do not know if you will agree with me but the fact that there is no whistle-blowing policy and no fraud policy, et cetera, will inhibit the tendency for persons who may have concerns and issues to actually raise them with you. So not having those policies in place may have actually prevented you from getting information of situations in Trinidad and Tobago under which fall in fact under your mandate. So just bear that in mind that the fact that these policies are not in place may have in fact inhibited you from fulfilling your mandate because people will not necessarily be willing to come forward.

But I want to query whether or not the fact that you are apparently under-resourced which is that you are not getting the kind of funding that you want which is mentioned in both your SWOT analysis, and one of your colleagues would have mentioned that earlier as well; whether the fact that you are not fully resourced—I want to be fair to everybody—you are not fully resourced to the point where you would probably have liked to be, whether that has in fact impacted on your ability to complete your strat plan and your policies to date? Has that been so? Is it that your inability to complete these policies—has that been impacted because you are not sufficiently resourced or is there another reason?

Mr. Narinesingh: Well—

Mr. Ramkissoon: Chair—

Mr. Narinesingh: Sorry.

Mr. Ramkissoon: Before the ED responds, let me say that we can always do with more and I think that to some extent—to some extent we have not been able to perform as fully as we would like based on the lack of certain positions being filled and the resources not being available in a timely fashion. But we remain optimistic and we expect that the way in which we observe the public sector operates you must be utilizing all the funds that you have to be able to get more and therefore since we are utilizing all the funds that are allocated to us in building the organization, and since we are explaining exactly what we do in our financial statements, et cetera, and in our reporting to everyone, we expect that they would appreciate the need for greater funding which will then allow us

to do much more. So that we are optimistic that we are going to increase our output and that we are going to get increased resources to continue to do that and that the national community would observe and would be —beneficiaries of those kinds of activities on our part. ED.

Mr. Narinesingh: Thank you, Chairman. And just to add, what I would say about the whistle-blowing policy, and this is of course with—we try to of course reiterate at all times in all our notices, in all our releases in terms of interaction that anything that is disclosed to us will be kept confidential, but of course as you rightfully pointed out they might need some more strengthening with respect to having a clear policy for whistle-blowers. Bearing in mind of course that the legislation would have also—if and when that legislation ever comes in would be covering entities, persons who want to submit complaints to us, they will have that protection under that legislation, but with respect to fraud—and this is of course internal in terms of staff and thing—staff and what have you, there are serious consequences, Chair, under the legislation for if staff members disclose information; if there is a conflict of interest situation and our staff are very clear with that. They sign, you know, non-disclosure arrangements and things like that but under the legislation the consequences are a considerable fine and possible jail sentence as well for staff members who, for any acts of fraud that may be committed while they are in the employ of the Commission. So if there is any disclosure or any profiteering of anything based on information that is received while in whatever capacity they are in the Commission, there could be serious consequences as well too which staff are very aware of or which they are made aware of when they come on board with the Commission as well too because the legislation is quite clear with respect to that.

Mr. Chairman: Thank you, Mr. Narinesingh, but I think you need to be aware that staff may not be willing to come forward to identify issues of fraud for which there is appropriate legislation in place already if there is no whistle-blowing policy. So you may be constraining yourself to the existence of legislation to deal with a situation but because you do not have the in-house policy you are not going to see the benefit of that. But you also raised the issue of the internal audit function and that you are going back out for an RFP. Now, you went out for an RFP in 2020, we are in 2021 now and you had no expressions of interests, no proposals were received. What is there in the new RFP that

is different that makes you think that you will get—in fact, let me ask it differently, since you went out for an RFP in 2020 and got no proposals, have you identified why you received no new proposals? And has that understanding of why you received no proposals been incorporated so that in your new RFP you are more likely to have a positive response?

Mr. Narinesingh: Well, the reason why we believe we did not get the submissions was because obviously when an auditor looks at the—well, first of all it was done by selective tendering and when we had sent it out it probably was not worth their while; I am assuming of course for an organization whose budget was—well, at the time under a certain figure, and of course the time that it would take to conduct the audit and to the staff and everything that would be required. So what we are doing now—first of all it would be for a longer contract so it will be more—as opposed to one year it will be probably a longer period at that and we are also opening up the tendering process so more from the public could submit and obviously it might be more conducive to probably a smaller auditing firm as opposed to some of the audited companies that auditors that we would—the regular person would be aware of.

So the idea would be a wider space and a wider amount of possible auditors to submit. And we believe that if—and if the opportunity is there for a longer term of engagement it would be more possible for us to get a potential auditor.

Mr. Ramkissoon: Chairman, if I may, put it simply, the kind of finances that the TTFTC deals with really hardly warrants serious accounting firms to worry with us when they have many, many more companies with far larger budgets than we have, so that, you know, we face that challenge, if you like.

Mr. Chairman: Thank you, Chair, and ED. I agree with you fully. It also indicates why your initial selective tendering process followed for the first RFP. It was probably not the right way to go. Maybe if you had gone publicly, recognizing that large accounting companies would not really be inclined to engage in this sort of thing, this size of endeavour. I know that we have the Ministry of Trade and Industry present so I want to make sure that we engage them and I take the opportunity to do so. On page 26 of the submission by the TTFTC a query was asked by this Committee to explain why the TTFTC was without commissioners for the entire period, from June 16, 2017, to April

03, 2018. The response we got from TTFTC was that discretion should be addressed to the Ministry of Trade and Industry. Since we have them present, can the Ministry indicate why TTFTC was without commissioners for this period?

Mrs. Alleyne-Ovid: Thank you, Chair. Thank you for the question, Chair. With respect to that question, Chair, the discussion in terms of sourcing commissioners would have been the subject of the Cabinet boards committee in 2017 and subsequently in August of 2017 the Minister of Trade would have written to the Minister of Finance advising of commissioners. Given the protracted period that discussion was taking place within the Cabinet, the Ministry of Trade would have moved forward with a Note to Cabinet in 2018 which was approved in April—January, 2018, and the commissioners were then appointed in April of 2018. So that is what I could say with respect to the appointment of commissioners. There was a little period of protracted deliberation and the Ministry of Trade would have taken the initiative to advance the process forward with a Note to Cabinet.

Mr. Chairman: Thank you very much, Ma'am. Question then, we have had by explanation given today by members of the TTFTC, an explanation that they spent a lot of time and effort and money, et cetera, over the period, from '14 to '18, thereabouts, training commissioners because they really did not have any additional staff. A commissioner based on the legislation is appointed for a period of not more than five years—correct? Is there now a full—well, two things, is there a full complement—this is my question to you, is there now a full complement of commissioners with a life to fulfill the mandate of the Commission during the next year for example?

12.15 p.m.

Mr. Chairman: So whether there is a full complement of commissioners at this point? And two, whether—this question would now go to the chairman or to the executive director, —provision has been made to ensure that the training received by the commissioners are actually passed on to other members of staff for their use and implementation? Madam PS.

Mrs. Alleyne-Ovid: Thank you, Chair. Yes, I can say that there is the full complement of commissioners as mandated by the legislation, so, yes I can say that they are in place. Thank you.

Mr. Ramkissoon: Chairman.

Mr. Chairman: Yes.

Mr. Ramkissoon: To your question, Chair. Thank you for your question. Remind me the particular question again, Chair?

Mr. Chairman: All right. So, my question was based on the fact that we would have spent a lot of time and money based on comments made earlier today, training commissioners during the period 2014 to 2018/2019, et cetera, whether some provisions have been made to ensure—since commissioners are only appointed for a five-year period—that there is transference of information and training from commissioners to others, or commissioners to other commissioners to ensure that there is continuity in the operations of the entity.

Mr. Ramkissoon: Yes. Thank you for the question, Chair. The commission—the period of appointment is for three years not five, of commissioners. It is for three years, and the training that we would get is indeed passed on through the kinds of comments, through the kinds of input in the work of the commission that moves on, on a timely basis. So, the ED, the senior members of staff benefit through our input in their work. Of course, we do not do a day-to-day monitoring of the staff, that work is best left to the ED. However, they do benefit. I wish to add as well, Chairman, that in this new environment you would notice that many of our—that our staff in fact benefit from a number of training courses which are held virtually and which in fact we make it a point to ensure that they attend these training sessions, and I must say they look forward to it, and we get quite a lot of—we are quite open to that, a lot of that training conferences international organizations, the OECD, the IDB, the IFC, et cetera, and we place a big emphasis on training and on passing on the training that we get. So, that is a very important part of what we do, and we appreciate your question.

Mr. Narinesingh: Chair, if I would just add as well too.

Mr. Chairman: Sure.

Mr. Narinesingh: We have been focused—and the board has agreed to that. If you would imagine 2014 to 2018 it did not really have, as you would see, additional staff, but since staff has come on board since 2020, and you would obviously see that in subsequent financial statements and reports, resources have been devoted with the approval of the

board and the chairman, to the training of staff, because we recognized the need for sustainability. So what I will say is that, a number of, not only has staff attended a number of conferences, but coming out of the commission's resources staff has also been trained.

We also need to mention that under the Public Sector Investment Programme there has been an allocation which would be used for the training of staff. This is for this financial year as well too. So, we are committed to that because we recognized the need for there to be sustainability and succession as well too in the organization. And this is an approach that has come from the top down, and this is something that we continue to be focused on. So, the issues raised obviously are very relevant, but I think that they have been addressed in subsequent financial years which you would see eventually when these records, financial statements with respect to our expenditure comes before a future Public Accounts Committee.

[Technical difficulties]

Mr. Ramkissoon: I am not hearing, Chair.

Mr. Chairman: Sorry, not hearing.

Mr. Ramkissoon: Not hearing.

Mr. Chairman: Okay, so I had raised the issue, two issues, that I wanted for the risk management policy, the policies that I had listed before, and in my request for a time line, if you could supply that time line to the Public Accounts Committee so we can enter it into our documentation here for subsequent follow up. So that would be the risk management policy, the internal audit function, the fraud policy, the discipline policy, et cetera. But on a lighter note, I noted that there was a question we asked of the TTFTC with regard to the disposal of a camera, and the response was that the camera was not disposed of. It was subsequently repaired by the executive director and was currently listed as part of the commission's assets. I wanted to commend the executive director on his technical competence, not just in terms of fair trading and legislation and matters related thereto, but apparently in terms of equipment repair, et cetera. I hope that the insurances which covered and governed the assets thereof are not implicated in anyway by the chairman's technical competence in terms of repair. I look forward to seeing other pieces of equipment placed at his doorstep as well.

Just to move forward, I have no further questions. I do not know if any of my other colleagues have any additional questions to raise with the representatives here today.

Ms. John: I have no further questions, Chairman.

Mr. Chairman: Member Seepersad.

Ms. Seepersad: Chairman, I have no further questions.

Mr. Chairman: Well then if we have no further questions, I want to take this opportunity here to thank the members of the Committee who are here today, the members of the various representatives, very sincerely for your presence here today. I hope that we were not unduly harsh on you. But I appreciate the candour and the freedom with which you have responded to the questions that were raised. I look forward to getting additional information from you all as we move forward. And I wish you all success. This is a very, very important institution into the economic and financial backbone of Trinidad and Tobago, and I really hope that the various policies that you have indicated, and your strat plan will be sufficiently funded by the Government to ensure that you achieve your mandate going forward.

I thank you all very much, and at this point I would want to suspend the meeting going forward, and to thank all members, all stakeholders, members from the Ministry of Trade and the Auditor General's Department and the TTFTC for your presence here today. Go safe. Members of the Committee I ask you to hold on until we clear the room so that we can continue our deliberations. Thank you.

Mr. Ramkissoon: Thank you very much.

Mr. Narinesingh: Thank you very much.

Ms. Seepersad: Thank you, Chair.

Mrs. Alleyne-Ovid: Thank you, Chair.

Meeting adjourned at 12.23 p.m.