



# 1<sup>st</sup> Report

JOINT SELECT COMMITTEE ON

## FINANCE AND LEGAL AFFAIRS

on an

**inquiry into the Ease of Doing Business in Trinidad  
and Tobago**

FIRST SESSION (2020/2021) OF THE 12<sup>TH</sup> PARLIAMENT

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The Joint Select Committee on Finance and Legal Affairs

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**1<sup>st</sup> REPORT**

**OF THE**

**JOINT SELECT COMMITTEE ON  
FINANCE AND LEGAL AFFAIRS**

**ON**

**AN INQUIRY INTO THE EASE OF DOING BUSINESS  
IN TRINIDAD AND TOBAGO**

**Date Laid: HoR:**

**Senate:**

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## ACRONYMS AND ABBREVIATIONS

<b>Abbreviation</b>	<b>Term</b>
<b>ADR</b>	Alternative Dispute Resolution
<b>ASYCUDA</b>	Automated System for Customs Data
<b>BIR</b>	Board of Inland Revenue
<b>BPR</b>	Business Process Reengineering
<b>BPRS</b>	Business Property Registration System
<b>CED</b>	Customs and Excise Division
<b>CPC</b>	Chief Parliamentary Counsel
<b>EODB</b>	Ease of Doing Business
<b>GoRTT</b>	Government of the Republic of Trinidad and Tobago
<b>IADB</b>	Inter-American Development Bank
<b>iGovTT</b>	The National Information and Communication Technology Company Limited
<b>IRD</b>	Inland Revenue Division
<b>MDAs</b>	Ministries, Departments and Agencies
<b>MSMEs</b>	Micro Small and Medium Enterprises
<b>PATT</b>	Port Authority of Trinidad and Tobago
<b>RGD</b>	Registrar General's Department
<b>SEW</b>	Single Electronic Window
<b>SME</b>	Small and Medium Sized Enterprise
<b>UNCITRAL</b>	United Nations Conference on Trade and Law
<b>UNCTAD</b>	United Nations Conference on Trade and Development

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## MEMBERS OF THE COMMITTEE



**Mrs. Hazel Thompson-Ahye**  
**Chairman**



**Mr. Clarence Rambharat**  
**Vice Chairman**



**Mr. Keith Scotland, MP**



**Ms. Jayanti Lutchmedial**



**Mr. Marvin Gonzales, MP**



**Mr. Dinesh Rambally**



**Mr. Terrence Deyalsingh, MP**



**Mr. Hassel Bacchus**

## THE COMMITTEE

### COMMITTEE MANDATE AND ESTABLISHMENT

1. Section 66A of the Constitution of the Republic of Trinidad and Tobago declares, that not later than three months after the first meeting of the House of Representatives, the Parliament shall appoint Joint Select Committees to inquire into and report to both Houses in respect of Government Ministries, Municipal Corporations, Statutory Authorities, State Enterprises and Service Commissions, in relation to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.
2. Pursuant to the foregoing provision, motions approved in the House of Representatives and Senate on November 20, 2020 and November 17, 2020, respectively, the **Joint Select Committee on Finance and Legal Affairs** was established.
3. Standing Order 91 of the Senate and 101 of the House of Representatives outline the general functions of a Committee of this nature. They are as follows:
  - a. to examine Bills and review all legislation relating to the relevant Ministries, Departments or Bodies or as may be referred to it by the House;
  - b. to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the assigned Ministries, Departments or Bodies;
  - c. to study the programme and policy objectives of Ministries, departments or bodies and the effectiveness of the implementation;
  - d. to assess and monitor the performance of Ministries, Departments and Bodies and the manner of the exercise of their powers;
  - e. to investigate and inquire into all matters relating to the assigned Ministries, Departments and Bodies as they may deem necessary, or as may be referred to them by the House or a Minister; and

- f. to make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

### SPECIFIC AREAS OF RESPONSIBILITY

4. The Joint Select Committee on Finance and Legal Affairs is mandated to inquire into areas related to Finance, Planning, Trade, Tobago Affairs, Office of the Prime Minister, Attorney General, Justice and Legal Affairs as listed in Appendix IV and V of the Standing Orders of the House of Representatives and Senate respectively.

### POWERS OF THE COMMITTEE

5. Standing Orders 101 of the Senate and 111 of the House of Representatives delineate the general powers of the Committee which include:
  - a. to send for persons, papers and records;
  - b. to sit notwithstanding any adjournment of the House;
  - c. to adjourn from place to place;
  - d. to report from time to time;
  - e. to appoint specialist advisers either to supply information which is not otherwise readily available, or to elucidate matters of complexity within the Committee's order of reference;
  - f. to communicate with any other Committee on matters of common interest; and;
  - g. to meet concurrently with any other Committee for the purpose of deliberating, taking evidence or considering draft reports.

### MEMBERSHIP

6. The Committee comprises the following members:
  - i. Mrs. Hazel Thompson-Ahye – Chairman
  - ii. Mr. Clarence Rambharat – Vice-Chairman
  - iii. Mr. Keith Scotland, MP
  - iv. Mr. Marvin Gonzales, MP
  - v. Mr. Dinesh Rambally, MP
  - vi. Mr. Terrence Deyalsingh, MP
  - vii. Ms. Jayanti Lutchmedial
  - viii. Mr. Hassel Bacchus

## SECRETARIAT SUPPORT

7. The following officers were assigned to assist the Committee:
  - i. Mr. Julien Ogilvie - Secretary
  - ii. Mr. Brian Lucio - Assistant Secretary
  - iii. Ms. Terriann Baker - Research Assistant
  - iv. Ms. Ria Rampersad - Research Assistant

## EXECUTIVE SUMMARY

1. At its 2<sup>nd</sup> Meeting held on November 27, 2020, the Committee resolved to pursue an inquiry into the Ease of Doing Business in Trinidad and Tobago.
  
2. The inquiry process involved gathering and collating oral and written evidence from primary and secondary stakeholders as well as from the public. As far as possible, the Committee ensured that oral and written evidence received were relevant to the terms of reference to the inquiry. In this regard, the Committee received evidence from several government stakeholders, listed as follows:
  - i. The Ministry of Public Administration and Digital Transformation (MPADT);
  - ii. The Ministry of Trade and Industry (MTI);
  - iii. The Ministry of the Attorney General and Legal Affairs (MoAGLA);
  - iv. The Ministry of Planning and Development (MPD);
  - v. The Customs and Excise Division (CED);
  - vi. The Port Authority of Trinidad and Tobago (PATT); and
  - vii. Ministry of Finance.
  
3. Based on the evidence received from the stakeholders listed above, the Committee was able to acquire some useful insights into the cause of persistent gaps in the Ease of Doing Business, the measures intended to address these shortcomings and the nature of any anticipated challenges in implementing these reforms... *“as every second of delay is a cost transferred over to consumers<sup>1</sup>.”*

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<sup>1</sup> Karim, R. Ministry of Trade and Industry at the Joint Select Committee on Finance and Legal Affairs Public Hearing on the Ease of Doing Business in Trinidad and Tobago. January 15, 2021.

4. Some of the issues which the Committee took into account were as follows:
- i. The limitations experienced by MSMEs to access credit financing due to the lack of a secured transactions regime;
  - ii. The absence of enabling legislation to effect the EODB reforms primarily the Data Protection Act, 2011, the Electronic Transactions Act, Chapter 22:05 and the Bankruptcy and Insolvency Act, Chapter 9:70;
  - iii. Whilst the efforts to harmonise systems between the border agencies is noted, the lack of communication between the CED and the PATT was made apparent especially regarding issues relevant to border clearances and inspections;
  - iv. Notwithstanding the business process re-engineering strategies undertaken by various Ministries (Finance, Trade and Planning and Development.) it was noted that unless negative values, attitudes and behaviours are addressed, technological improvements will not be sufficient to achieve the necessary reforms;
  - v. The MTI's communication strategy for implementing EODB reforms was not clearly identified and there needs to be more definitive approaches for public engagement and education;
  - vi. The benefits of interoperability are well noted to improving efficiency in the public service, but the renewed thrust to digitisation and digitalisation does not adequately consider that there may be a subset of the population that is resistant to using technology;
  - vii. It was also noted solutions for data storage and privacy were still in the process of being identified which is essential to the creation of a consumer needs centred approach;
  - viii. The inaccuracies in the taxpayer's register is a major challenge that must be reconciled for tangible results to be realised with respect to the payment of taxes;

- ix. The Customs and Excise Division must formulate a risk management approach that balances the resources of the Division and security considerations with a more tailored response to border clearance and inspections;
- x. The Ministry of Planning and Development must take a more proactive approach to empowering stakeholder agencies to assume full responsibility for their roles and functions relevant to the construction permitting process.

## SUMMARY OF RECOMMENDATIONS

The following are key recommendations proffered by the Committee:

- A. **The Committee advises that the MPADT more intensely drive the digital transformation of critical business processes which are essential to maximise efficiency and accountability and boost the e-government and e-commerce capacity of relevant MDAs by: developing a standard definition of digital literacy, creating an index of the skills that constitute digital literacy and creating alignment between the demand and supply of digital skills<sup>2</sup>.**
  
- B. **Complementary to the creation of an Inter-Ministerial Committee (See Objective 1 recommendation C) for the prioritisation of EODB reforms, the Committee suggests that there must be a renewed thrust toward stakeholder management (to bring into alignment the prioritisation of EODB reforms) and engagement (to rectify underlying stakeholder concerns). The MTI must report to the Parliament efforts to effect stakeholder management and engagement.**
  
- C. **The Committee recommends that an Inter-Ministerial Committee comprising the five substantive Ministries in addition to the Port Authority of Trinidad and Tobago identified in Table 1, responsible for the various indicators under the EODB, be created with a view to enforce oversight of implementation agencies and drive service level agreement timeframes. In order to build and sustain momentum for EODB reforms via a public/private partnership stakeholder identification and incorporation, mechanisms to facilitate feedback, systems for monitoring and evaluation and grievance management procedures should be incorporated<sup>i</sup>.**

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<sup>2</sup> Chetty, K., Shenglin, S., Josie, J., Gcora, N., Liu, Q., Li, W. (2020). "Bridging the digital divide: measuring digital literacy." G20 Insights: Policy Area Digital Transformation. Accessed: March 23, 2021. Available: [https://www.g20-insights.org/policy\\_briefs/bridging-digital-divide-measuring-digital-literacy/](https://www.g20-insights.org/policy_briefs/bridging-digital-divide-measuring-digital-literacy/)



- D. The Response of the Ministries concerned must provide the Parliament with a status update on the implementation of the Port Community System and the Electronic Transactions Act, Chapter 22:05.**
- E. The response of the MoF must provide a status update on the following: the implementation of online payment systems at the IRD and CED respectively, the redrafting and resubmission of the Trinidad and Tobago Revenue Authority to Parliament for consideration and debate and the proposed amendments to Bankruptcy and Insolvency Act, Chapter 9:70.**
- F. The Committee endorses that the CED consider the integration of the tools and techniques identified by the World Customs Organisation for the realisation of a systematic application of risk management approaches. This would encompass a selective approach to physical inspections with a view to attenuating backlogs and opportunities for informal payments<sup>ii</sup> based on a process flow of establishing context and identifying, analysing, assessing and prioritising and addressing risks.**
- G. The response of the MPADT must provide the Parliament with a status update on the completion of the G2B service projects with the Ministries of Finance and Attorney General and rollout of G2B service projects to other Ministries, Departments and Agencies.**
- H. The Committee sees merit in the adoption of metrics and other target indicators by the various Government to Business initiatives currently being operationalised (MoAGLA, MTI and MoWT) to measure agency performance and the impact and effectiveness of EODB reforms. These may include but not be limited to, average resolution time<sup>iii</sup>- to track the average time it takes to solve customer issues and customer satisfaction surveys<sup>iv</sup> to solicit customer feedback either in person or via online platforms.**

- I. Given that privacy concerns may be one of the potential issues that citizens have with respect to the furtherance of an E-identity system, the MPADT may consider the incorporation of the following measures as a corollary to the E-identity initiative to engender greater support<sup>v</sup>: user control over information shared, domain separation for users' activity and development of a stewardship model to guide use of consumers' digital information.**
  
- J. The Committee is cognisant that change management must involve proactive decision making and leadership in order to produce effective results and therefore endorses an inclusive approach being adopted by the MTI's Steering Committee to build trust, awareness and support among its key stakeholders<sup>3</sup>.**
  
- K. The response of the MoAGLA must provide the Parliament with a status update on the following deliverables the draft of the legislation for the implementation of a Secured Transactions Regime and implementation of the Business Property Registration System at the Registrar General's Department.**
  
- L. The response of the MPD must provide the Parliament with a status update on the number of Municipal Corporations that can process online applications and the number of Municipal Corporations capable of processing applications for simple development as outlined in the Miscellaneous Provisions (Local Government Reform) Bill, 2020.**
  
- M. The Committee advises that the MPD create a strategic plan that would characterise the partnership between themselves and the fourteen (14) Municipal Corporations**

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<sup>3</sup> Rittenhouse, J. (2015). 'Improving stakeholder management using change management tools.' Paper presented at PMI Global Congress of 2015. North America, Orlando Florida, Netown Square, PA: Project Management Institute. Accessed: June 15, 2021. Available: <https://www.pmi.org/learning/library/improve-stakeholder-management-9901>

to seek coordinated solutions, leverage expertise and enhance communication across agencies<sup>vi</sup>. These enhanced ties will have positive repercussions both on the automation of the workflow and construction permitting processes. This recommendation must be pursued in connection with the now elusive yet anticipated reforms to the Local Government System.

- N. The response of the Port Authority of Trinidad and Tobago must provide to Parliament a status update on the implementation of the online payment system for container cargo fees and the purchase to pay model.
  
- O. The Committee supports the implementation of a comprehensive public education campaign that builds awareness of the various EODB reform initiatives being piloted in various Ministries, Departments and Agencies.
  
- P. The Committee acknowledges the benefits of interoperability and suggests that in order for such systems to work effectively there must be stringent privacy and security safeguards, which are supported by strong oversight. The Committee thus sees merit in the development of an accompanying privacy policy to be adopted by all interoperable systems that takes into consideration cultural practices, the need to provide transparency in the processes effected by all invested parties as well as cultural views of privacy.
  
- Q. The Committee endorses the efforts of the Chief State Solicitor and Solicitor General's Department to augment the total number and expertise of staff as well as accompanying remuneration packages in order to improve employees' work flow process and technical expertise to apply the appropriate judicial principles with respect to the resolution of litigious matters involving the State.

- R. The Committee exhorts its recommendation (see Objective 2, recommendation D) regarding the implementation of sound change management initiatives for the facilitation of stakeholder awareness and support of reform initiatives.
- S. The response of the Ministry of Finance must provide to the Parliament clarification on the scope of duties of the Monitors employed at the IRD and that due consideration be given to the deployment of 'Monitors' to assist in the reconciliation of the tax payer database through the conduct of physical inspections to check that all persons or establishments in a taxable business are indeed properly registered<sup>vii</sup>.
- T. In respect of the agencies involved in cross border trade, the Committee underscores Recommendation G under objective 2 which exhorts the need for a strong collaborative partnership between linked agencies. The response of the Ministry of Finance must also provide to Parliament a status update on the following: the implementation of the Port Community System, UNCTAD training for the technical staff retained to effect the upgrades to ASYCUDA 4.2.2, upgrades to ASYCUDA 4.2.2, measures to facilitate online payments at the Inland Revenue and Customs and Excise Divisions and measures taken to address the human resource constraints at the Customs and Excise as well as Inland Revenue Divisions.

## INTRODUCTION

### BACKGROUND

- i. The Ease of Doing Business (EODB) is an index published by the World Bank composed of different parameters that characterise the business environment within countries. Countries are ranked from 1-190, a high EODB (closer to 1) means the regulatory environment is more conducive to starting and operating a firm.
- ii. Regulatory performance is established every five (5) years regardless of changes in interim years<sup>viii</sup>. Trinidad and Tobago is currently ranked 105<sup>th</sup>, a complete itemisation of Trinidad and Tobago's scores relative to the top performing country in the EODB is provided in Appendix III.
- iii. Drawing on the use of the EODB indicators, data has shown that the ranking of economies correlates well with investment, business entry and employment<sup>ix</sup>. **The EODB is also more than just a ranking of economies; it is also a mechanism via which suasion is used to urge states to de-regulate.**
- iv. Deregulation has often been connected to economic growth through increased productivity and efficiency. This may also impact positively on employment and real wages which in turn influences production and consumption through investment. However, it is noteworthy to mention that deregulation may not impact all economies equally<sup>x</sup>.
- v. By attaching ranks to the EODB indicators, the *World Bank* leverages the level of importance that governments accord to their status, more so the views that domestic constituents and international investors hold about their countries. Within local

economies, the EODB also reflects on the performance of individual ministries and departments<sup>xi</sup>.

vi. **Calculating the Ease of Doing Business score** for each economy involves two main steps:

- In the first stage, individual component indicators are normalised to a common unit using a re-scaling of the 41 component indicators. The highest score represents the best regulatory performance on the indicator across all economies since 2005;
- In the second step, the score obtained for individual indicators for each economy is aggregated through simple averaging into one score, first for each topic and then across the ten (10) topics. All topics are weighted equally and within each topic, equal weight is given to each of the topic components.

vii. The EODB comprises ten (10) core indicators which assesses a range of inter-related characteristics per topic which may be enumerated as follows:

- Starting a business*- Procedures, time, cost and paid in minimum capital requirement for MSMEs to start and formally operate in each economy's largest business city<sup>xii</sup>;
- Dealing with construction permits*-Procedures, time and cost to construct a warehouse, building quality control index, quality of building regulations, liability and insurance regimes and professional certification requirements<sup>xiii</sup>;
- Getting electricity*- Procedures to obtain a permanent electrical connection, inclusive of applications and contracts, inspections and clearances, reliability of supply and transparency of tariffs<sup>xiv</sup>;
- Registering Property*- Time, cost and processes for a buyer to purchase and transfer the title from the seller, quality of land administration (reliability of

infrastructure, transparency of information, geographic coverage, land dispute resolution and equal access to property rights)<sup>xv</sup>;

- E. **Getting credit**- Facilities for lending within collateral and bankruptcy laws, coverage, scope and accessibility of credit information through reporting<sup>xvi</sup>;
- F. **Protecting minority investors**- Judicial recourse available to shareholders against corporate impropriety for personal gain and minimum standards to which companies must adhere<sup>xvii</sup>;
- G. **Paying taxes**- Taxes and mandatory contributions to be paid by a company as well as the administrative burden of fulfilling those payments<sup>xviii</sup>;
- H. **Trading across borders**- Time and cost (excluding tariffs) associated with importing and exporting processes<sup>xix</sup>;
- I. **Enforcing contracts**- Time, cost and quality of judicial processes involved in resolving a commercial dispute<sup>xx</sup>; and
- J. **Resolving insolvency**- Time, cost and outcome of insolvency proceedings involving domestic entities<sup>xxi</sup>.

viii. The EODB must be realised as part of a *whole of government approach* towards liberalisation and regulatory reform. However, responsibility for the implementation of the EODB indicators is currently shared among a select few *Ministries, Departments and Agencies* (MDAs) highlighted in Table 1:

**Table 1: EODB areas of responsibility by Ministries, Departments and Agencies**

Ministry and Department	EODB Area of responsibility	Role
Ministry of Finance: <ul style="list-style-type: none"> <li>• Board of Inland Revenue</li> <li>• Customs and Excise Division</li> </ul>	<ul style="list-style-type: none"> <li>▪ Paying taxes</li> <li>▪ Resolving insolvency</li> <li>▪ Protecting minority investors</li> </ul>	Direct
Ministry of Trade and Industry;	<ul style="list-style-type: none"> <li>▪ Getting access to credit</li> <li>▪ Trading across borders</li> </ul>	Direct

Ministry of Planning and Development	<ul style="list-style-type: none"> <li>▪ Construction permitting</li> </ul>	Direct
Ministry of Public Administration and Digital Transformation	<ul style="list-style-type: none"> <li>▪ Facilitating interoperability, digitisation and digitalisation</li> </ul>	Indirect/enabler
Port Authority of Trinidad and Tobago	<ul style="list-style-type: none"> <li>▪ Trading across borders</li> </ul>	Direct
Ministry of the Attorney General and Legal Affairs	<ul style="list-style-type: none"> <li>▪ Registering property</li> <li>▪ Enforcing contracts</li> </ul>	Direct

- ix. The role of *border agencies* is central to the EODB as these entities represent the key actors in trade and business facilitation. The term border agencies used in this report will be used as an umbrella term to refer to the Plant Quarantine Service, Food and Drugs Inspectorate, Pesticides and Toxic Chemicals Inspectorate, Ports of Point Lisas and Port of Spain, the Trinidad and Tobago Bureau of Standards and the Trade Licence Unit.

## OBJECTIVES

- x. In view of the above, the Committee agreed that its inquiry will be guided by the following objectives:
1. To determine the gaps in the Ease of Doing Business (EODB) in Trinidad and Tobago;
  2. To assess the effectiveness of proposed reforms aimed at improving the EODB; and
  3. To identify the challenges that State agencies may encounter in implementing reform measures.



### CONDUCT OF THE INQUIRY

- xi. At its Meeting held on January 15, 2021, the Committee convened its *first Public Hearing* with the following entities:
- The Ministry of Trade and Industry;
  - The Ministry of Public Administration and Digital Transformation; and
  - The Ministry of the Attorney General and Legal Affairs.
- xii. At its Meeting held on February 19, 2021, the Committee convened its *second Public Hearing* with the following entities:
- The Ministry of Planning and Development;
  - The Ministry of Finance (inclusive of Customs and Exercise and Board of Inland Revenue); and
  - The Port Authority of Trinidad and Tobago.

The Minutes of the Meetings during which the public hearings were held are attached as Appendix I and the Verbatim Notes as Appendix II.

## SUMMARY OF EVIDENCE, FINDINGS AND RECOMMENDATIONS

### OBJECTIVE 1: TO DETERMINE THE SHORTCOMINGS IN THE EASE OF DOING BUSINESS (EODB) IN TRINIDAD AND TOBAGO

#### *Ministry of Public Administration and Digital Transformation (MPADT)*

##### *Lack of Digitisation and Digitalisation*

1. The *Ministry of Public Administration and Digital Transformation (MPADT)* is tasked to improve the performance of all *Ministries, Departments and Agencies (MDAs)* through **digitisation** or conversion to digital formats and **digitalisation** which concerns the **re-engineering of business models**<sup>xxii</sup>. The *MPADT's* prioritisation of these targets are itemised in **Appendix IV**.
2. As the driving force of technological change within the GoRTT, the Ministry was well informed to provide a succinct overview of the elements of public service delivery that were in need of reform, notably **people** (structures, skills and culture), **processes** (legislation and governance), **technology** and **facilities**.
3. These core indicators provided the basis for a broad categorisation of the **existent gaps** identified by Ministries relevant to improving the EODB. These are outlined in **Table 2**.

*Table 2: Cross sectional overview of gaps relevant to the Ease of Doing Business*

People	Processes	Technology	Facilities	Legislation
<b>MTI:</b> <ul style="list-style-type: none"> <li>▪ Lack of stakeholder buy-in</li> </ul>	<b>MTI:</b> <ul style="list-style-type: none"> <li>▪ Redundant processes;</li> <li>▪ Lack of standardised labelling;</li> <li>▪ Inflexibility of hours of operation;</li> </ul> <b>MPD:</b> <ul style="list-style-type: none"> <li>▪ Need for micro-level accountability and oversight systems;</li> </ul>	<b>MPADT:</b> <ul style="list-style-type: none"> <li>▪ Lack of digitisation and digitalisation</li> </ul> <b>MTI:</b> <ul style="list-style-type: none"> <li>▪ Lack of interoperability;</li> <li>▪ Lack of automation, e-services and e-payment</li> </ul>	<b>MTI:</b> <ul style="list-style-type: none"> <li>▪ Lack of access to credit;</li> <li>▪ Lack of a unified revenue administration for tax administration</li> </ul>	<b>MTI:</b> <ul style="list-style-type: none"> <li>▪ Lack of enabling legislation for a Secured Transactions Regime;</li> <li>▪ Multiple securities registries and arrangements;</li> </ul>

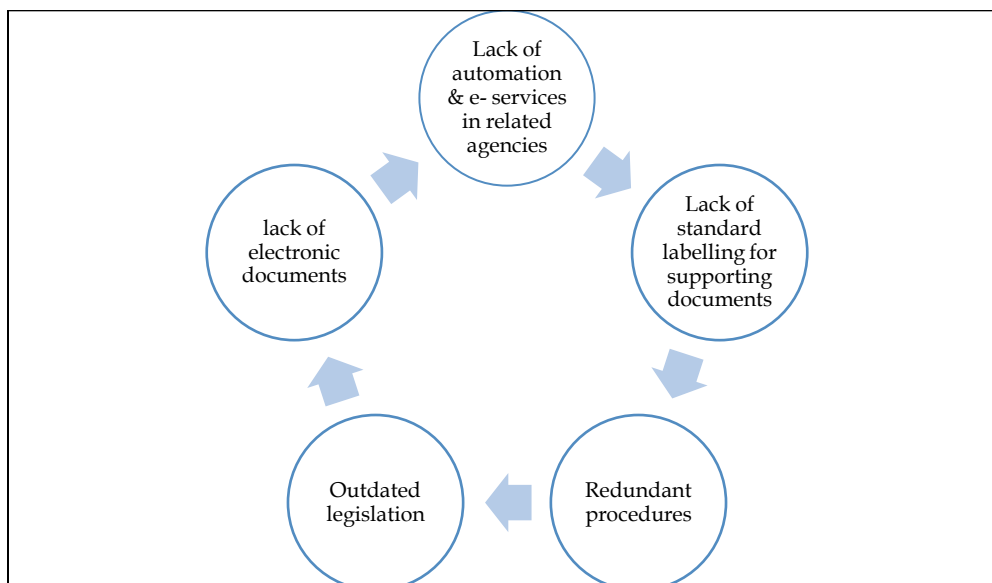
	<ul style="list-style-type: none"> <li>▪ Unwillingness to use the DevelopTT platform;</li> </ul> <p><b>MoAGLA:</b></p> <ul style="list-style-type: none"> <li>▪ Inefficiencies in Civil Litigious Action;</li> </ul> <p><b>MoF:</b></p> <ul style="list-style-type: none"> <li>▪ Insufficiency in risk based approaches to border clearance.</li> </ul>	<p><b>MPD:</b></p> <ul style="list-style-type: none"> <li>▪ System errors related DevelopTT;</li> </ul>	<p><b>MPD/MTI:</b></p> <ul style="list-style-type: none"> <li>▪ Full proclamation of the Electronic Transactions Act, Chapter 22:05;</li> </ul> <p><b>MoAGLA:</b></p> <ul style="list-style-type: none"> <li>▪ Lack of enforced legislation to treat with international insolvency;</li> </ul> <p><b>MoF:</b></p> <ul style="list-style-type: none"> <li>▪ Need for harmonisation of investment laws;</li> </ul>
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### *Ministry of Trade and Industry (MTI)*

#### *Trading Across Borders- Long-term gaps*

4. The *MTI* also offered insight into the impediments to business and trade. Long-term gaps were linked to institutional weaknesses relevant to **lack of ‘buy in’** and prioritisation from multi-sectoral groups, **need for legislative reforms**, the need for **upgraded ICT systems** and **change management initiatives** in both the public and private sectors. These are visualised in Figure 1.
  
5. The *MTI* highlighted that their role in the legislative reform process was supportive with the leadership of the respective Ministries responsible for driving the process of implementation. A diagnostic review of the legislative environment and status to date to support the implementation of EODB reforms was also undertaken by the Ministry alongside stakeholders in 2018 and is outlined in **Appendix V**.

Figure 1: MTI long- term gaps relevant to trading across borders



#### Trading Across Borders Short-Term Gaps

6. The MTI also provided insight into some of the short-term gaps which are itemised as follows:

- **Absence of online payment and automated systems-** Requirements for physical payments/certified cheques and manual submission of documents to trade related agencies delays the import/export process;
- **Inflexibility of hours of operation-** Observation of standard working hours (8:00 a.m.-4:00p.m.) by border agencies external to the CED results in shipping delays;
- **Insufficient risk based approach for inspection-** Absence of modern targeting through the use of scanners and risk management systems results in increased time and cost for cargo clearance;
- **Port efficiency and interoperability with TTBizLink and ASYCUDA-** Due to the **absence of a Port Community System**, there are requirements for the manual submission of documents and lack of interconnectivity between IT systems by border agencies increases the cost and time for clearance and delivery of cargo. An overview of these related challenges are highlighted in Textbox 1.

*Textbox 1: Challenges with the lack of interoperability*

*The lack of interoperability in the IT systems of border agencies results in poor data sequencing e.g. declaration data is transmitted to TTBizLink after Customs duties and taxes are paid which hinders document processing by other border agencies.*

*There is also a lack of connectivity between the MTI's Single Electronic Window (SEW), the Customs and Excise Division's (CED) ASYCUDA world border management system, the Port Authorities' NAVIS terminal operating system and the systems used by private enterprises.*

*Submission by the MTI January 11, 2021.*

***Lack of a Secured Transactions Regime***

***Limitations to access to Credit***

7. Another stumbling block to business entrepreneurship was linked to an adherence to traditional credit lending practices using immovable assets as a form of collateral. In the absence of an appropriate legislative framework, MSMEs could not use their stock of moveable property as a form of security, which had a negative impact on business growth. An overview of how the lack of a Secured Transactions Regime affects MSMEs is highlighted in Textbox 2.

*Textbox 2: MSME experiences in accessing credit-lack of a Secured Transactions Regime*

*"It is easy to ramp up production...to cultivate enough and get the output to export. But we need start-up capital." The vice-president of the society noted that in order to qualify for some of these grants, applicants must prove that they have matched resources. It is difficult for the co-operative...with no finance to access a grant when we can't match it."*

*Cyrilee Subratee, Vice-President of the Moruga Hill Rice Multipurpose Cooperative Society.*

*"Red Gold rice: a farming enterprise on the rise." Business Day, Trinidad and Tobago Newsday. February 04, 2021.*

***Multiple Securities Arrangements and Registries***

8. The MTI re-iterated that the lack of umbrella legislation linked to a fragmented securities registry, evidenced by the use of multiple quasi-securities as a form of debt financing for credit arrangements was also a barrier to the creation of a secure transactions regime.

### *Ministry of the Attorney General and Legal Affairs (MoAGLA)*

#### *Inefficiencies in Civil Litigious Proceedings*

9. With reference to the '*enforcement of contracts*', the Office of the *Chief State Solicitor* works in tandem with the *Solicitor General's Department* to represent the State in matters of civil litigation. The two entities share overlapping responsibilities related to property law matters<sup>xxiii</sup> and the preparation of deeds and contracts for commercial enterprises<sup>xxiv</sup>.
10. Comments from the *Chief State Solicitor (MoAGLA)*, as it related to civil litigious action, acknowledged that notwithstanding the provision in the Civil Proceedings Rules 2016<sup>xxv</sup> (CPR) to request and acquiesce to ADR, the majority of cases are still referred to litigation via the courts. These are often subject to **the lengthy delays and staff limitations that characterise the judicial system.**

### *Ministry of Planning and Development (MPD)*

#### *Need for top down decision making*

11. The *Ministry of Planning and Development* is one of the lead agencies involved in providing oversight and advice on resolutions to procurement and implementation challenges relevant to State run projects. The *MPD* was thus well poised to identify the **lack of a single management authority to plan and monitor** individual reform efforts as being a major barrier to achieving change.

#### *Need for micro-level accountability and oversight systems*

12. This omission was also linked to the increasing need for the **devolution of responsibilities** by individual entities and the pivotal role of **standardised processes** to facilitate these ends, an example of which is highlighted in Textbox 3.

*Textbox 3: Lack of harmonised systems- the impact on automation at the Municipal Corporations*

*“At the fourteen (14) Municipal Corporations, there are differing processes for issuing Building Permits and Completion Certificates. There is also a mismatch of the responsibilities of the County Medical Officer of Health and Public Health Departments. Applications are halted at this stage as approvers are unaware of their role/function... the full proclamation of the Planning and Facilitation of Development Act, 2014 will require changes in the modules of the DevelopTT system...for simple applications for planning permissions will be processed by the Municipal Corporation.”*

*MPD Submission, page 6, February 17, 2021*

***Impediments to DevelopTT- stakeholder reluctance and system errors***

13. The MPD also provided insight into the shortcomings of the *DevelopTT* application, the Ministry’s flagship project targeted to improve the EODB indicator of construction permitting. Despite foundational errors of **system bugs** and unavailability of internet connectivity, there was also indication of **unwillingness** by members of the public and individual agencies to **utilise the platform** to process applications. The issue of **slow registration time** was also emphasised as a work in progress as the MPD highlighted that the yet to be completed standardisation of the applications approval process across the fourteen (14) Municipal Corporations would lead to a reduction in the time-cost factor. A complete list of the twenty-nine (29) agencies involved in the construction permitting process is outlined in **Appendix VI**.

***Full proclamation of the Electronic Transactions Act, Chapter 22:05***

14. It was highlighted specifically by the MPD that **full proclamation of the Electronic Transactions Act, Chap. 22:05** was required to facilitate online payment features on the *DevelopTT* platform- a sentiment that was echoed by other stakeholders relevant to their respective operations (*MTI, IRD, CED* and *PATT*). The *MTI* did provide the status of efforts to streamline online payments noting that as of November 05, 2020, a Cabinet Note regarding same was referred to the Finance and General Purposes Committee.

15. The *MTI* further illuminated that full proclamation would reduce the time and cost of documentary compliance associated with trading across borders through the creation of single, electronic transferable record that would contain all commercial and regulatory documents relevant to cross border trade. These measures would also support the legal distinction between digital and electronic signatures, enforcement for breaches of the Act and further advance the Government's digital transformation agenda.

#### Outstanding elements for implementation

16. Two key measures that were crucial to the realisation of online payments:
- *Integration between Electronic systems across the government and payment providers; and*
  - *Local financial institutions to serve as an intermediary between the Treasury Division and payment providers.*

#### *Ministry of Finance (MoF)*

##### *Lack of a unified revenue administration for tax collection*

17. The *Trinidad and Tobago Revenue Authority (TTRA)*, being the preferred pathway to regulate the payment of taxes in Trinidad and Tobago, is expected to improve accountability, service delivery, coordination and re-engineered business processes. However, progress had been delayed due to a lapse in the implementation of **enabling legislation that would give rise to the TTRA**. The *Ministry of Finance*, the entity responsible for its oversight advised that discussions between itself and the *MoAGLA* had been ongoing with a view to re-initiating the Bill's introduction to Parliament after its lapse at the expiry of the 11<sup>th</sup> Parliament.

18. In the absence of stronger enforcement measures the *MoF* disclosed that a total of TTD 48,291,567,639.00<sup>4</sup> was owed in taxes. Furthermore, for the years 2017-2020 there were one hundred and seventy-one (171) charges laid in respect of criminal violations of tax laws. It is hoped that the automation of services would in fact reduce this figure through the issuance of timely reminder notices and early detection of liabilities.

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<sup>4</sup> Of this figure TTD 16,527,489,812 is owed in taxes and TTD 31,764,077,827 is owed in penalties and interest.



*Absence of legislation to treat with international insolvency proceedings*

19. The MoF noted that Part XI of the Bankruptcy and Insolvency Act, Chapter 9:70 was not passed and despite the operationalisation of an *Office of the Supervisor of Insolvency* in 2017, **international companies continued to be disempowered**. The MoF advised that updates to Part XI of the BIA based on modifications made to the International Trade Model Law on Cross Border Insolvencies would be presented to the Office of the Chief Parliamentary Counsel (CPC) for their consideration later in 2021.

*Need for harmonisation and clarity of investment laws*

20. Though the legislation provided a wide berth of protection there existed a number of gaps relevant to the **harmonisation of rules across responsible bodies** and an attendant need for closer collaboration. The MoF also advised that there was a general paucity of knowledge regarding the procedures required of a company preparing for listing. Overall, these shortcomings were relevant to:

- *Need to strengthen the disclosure requirements for corporate decision making;*
- *Need for closer collaboration between the Trinidad and Tobago Stock Exchange (TTSE) and Trinidad and Tobago Securities and Exchange Commission (TTSEC) to streamline the listing process;*
- *Need to harmonise the disclosure requirements of the TTSEC with respect to material changes (business operations, assets or ownership), that is disclosure to be made within five (5) days versus three (3) days as prescribed in the Securities Act, Chapter 83:02*

**MoF- Customs and Excise Division**

*Insufficiency in risk management approaches*

21. The *Customs and Excise Division (CED)* conceded that barring statistical data to confirm their detection rate for contraband items, the **inspection duties** of the Division would be better executed with **improved tools and training**. In spite of these omissions, the *Risk Management Policy* utilised by the Risk Management Unit informed the approaches taken with respect to the selection of containers for inspection. These were part of an ongoing initiative subject to monitoring and evaluation, the full range of which are outlined in **Appendix VII**. A subset of these approaches include:

- Consideration of targeted repeat offenders for breaches and valuations;
- Misclassified codes;
- Companies listed on the high risk selectivity list;
- High risk countries of origin or export; and
- High duty commodities.

## FINDINGS

### 22. Based on the foregoing evidence, the Committee has made the following findings:

- i. The primary gaps relevant to improving the EODB indicators are outlined in detail in **Table 1** but can be broadly summarised as follows:
  - Lack of stakeholder buy in and support to implement the relevant changes;
  - Inefficient operations or systems (redundancy of operations, limitations in operating systems, systems lacking in accountability and oversight, inappropriate or insufficient use of new technology or alternative approaches);
  - Lack of automated, digitised, digitalised (interoperable) systems; and
  - Need for harmonised or enabling legislation to support reform efforts.
- ii. The analysis of the *MPADT* does not sufficiently recognise and address the lack of digital literacy<sup>5</sup> in Trinidad and Tobago. The attempt to promote the ubiquitous adoption of digital technologies is laudable but the pathways to achieving a digitally literate population are not well-defined. Given that the latter informs the extent to which the Ministry's agenda will be appropriately and effectively achieved, a more strategic approach must be outlined by the Ministry to bring targets and goals into alignment. It was unclear whether the required strategic direction would be guided by the National ICT Plan ICT Blueprint 2018 – 2022;

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<sup>5</sup> More than the mere ability to use software or operate a digital device; it includes a large variety of complete cognitive, sociological, and emotional skills which users need in order to function effectively in digital environments (Eshet cited in Bolden, 2019). Bolden, F. (2019). "Technology in the classroom: what is digital literacy." Teachhub.com. Accessed: March 15, 2021. Available: <https://www.teachhub.com/technology-in-the-classroom/2019/10/technology-in-the-classroom-what-is-digital-literacy/>

- iii. The MTI identified lack of stakeholder buy-in as being a major impediment to achieving EODB reform. However, the MTI's long term strategy to sustain the continued collaboration of both public and private sector entities, relevant to the EODB, have not been expressly defined;
- iv. The failure to attain interoperability between border agencies through the creation of a Port Community System continues to stymie the efficiency of entities (MTI, CED, PATT) engaged in cross border trade operations which augurs negatively for the GoRTT's renewed thrust to diversify trade;
- v. The absence of high level decision making driven by the primary MDAs involved in the EODB reform process influences the commitment to and prioritisation of reform efforts within individual agencies;
- vi. The lack of full proclamation of the Electronic Transactions Act, Chapter 22:05 has had a ripple effect on the streamlining of operations of several Ministries inclusive of the Ministry of Planning and Development, Ministry of Trade and Ministry of Finance- Inland Revenue and Customs and Excise Divisions;
- vii. Irrespective of the Ministry of Finance's endeavours to improve E-filing and E-payment of taxes, in the absence of a unified revenue administration for tax collection, the potential for tax evasion and leakage remains a necessary concern;
- viii. The retroactive approach to the implementation of legislation to treat with international insolvencies may have had a negative impact on foreign direct investment in Trinidad and Tobago;

- ix. The Committee noted that the current means utilised by the MoF in the collection of arrears, the issuance of garnishee orders as well as first and final demand notices, were not achieving the desired ends with respect to the payment of taxes; and
- x. The risk based approaches currently utilised by the CED appears arbitrary and lacks a credible and valid base from which the choice of specific risk management approaches is justified.

## RECOMMENDATIONS

23. Based on the foregoing, the Committee submits the following recommendations:

**A. The Committee advises that the MPADT more intensely drive the digital transformation of critical business processes which are essential for boosting the e-government and e-commerce capacity of relevant MDAs. It is anticipated that this transformational process may involve the following<sup>xxvi</sup>:**

- i. Development of a standardised and measurable definition of digital literacy;
- ii. Disaggregation of digital literacy skill indicators into a composite index;
- iii. Alignment of demand and supply of digital skills.

Ultimately the aim of this Ministry must be to aggressively attain the objective of enhancing *“How government does business, utilizing available technologies to maximise efficiency and accountability.”*<sup>6</sup>

**B. Complementary to the creation of an Inter-Ministerial Committee (See Objective 1 recommendation C) for the prioritisation of EODB reforms, the Committee suggests that there must be a renewed thrust toward stakeholder management (to**

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<sup>6</sup> Ministry of Public Administration and Digital Transformation. 'MPADT's Role- National ICT and E-Government.' National ICT and E-Government. Accessed: June 14, 2021. Available: <https://mpadt.gov.tt/National%20ICT>

bring into alignment the prioritisation of EODB reforms) and engagement (to rectify underlying stakeholder concerns). The MTI must report to the Parliament efforts to effect stakeholder management and engagement.

- C. The Committee recommends that an Inter-Ministerial Committee comprising the five substantive Ministries in addition to the Port Authority of Trinidad and Tobago identified in Table 1, responsible for the various indicators under the EODB, be created with a view to enforce oversight of implementation agencies and drive service level agreement timeframes. In order to build and sustain momentum for EODB reforms via a public/private partnership the following strategies should be incorporated<sup>xxvii</sup>:
- i. Stakeholder identification and analysis exercise with a view to pinpointing the core agencies relevant to each EODB indicator;
  - ii. The creation of agreed upon strategies for information disclosure, stakeholder reporting and feedback mechanisms for the incorporation of stakeholder input;
  - iii. The creation of dedicated agency/implementation units to support the monitoring and evaluation of key projects;
  - iv. The adoption of negotiation and partnership building techniques supported by grievance management techniques; and
  - v. The sustenance of stakeholder support through their inclusion in project monitoring.
- E. The Response of the Ministries concerned must provide the Parliament with a status update on the execution of the following plans and projects:
- i. implementation of the Port Community System; and
  - ii. implementation of the Electronic Transactions Act, Chapter 22:05

- U. The response of the MoF must provide a status update on the following:
- i the implementation of online payment systems at the IRD and CED respectively,
  - ii the redrafting and resubmission of the Trinidad and Tobago Revenue Authority to Parliament for consideration and debate; and
  - iii the proposed amendments to Bankruptcy and Insolvency Act, Chapter 9:70;
- F. The Committee endorses that the CED consider the integration of the tools and techniques identified by the World Customs Organisation for the realisation of a systematic application of risk management approaches. This would encompass a selective approach to physical inspections with a view to attenuating backlogs and opportunities for informal payments<sup>xxviii</sup> based on a process flow of establishing context and identifying, analysing, assessing and prioritising and addressing risks.

## **OBJECTIVE 2: TO ASSESS THE EFFECTIVENESS OF PROPOSED REFORMS AIMED AT IMPROVING THE EODB**

### **Ministry of Public Administration and Digital Transformation**

#### ***Business Process Reengineering (BPR)***

24. The MPADT is tasked with ensuring efficiency and reliability of access to systems, processes and procedures in the delivery of Government services of which the National ICT Co. Ltd. (iGovTT) is the implementation arm. The Ministry undertook a consultative role in assisting *Ministries, Departments and Agencies* (MDAs) to identify and respond to bottlenecks in order to achieve responsive, effective and accountable service delivery. Further input by the MPD noted that this may entail a revision of process flows by individual agencies.

### *Service Delivery Policy Framework*

25. In line with this initiative, the MPADT prepared a **service delivery assessment and improvement programme, operational guidelines** and **single sign on portal**. Some of the inter-related activities conducted in conjunction with this agenda included:

- *Service Mapping Initiative to provide an online repository of information about the services offered by MDAs;*
- *Digital Governance Framework to examine the general state of ICT and related public expenditure; and*
- *Digital Transformation Agenda to examine the state of digital literacy in the public service and pursue efforts to develop these capacities.*

### *Service Improvement Plans and Service Charters*

26. The MPADT also committed to working alongside MDAs to **provide solutions to challenges arising**, the nature of which would be dependent on the resources and partnerships required. Issues related to the structure of staffing would be referred to the *Public Managing Consulting Division (PMCD)*, technological concerns to the *iGovTT*, and staff re-training and skills building to the *Public Service Academy*, as examples. Interventions that require funding would be the responsibility of the executing Ministry.

### *Public Sector Performance Management System (PSPMS)*

27. Launched in December 2020, the mandate of this project was likewise concerned with ensuring consistency in the quality of goods and services provided by MDAs. The *PSPMS* is a governance model led by a Steering Committee with stakeholder representation from the GoRTT, academia, NGO, business and citizen groups. The intent is to emphasise **a culture of accountability and responsibility** for performance and service delivery through periodic performance and report monitoring measures.

### *MPADT flagship digital transformation projects*

28. A pilot **Government to Business (G2B) service project**<sup>7</sup> will be realised by June 2021 with the Ministries of Finance and Office of the Attorney General relative to the

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<sup>7</sup> The objective of G2B is to reduce burdens on business, provide one-stop access to information and enable digital communication using the language of e-business  
<https://www.igi-global.com/dictionary/government-to-business-g2b/12391>

EODB indicators; starting a business, trading across borders and registering property respectively. The gradual inclusion of other ministries involved in the EODB with specific focus on those areas that scored poorly, would be included. An e-appointment system is already utilised both by the Registrar General's Department (RGD) as well as the Ministry of Works and Transport.

#### Interoperability within the Public Service

29. With a view to eliminating 'silo-ism' through interoperable systems (data sharing between public service agencies) the MPADT prepared and sought Cabinet approval for a **digitilisation** agenda, that is the use of technology to innovate service delivery and derive increased benefits at a lower cost<sup>8</sup> with the aim of streamlining the provision of public services.

#### E-identity

30. The MPADT also highlighted the development of an **e-identification system** as being one of the core drivers of the digital governance framework. This initiative was mentioned in the Government's post COVID-19 reform agenda with the aim of creating an e-identity for all citizens and legal residents to access and process all government services<sup>xxix</sup>. E-identity would enable what the MPADT termed the 'tell me once' principle which removes the burden of citizens having to supply the same information multiple times to access government services due to enhanced data sharing<sup>xxx</sup>; hence the increased focus to achieve interoperability.

#### Ministry of Trade and Industry

##### *Enhancements to the Single Electronic Window (SEW)*

31. The MTI indicated that the majority of their improvement projects were realised through various enhancements to the SEW with the help of an Inter-American Development Bank (IADB) funded USD 25 million loan. The projected twenty-four

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<sup>8</sup> Pricewaterhouse Coopers. Digitalisation. Accessed: January 28, 2021. Available: <https://www.pwc.nl/en/industries/public-sector/themes/digitalisation.html>



(24) month timeframe and associated costs for completion is outlined in **Appendix VIII** whilst the major deliverables achieved for the period May 2019 to present are relevant to reductions in processing and consumer transaction time related to the following procedures:

- *Automatic approvals for approximately 40% of Trade Licence Unit goods;*
- *Online payments of inspection fees for TTBS goods clearance;*
- *Electronic delivery of permits and licences from plant quarantine service, trade licence unit, food and drugs inspectorate and pesticides and toxic chemicals inspectorate;*
- *Amendments to the Plant Protection Act, Chapter 63:56 which removed the permit requirement for certain plant products; and*
- *Increased adoption of a mobile inspections app by plant inspectors to record details of physical examinations.*

*MTI Target indicators for EODB reforms*

32. The consultancies effected under this project as well as targets for success are provided in **Appendix IX**. The specifics relevant to each of these target areas for EODB improvements are outlined in Table 3.

*Table 3: MTI target indicators and associated costs for EODB reforms*

<b>Initiative</b>	<b>Impact on EODB</b>	<b>Status</b>	<b>Economic Value</b>
<b>Implementation of a Port Community System (Ports of Point Lisas and Port of Spain)</b>	<ul style="list-style-type: none"> <li>▪ Interconnectivity among the IT systems of border agencies (SEW, ASYCUDA, NAVIS) - improve efficiency for the clearance of cargo;</li> </ul>	<ul style="list-style-type: none"> <li>▪ The MTI was in the process of procuring a vendor to develop and implement the system.</li> </ul>	TT 1,975,353.00
<b>Automated Construction Permitting System</b>	<ul style="list-style-type: none"> <li>▪ One platform to host and automate all regulatory agencies involved in the construction permitting process;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pilot stage</li> </ul>	TT 4, 494,834.00
<b>Electronic Funds Transfer Framework</b>	<ul style="list-style-type: none"> <li>▪ Improved efficiency and access in the system of electronic payments via development of an electronic Funds Transfer Policy and Ministerial Instructions;</li> </ul>		TT 220,429.00*  *Paid in full fiscals 2017/2018 and 19
<b>Modernising the Legal Framework for Electronic Transactions as well as amending the Data Protection Legislation in Trinidad and Tobago</b>	<ul style="list-style-type: none"> <li>▪ Amend the legal framework will allow for seamless business conduct in the areas of tax payments, issuance of permits and licenses, clearance of goods,</li> </ul>		TT 309,000.00

	starting a business and construction permits;		
<b>TTBizLink Application Enhancement Project</b>	<ul style="list-style-type: none"> <li>Automate procedures directed towards trading across borders and starting a business in both the public and private sectors;</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of the project commenced in October 2020;</li> </ul>	TT 4,938,213.00
<b>Legal Framework for Secured Transactions</b>	<ul style="list-style-type: none"> <li>Improved access to credit for small and medium sized businesses via the use of movable property as collateral;</li> </ul>		TT 408,180.00*  *Paid in full fiscal 2019/20
<b>Implementation of a Trade and Business Information Portal</b>	<ul style="list-style-type: none"> <li>Single platform to integrate and disseminate information to all stakeholders involved in trade and business related activities with respect to trading across borders;</li> </ul>		TT 1,291,082.00
<b>Business Process Reengineering for agencies involved in trade and business</b>	<ul style="list-style-type: none"> <li>Enhancements to the SEW for simplified, modernized and harmonized regulatory processes for import, export, transit and business facilitation.</li> </ul>	<ul style="list-style-type: none"> <li>A master plan was presented to Cabinet and an international firm was hired to undertake the process.</li> </ul>	USD 734,794.00

*Transparency and accountability in decision making*

33. The MTI assured that principles of **transparency, sound procurement procedures and documented approvals** reinforced by **strong political will and stakeholder engagement** were key to ensuring the successful delivery and outcomes of EODB improvement projects, the details relevant to the Ministry’s stakeholder consultations are highlighted in **Appendix X** whilst an example of the Ministry’s collaborative approach is highlighted in Textbox 4.

*Textbox 4: MTI Stakeholder outreach: the secured transactions regime.*

*“The MTI held a series of comprehensive workshops with stakeholders to the credit infrastructural ecosystem to communicate and educate...the benefits of the secured transactions legislation.” These included: lenders and regulators, borrowers inclusive of micro, small and medium enterprises and members of the legal profession.*

*MTI Submission, page 1, March 08, 2021*

34. Other characteristics that would ensure success included **the establishment of steering committees, adequate financial and technical support, guidance of professional expertise** in project development and the adoption of various **change management initiatives**. One example of the approach taken with respect to the implementation of these initiatives resides in the development of FilmTT's *Film Permit* and *Film Friendly Network*. The Film Permit system is expected, primarily, to gather data on the contribution of the film sector to the Trinidad and Tobago economy. A proposal will be submitted to Cabinet in April 2021, further details of the initiative are outlined in **Appendix XI**.

*Enhancements to TTBizLink*

35. **Enhancements to the TTBizLink** framework is targeted to **reduce** the time taken to **complete documentary processing and border clearance**. Further benefits will improve customer interface and transaction time via automated decision making, reduced queries and electronic delivery of approvals, as examples. The KPIs associated with this project are outlined in **Appendix XII**.

*Launch of the Secured Transactions Regime*

36. **Legislation to initiate a change in lending behaviour through the implementation of a system for secured transactions** related to improving transparency in access to credit facilities **was drafted** by an international consultant in conjunction with the CPC following a model proposed by the *United Nations Conference on Trade and Law* (UNCITRAL). The CPC was expected to complete the draft legislation within a six-twelve month (6-12) timeframe. Stakeholder outreach was scheduled for a three (3) month period following to raise awareness among the target groups of the key benefits.

## Ministry of the Attorney General and Legal Affairs

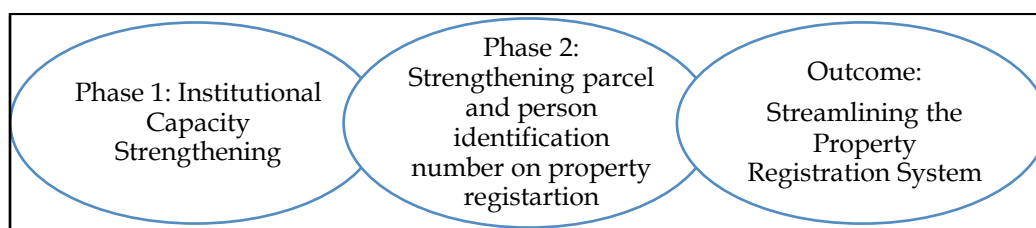
### Strengthening Information Management

37. The MoAGLA undertook a loan agreement with the IADB to strengthen information management at the RGD. One of the achievements of this information strengthening drive was the implementation of an **online application and payment service** at the *Civil<sup>9</sup> and Company Registries<sup>10</sup>* as well as the *Intellectual Property Office<sup>11</sup>*. It was also noted that the digital application thrust had also extended to the *Solicitor General's Department*, which commenced, as a consequence of COVID-19, the facilitation of emailed applications for liquor licences.

### Business Property Registration System

38. The goal of streamlining the **digitisation and digitalisation of the property registration** system labelled the *Business Property Registration System (BPRS)* sought to overcome the challenges related to public access to conduct land title searches, a service that was further encumbered by the simultaneous need to observe COVID-19 distancing measures. The solution involved a two-pronged approach with the registration aspect scheduled to be streamlined by February 2021, a visualization of the stages is outlined in Figure 2.

Figure 2: Implementation of the Business Property Registration System



<sup>9</sup> Includes birth, marriage, death and adoption certificates

<sup>10</sup> Companies online search facility, registration of a business or non-profit organization, incorporation of a company, registration of beneficial ownership information as well as transactions at the land registry (property information management services, e-filing of land registry documents, RPA journal searches inter alia.

<sup>11</sup> Trademarks and patent filings.

### Phased implementation of the BPRS

39. Instrumental to implementation of the BPRS was the digitisation of the National Land Registry Records in conjunction with the UWI which occurred in 2017. The following year, the actual implementation of the BPRS was undertaken via a three-phased project which covered design, implementation, testing and acceptance (*Phase A*), warranty and liability issues (*Phase B*) and addressing maintenance and service matters (*Phase C*). A consultancy to assess the feasibility of strengthening the existing parcel identification numbering protocol to include U-PIN in all property registration documents was also considered for implementation. The full timeline for execution is available in **Appendix XIII**.

### *Modernisation of the Companies' Registry*

40. A separate project to develop, configure and install a new information technology system for the *Companies Registry Department* to ensure data accuracy in relation to company filings and audits was also undertaken in partnership with Axiell ALM Canada in 2019.

### *Ministry of Planning and Development*

#### *Improvement of Service Delivery Infrastructure at the Town and Country Planning Division (TCPD)*

41. This project which commenced in 2017 seeks to improve the operational aspects of service inclusive of the mechanisms to facilitate **the automation and digitisation of projects**. With an expected end date of September 2021, the project aims to meet the following targets:

- *Refurbishment and upgrade of all regional offices;*
- *Improvement of service delivery through knowledge transfer relevant to training and tools of the trade;*
- *Improvement of service delivery to clients through policy reform and revision of standard operating procedures; and*
- *Improving public education in urban and regional planning.*

### *Automation of the Construction Permit Process- DevelopTT*

42. The *Automated Construction Permitting System* branded **DevelopTT** is earmarked to improve the EODB by **reducing application transaction time** through an IADB funded loan. The full list of processes and costs of obtaining a construction permit, subdivided into the fees charged by the various agencies involved is outlined in **Appendix XIV**. The target indicators were set by the *MPD* whilst *CrimsonLogic*<sup>12</sup> provided the online product inclusive of three (3) years of maintenance support<sup>13</sup>.

### Gains in reducing timelines

43. The *MPD* highlighted that *Outline Planning Permission* applications were now processed twenty (20) days earlier down from sixty (60) days whilst planning permissions were now processed in fifty-five (55) days, a reduction from one hundred and fifty (150) days. The target dates for the full application of the construction permit process through the *TCPD* is at the end of fiscal 2021 for the South Regional Office and fiscal 2022 for the East Regional as well as Tobago Offices. The *MTI* also contributed some estimates on the projected benefits of *DevelopTT* noting that implementation of the system is expected to reduce the time to obtain a construction permit thirty-three percent (33%) for a total of one hundred and seventy (170) days.

### Full timeline for implementation

44. The *TCPD* functions as the '*clearing house*' in receipt of all applications which are cleared for planning permission in advance of being forwarded to the relevant stakeholder for follow up action. The **total number of applications for planning permission received by the *TCPD*'s regional offices** for the period **2018-2020** was **20, 428**<sup>14</sup>, an itemisation of which is available in **Appendix XV**. Currently six (6) municipal corporations were either partially or wholly capable of facilitating online

<sup>12</sup> A company based in Singapore with two branches in the Caribbean

<sup>13</sup> *Crimson Logic Panama Inc.* and *Crimson Logic (Trinidad and Tobago) Ltd.* was awarded the contract on 24<sup>th</sup> July 2020 at a cost of USD 6,413,400.00

<sup>14</sup> Includes outline and planning permission applications.

applications as they would be required to process simple development applications and refer such complex applications to the National Planning Authority as is contemplated in the Miscellaneous Provisions (Local Government Reform) Bill, 2020<sup>15</sup>. The MPD advised that the full benefits of the programme should materialise within one (1) year from the date of national roll out with municipal corporations then empowered to undertake simple developments.

#### *Set Key Performance Indicators*

45. The MPD maintained that central to ensuring the successful delivery of these projects was the use of a multi-pronged approach that **encompassed set key performance indicators** (KPIs-see **Appendix XVI**) as well as the following foundation principles to guide implementation:

- *Development of an actionable implementation plan for the successful execution of key projects to improve service delivery in partnership with the National Transformation Unit (MPD);*
- *Use of workshops, surveys and focus groups as well as change management initiatives;*
- *Categorisation of projects as priority; and*
- *Stakeholder meetings, consultations as well as initiatives to raise staff awareness.*

#### *Decentralised planning administration*

46. Upon full proclamation of the *Planning and Facilitation of Development Act, 2014* there is scheduled to be a devolution of power from the TCPD to related stakeholders. A Committee chaired by the Minister of Planning currently oversees this transfer of authority. These developments would improve the efficiency of processing applications to which a minimum hardware allocation was provided by the MPD to pilot agencies to purchase technology to interact with the DevelopTT platform<sup>16</sup>. This transfer of authority would encompass:

- *Municipal Corporations and the Tobago House of Assembly- Empowered to process simple developments;*
- *National Planning Authority (NPA)- Grant expedited development approvals through the expertise of listed/registered professionals for complex development applications;*
- *Development Control Committee- Improved decision making through the review of complex applications and offer of final approvals or binding advice;*

<sup>15</sup> Port of Spain, Diego Martin, part of San Juan/Laventille, Tunapuna, Chaguanas and Couva Corporations

<sup>16</sup> The Ministry of Rural Development and Local Government will disburse funds to the Municipal Corporations.



- *Establishment of third party rights and public notification procedures- Ability to respond by persons who may be potentially aggrieved by planning decisions consequential to a notice of application on land to be developed; and*
- *Dedicated module for EMA clearance- Aligned with the Certificate of Environmental Clearance (Designated Activities) Order.*

### ***Implementation of consumer driven feedback***

#### **Enhanced communication**

47. The MPD also advised that monitoring tools would be implemented to track agency performance via **business intelligence reporting** and **performance audits**. Methods to enhance communication between the Ministry and consumers to assist the latter with their applications were also implemented inclusive of:

- *An online Chatbot to facilitate communication between applicants and DevelopTT;*
- *Enhanced guiding documents accessible on the DevelopTT website;*
- *Enhanced application forms with the inclusion of Tooltips following comments received during User Acceptance Testing sessions; and*
- *Improvements to email notification templates sent to applicants.*

#### **Agency Liaisons**

48. The DevelopTT platform is serviced by staff who act as agency liaisons to vendors/stakeholders in a bid to provide advice and assistance in the resolution of issues arising on the approvals end. Liaisons maintain routine contact with stakeholders, through the benefit of a shared ability to view the status of approvals and input of related agencies tied to an application. The MPD also pointed to the existence of their help desk facilities available in person, by phone and email to address clients' issues and concerns.

### ***Implementation of the Automated Workflow Process***

49. Digitisation of the TCPD's records and legacy data, which dates back to its inception in 1969, for incorporation into the automated construction permitting system seeks to shift to digital capture, management and storage of TCPD's paper based legacy data stored in all of its four (4) Regional Offices. The aims of the IADB funded project is to facilitate one hundred 100% repair, scanning and digitising of all damaged files and maps and a searchable database for the housing of textual and graphical legacy



data by all members of staff. Several processes to improve upon these changes were ongoing including:

- *The upgrade of regional office bandwidth and internet connectivity,*
- *Procurement of cloud based digital storage solutions,*
- *Implementation of an Enterprise GIS system,*
- *Integration with DevelopTT and*
- *Continuous staff engagement and training.*

50. A status update on the progress of these digitisation efforts were provided by the MPD on April 07, 2021 as follows:

- i Phase 1- North and South Regional Offices- Digitisation was completed and was undergoing quality control and verification;
- ii Phase 2-
  - East Regional Office- To be completed by December 2021
  - Tobago Regional Office- June 2022.

### *Ministry of Finance*

51. The *Ministry of Finance* implemented two (2) projects designed to improve the efficiency and effectiveness of tax payments namely **the Integrated Financial Management System** and **E-payment** for electronic receipts.

### *Streamlining of Bankruptcy and Insolvency laws*

#### *The Office of the Supervisor of Insolvency (OSI)*

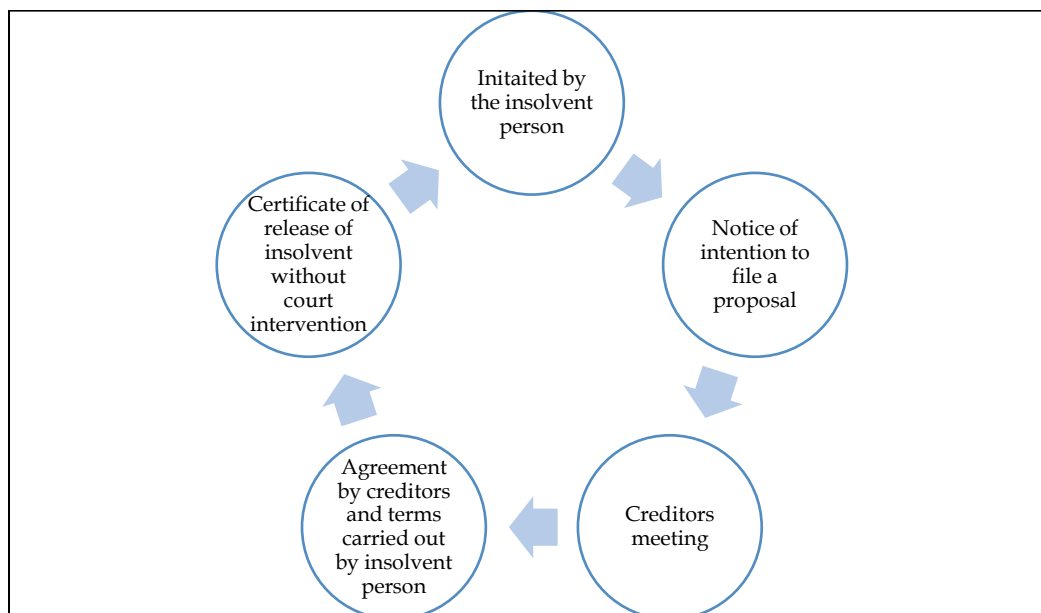
52. The adoption of the Bankruptcy and Insolvency Act, Chapter 9:70 has not only improved credit access to insolvent businesses but has led to the establishment of a public office responsible for the **general administration of insolvency proceedings** and a court supervised debtor driven process. The OSI is tasked to review all relevant applications for bankruptcy and insolvency as well as trustee licensing.

#### *Opportunities to retain solvency*

53. Companies that are deemed bankrupt can also file a proposal for recovery which would be facilitated by a licensed and independent trustee, subject to the agreement of both creditor and debtor to re-organise their credit arrangements. **Debtors are allowed to continue operations with their assets** and are protected from bankruptcy

claims being enforced while creditors are given the opportunity to vote on the facilitators of the project as well as recover their receivables. It is noteworthy to mention that trustees are subject to oversight by the OSI. The insolvency process is highlighted in Figure 3.

*Figure 3: The Court driven insolvency process*



*Protection for minority shareholders*

54. **Minority shareholders are provided with legal protection** through various policies and legislation such as the Securities Act, Chapter 83:02, the Draft Securities (Prospectus) By-Laws and the Companies Act, Chapter 81:02. These measures were designed to achieve greater transparency and security in publicly listed companies the details of which are highlighted in Table 4.

Table 4: Legislative and policy protections for minority investors

Provisions	Securities Act, Chapter 83:02	Companies Act, Chapter 81:02	Draft Securities (Prospectus) By-Laws	Trinidad and Tobago Stock Exchange Rules
<b>Provisions for disclosures</b>	<ul style="list-style-type: none"> <li>Continuous disclosure regime under Part V (filing of annual reports, material changes, reporting by connected persons);</li> <li>Section 61 provides for a beneficial ownership declaration in terms of shareholders in excess of ten (10%) percent of voting securities, the majority shareholding corporate structure of listed companies;</li> <li>Section 63 provides for all reporting issuers to make accessible their financials.</li> </ul>	<ul style="list-style-type: none"> <li>Section 126 provides for the public listing of a company's shareholders;</li> </ul>	<ul style="list-style-type: none"> <li>The Draft Securities (Prospectus) By-Laws provides for prospectus disclosures;</li> <li>Chapter 18 establishes the documents that must be made available for inspection in new offerings;</li> </ul>	<ul style="list-style-type: none"> <li>Rule 600 (1) (3) provides for shareholdings of directors and senior personnel as well as shareholders of the ten largest blocks of shares;</li> </ul>
<b>Provisions for Material Changes</b>	<ul style="list-style-type: none"> <li>Section 64 (1) material changes must be reported within three (3) days inclusive of 'take over by-laws';</li> </ul>	-	-	<ul style="list-style-type: none"> <li>Disclosures related to material changes (corporate and capital structure, sales of securities etc.) must be reported in five (5) days;</li> </ul>
<b>Provisions for take overs</b>	<ul style="list-style-type: none"> <li>Sections 209-211 provides protection and recourse for dissenting minority shareholders;</li> <li>Section 222 provides protection in an amalgamation.</li> </ul>	-	-	

**BPR at the Board of Inland Revenue (BIR)**

55. Processes for change were also underway at the BIR with a view to **achieving full uptake of e-filing and e-payment for taxes by 2022**. Two major achievements in this regard were ACH and safeTT options to be made available for payments over TTD 100,000 and initiation of a design process for receipt of credit card payments upon rollout of online banking. Central to these initiatives was the reconciliation of the tax payers' register targeted to obtain a greater degree of accuracy using a third party database as a proxy. A summary of these adjustments are indicated in Table 5.

Table 5: IRD reform measures for the payment of taxes

<p><b>Budget refunds/VAT refunds</b></p> <ul style="list-style-type: none"> <li>▪ Developed procedures to implement refund payments;</li> <li>▪ Developed an automated risk assessment process for screening of VAT refunds;</li> <li>▪ Developed system enhancements to allow calculation and payment of interest on delayed refunds;</li> <li>▪ Agreed to a funding mechanism to address current claims.</li> </ul>	<p><b>The Tax Payers Register</b></p> <ul style="list-style-type: none"> <li>▪ Re-launched the cleanse of the tax payers register;</li> <li>▪ Cleansed registration details of large taxpayers and top two hundred (200) medium taxpayers; and</li> <li>▪ Institutionalised an account management function that routinely reviews taxpayer account ledgers.</li> </ul>
<p><b>Audit</b></p> <ul style="list-style-type: none"> <li>▪ Trained audit managers in effective management of audit processes;</li> <li>▪ Developed an audit programme in line with international best practice;</li> <li>▪ Developed a programme for analysing and reporting results.</li> </ul>	<p><b>Enforcement Measures</b></p> <ul style="list-style-type: none"> <li>▪ Designed an end to end filing enforcement programme that focuses on earlier pursuit of late and stop filers; and</li> <li>▪ Designed end to end collection enforcement procedures that focus on earlier collection of arrears.</li> </ul>
<p><b>Improving the Process of Paying Taxes</b></p> <ul style="list-style-type: none"> <li>▪ Established baselines for filing, payment and accurate reporting;</li> <li>▪ Implemented a roadmap to achieve full uptake of e-filing and e-payments by 2022;</li> <li>▪ Reviewed all tax laws to remove the requirement for issuing notices of self-assessment to acknowledge receipt of returns;</li> <li>▪ Redesigned filing procedures to support a self-assessment approach;</li> <li>▪ Implemented an online payment facility;</li> <li>▪ Awareness raising initiatives- monthly notices circulated on IRD's website and MoF's social media platforms, reminders sent to stakeholder groups and additional measures to come on stream by June 2021.</li> </ul>	<p><b>Improving Compliance and Risk Management</b></p> <ul style="list-style-type: none"> <li>▪ Submitted a request to the Ministry of Public Administration for the enhancement required in TTconnect to facilitate registration by non-natural and non-resident persons;</li> <li>▪ Implemented new end to end registration procedures;</li> <li>▪ Established baselines for filing, payment and accurate reporting;</li> <li>▪ Developed a first generation compliance improvement plan focusing on registration, filing, payment and accurate reporting;</li> <li>▪ Developed a mechanism to monitor the implementation and evaluation of the compliance improvement plan;</li> <li>▪ Developed a Risk, Management Policy and Framework.</li> </ul>

## Port Authority of Trinidad and Tobago

### Online payment/E-payment

56. The *Port Authority of Trinidad and Tobago* (PATT) highlighted that the facilitation of **online payments was already instituted for customer payments** and the purchase of ferry tickets. Efforts to provide online payment access for container cargo fees was scheduled for completion within the third quarter of 2021. Furthermore, the *PATT* indicated the intention of the agency to finalise the implementation of automated software the '*Purchase to Pay*<sup>17</sup>' model which would allow for the electronic submission of invoices by April, 2021.

<sup>17</sup> The software provided by SAGE would allow for automated processing of requests, purchase orders and goods received notes by PATT's vendors.

*Automation of software systems*

57. The **NAVIS SPARCS N4 system** utilised by the *PATT* to conduct operations was praised for its security and worldwide renown. Though the system was subject to minor technological discrepancies, disruptions were rare with reversions to the manual system effected only for lengthy delays. Twice in 2019 did the system malfunction, once in March with down time of fifty (50) minutes and subsequently in September with down time of thirty-five (35) minutes.

*Flexible hours of operation*

58. To mitigate the potential impact of COVID-19, the *PATT* introduced **changes to the working hours** including staggered hours, rotations, and working remotely. The *PATT* also noted that vessel operations at the Port are 24/7, whilst Gate operations were accessible from 6:00 a.m. to 11:00 p.m. during the week and based on requests on weekends and public holidays.

59. A **summary of the measures** to initiate EODB reform undertaken by the relevant stakeholders are outlined in Table 6.

*Table 6: EODB reform initiatives undertaken by Ministry*

MPADT	MTI	MoAGLA	MPD	MoF	PATT
<ul style="list-style-type: none"> <li>▪ Business Process Reengineering;</li> <li>▪ Service Delivery Policy Framework;</li> <li>▪ Public Sector Performance Monitoring System;</li> <li>▪ Government to Business Service Projects;</li> <li>▪ E-identity.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Enhancements to the SEW;</li> <li>▪ Transparency and accountability in decision making;</li> <li>▪ Stakeholder collaboration;</li> <li>▪ Enhancements to TTBizLink;</li> <li>▪ Launch of the Secured Transactions Regime.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Strengthened information management system;</li> <li>▪ Business Property Registration System;</li> <li>▪ Modernisation of the Companies Registry;</li> </ul>	<ul style="list-style-type: none"> <li>▪ Service Delivery Infrastructure at the TCPD;</li> <li>▪ Automation of the Construction Permitting Process; - Develop IT;</li> <li>▪ Consumer driven feedback/agency liaisons;</li> <li>▪ Implementation of the automated workflow process.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Integrated Financial Management System;</li> <li>▪ E-payment;</li> <li>▪ Office of the Supervisor of Insolvency (court driven insolvency proceedings);</li> <li>▪ Protection for minority shareholders.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Online payment;</li> <li>▪ NAVIS automated systems;</li> <li>▪ Flexible hours of operation.</li> </ul>

## **FINDINGS**

### **60. Based on the forgoing evidence, the Committee has made the following findings:**

#### **Ministry of Public Administration and Digital Transformation**

- i. The Committee considered the possible impact of the COVID-19 pandemic on the fulfilment of the proposed timeline of June 2021 for the realisation of the MPADT's flagship G2B service projects with the Ministries of Finance and Office of the Attorney General and subsequent extension to other Ministries;
- ii. The Committee commends the MTI for its various attempts to ensure that all EODB projects are governed by principles of transparency and accountability but observes that such oversight measures may be thwarted by stakeholder resistance;
- iii. The Committee acknowledges the value of the MTI's diversification and EODB reform efforts through the development of FilmTT's Film Permit system;
- iv. The MoAGLA had successfully implemented a number of reforms to improve customer experience and access to their services in the Civil, Company and Land Registries, however the Committee would have appreciated receiving evidence of the existence of an appropriate measurement system to gauge the overall utility and impact of these changes;
- v. The introduction of DevelopTT presents the MPD with an opportunity to execute a leadership role in coordinating the efforts of relevant state actors with a view to ensuring that this new digitalised construction permitting system operates in an efficient and effective manner.

- vi. Notwithstanding the various reform efforts being piloted by various Ministries the lack of public sensitisation on the progress being made, limits the potential for reform efforts to take tangential effect.

## **RECOMMENDATIONS**

61. The Committee recommends that:

- A. The response of the MPADT must provide the Parliament with a status update on the completion of the following:**
- i. The G2B service projects with the Ministries of Finance and Attorney General; and**
  - ii. Rollout of G2B service projects to other Ministries, Departments and Agencies.**
- B. The Committee sees merit in the adoption of metrics and other target indicators by respective Ministries not only to measure agency performance but also the impact and effectiveness of EODB reforms. These would be specific to the various Government to Business initiatives currently being operationalised (MoAGLA, MTI and MoWT) and may include but not be limited to the following:**
- i. Average resolution time<sup>xxxii</sup>- to track the average time it takes to solve customer issues; and**
  - ii. Customer satisfaction surveys<sup>xxxii</sup>- to solicit customer feedback either in person or via online platforms.**
- C. Given that privacy concerns may be one of the potential issues that citizens have with respect to the furtherance of an E-identity system, the MPADT may consider the incorporation of the following measures as a corollary to the E-identity initiative to engender greater support<sup>xxxiii</sup>:**

- i. Users should maintain control over the information that is shared when they access services;**
  - ii. Control measures should be instituted to separate the sectors/domains of activity in which the user is active;**
  - iii. The MPADT may consider a stewardship model to guide the use of consumers' digital information.**
  
- D. The Committee is cognisant that change management must involve proactive decision making and leadership in order to produce effective results and therefore endorses an inclusive approach being adopted by the MTI's Steering Committee to build trust, awareness and support among its key stakeholders<sup>18</sup>.**
  
- E. The response of the MoAGLA must provide the Parliament with a status update on the following deliverables:**
  - i. The draft of the legislation for the implementation of a Secured Transactions Regime; and**
  - ii. The implementation of the Business Property Registration System at the Registrar General's Department.**
  
- F. The response of the MPD must provide the Parliament with a status update on the following:**
  - i. The number of Municipal Corporations that can process online applications; and**

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<sup>18</sup> Rittenhouse, J. (2015). 'Improving stakeholder management using change management tools.' Paper presented at PMI Global Congress of 2015. North America, Orlando Florida, Netown Square, PA: Project Management Institute. Accessed: June 15, 2021. Available: <https://www.pmi.org/learning/library/improve-stakeholder-management-9901>



- ii. The number of Municipal Corporations capable of processing applications for simple development as outlined in the Miscellaneous Provisions (Local Government Reform) Bill, 2020.

G. The Committee advises that the MPD create a strategic plan that would characterise the partnership between themselves and the fourteen (14) Municipal Corporations to seek coordinated solutions, leverage expertise and enhance communication across agencies<sup>xxxiv</sup>. These enhanced ties will have positive repercussions both on the automation of the workflow and construction permitting processes. This recommendation must be pursued in connection with the now elusive yet anticipated reforms to the Local Government System.

H. The response of the Port Authority of Trinidad and Tobago must provide to Parliament a status update on the following:

- i. The implementation of the online payment system for container cargo fees; and
- ii. The implementation of the purchase to pay model.

I. The Committee supports the implementation of a comprehensive public education campaign that builds awareness of the various EODB reform initiatives being piloted in various Ministries, Departments and Agencies.

## OBJECTIVE 3: TO IDENTIFY THE CHALLENGES WHICH STATE AGENCIES MAY ENCOUNTER IN IMPLEMENTING REFORM MEASURES

### Ministry of Public Administration and Digital Transformation

#### *Challenges to implement BPR*

62. Closely aligned to the barriers for change implementation were technological concerns relevant to **issues of cyber-security** and the limited adoption and **implementation by partner agencies**. Closely intertwined were the **lack of staff training** and **hesitancy of stakeholders** to support the requisite changes. The implications of which were manifest in the varying levels of priority that different MDAs placed on effecting change processes within their internal operations and which as a consequence, would impact on the timeline to achieve EODB reform. Some of the challenges with implementing the BPR reforms are outlined in Textbox 5.

*Textbox 5: Challenges with implementing BPR reforms and change management- overtime fees*

*To outline some of the challenges that may be encountered in implementing BPR reforms the issue of overtime payments at the CED can be used as an example. Due to the high volume of shipments/cargo that is selected for inspection, some are examined at the Container Examination Station (CES) whilst others are inspected at importers' premises or other types of post clearance audits. These practices fail to utilise proper risk management techniques and incur the payment of overtime fees to personnel.*

*MTI Submission, January 11, 2021.*

#### *Challenges to achieve Interoperability*

##### Need for enhanced Data Protection

63. The MPADT also recognised that one of the imperatives arising out of the digitalisation of government services was the need for enhanced data protection. These requirements were necessary according to legislation, for the maintenance of physical copies of all records for specified time periods. The Ministry also expressed a **need** to secure suitable sources of **redundant power supplies**, as well as spaces to act as **data centres** in this regard. Other hindrances were noted in relation to the **absence of a clear accountability framework** for failures as well as the **lack of data**

**publishing and monitoring systems** for service delivery issues. Legislative oversight was also **lacking as amendments to the Data Protection Act, Chapter 22:04**, which would increase public confidence and safety when doing business online, was outstanding.

## Ministry of Trade and Industry

### *Public sector wide lack of prioritisation for reforms*

64. Key comments by the *MTI* noted that the impetus to reform the EODB was a direct consequence of economic necessity and political will and more specifically the **level of priority individual MDAs** ascribed to their reform initiatives. Some countries were found to have been achieving four to five times more than Trinidad and Tobago.

65. Indeed research conducted by the Asian Pacific Economic Community (APEC) and the World Bank found that *“In the majority of cases, it has been documented that the need for regulatory change is seldom initiated by governments but by the most affected by the regulations... such as Non-Governmental Organisations, private sector...<sup>xxxv</sup>”* An example of strong political will in practice is outlined in Textbox 6.

#### *Textbox 6: Country strategies for achieving EODB*

*“In the Bahamas, the process of starting a business including the time to complete all formalities was reduced to 11.5 days. The rights of minority investors were also strengthened by increasing conflict of interest disclosure requirements, clarifying ownership and control as well as corporate transparency. Barbados deployed new software to process electrical connection applications and adopted a law regulating all aspects of mediation as an alternative form of dispute resolution.”*  
*World Bank. ‘Doing business 2020: Caribbean economies continue to reform to improve business climate.’ October 24, 2019. Press Release No: 2020/059/Dec*

## Ministry of the Attorney General and Legal Affairs

### *Challenges with the implementation of Alternative forms of Dispute Resolution*

66. Comments provided by the *Solicitor General* noted that although the department had the ability to identify cases that could be recommended for mediation or alternative forms of dispute resolution, there were two primary hurdles to its more widespread

use. The first was the necessity of agreement between both parties to commit to ADR and the second was the **lack of suitably experienced staff to realise its application.**

### Staff inadequacies

67. Lack of expertise on the establishment in ADR techniques **was attributed to high staff turnover** due to the limited availability of positions, both to absorb the volume of work and to provide opportunities for staff advancement.

## Ministry of Planning and Development

### *DevelopTT- Lack of enabling legislation*

68. The **lack of full proclamation of the Planning and Facilitation of Development Act, 2014** is likely to hinder the development of gains relevant to the EODB indicator of construction permitting as it blocks individual stakeholders from assuming full responsibility for their roles.

### *Funding and capacity constraints*

69. The MPD also advised of **several funding and capacity constraints** relevant to the execution of their reform efforts. Of note were the problems incurred with the process of digitising legacy data and the disproportionate levels of care with which each agency treated with the data (see Objective 2, Recommendation D). These dissimilarities are likely to hinder the process of the automated workflow and these and other challenges are elaborated upon in **Table 7.**

*Table 7: MPD challenges to implementing EODB reform measures*

Project	Issue Area	Details
<i>Improvement of Service Delivery Infrastructure at TCPD</i>	▪ Funding	▪ Insufficient and lack of timely releases of funds for major infrastructural works;
<i>Automation of the Construction Permit Process</i>	▪ Funding	▪ Lack of timely releases of funding have affected the facilitation of support processes such as training workshops, stakeholder updates, meetings and training for Tobago, communication activities and procurement of IT hardware (software licenses and renewals/updates);

	<ul style="list-style-type: none"> <li>▪ Limited vendor resources</li> <li>▪ Limitations in Agency capacity</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limited resources of vendors to treat with test site and production issues;</li> <li>▪ Lack of agency readiness (workflow, human resources, completed training, registered approvers and sufficiency of hardware);</li> <li>▪ Lack of willingness to process online applications;</li> <li>▪ Frequent requests to make changes to modules even after confirmation;</li> </ul>
<i>Implementation of the Automated Workflow Process</i>	<ul style="list-style-type: none"> <li>▪ Limited accessibility of records to be digitised</li> </ul>	<ul style="list-style-type: none"> <li>▪ The reasons include: flooding of vaults and destruction of records (North Regional Office), rat infestation, inaccessibility of Tobago Regional Office for records prior 2006, lack of accessibility of vault in the East Regional Office due to non-functioning elevator;</li> </ul>
	<ul style="list-style-type: none"> <li>▪ Internet connectivity</li> </ul>	<ul style="list-style-type: none"> <li>▪ Challenges related to connectivity and accessibility of Regional Offices to server infrastructure relevant to access ArcGIS.</li> </ul>

*Negative values, attitudes and behaviours*

70. Arising out of research conducted by the *MPD*, **poor work ethic and low productivity** was highlighted as a defining factor in need of reversal with a view to engendering change for the transformation of the EODB. The *MPD* further posited that this incongruence between the high level of socio-economic investment made thus far and the comparatively limited gains in output may in fact have a link to these negative dispositions.

**Ministry of Finance**

*IRD- Lack of enforcement for employee output*

71. Paralleling the findings of the *MPD*, the *MoF* also vocalised their Ministry’s experiences with regulating employee conduct and output. It was also noted that there was a general absence of clear mechanisms to report employees’ unethical behaviour and that such mechanisms were not routinely undertaken due to the length of the process to effect disciplinary action.

72. The *MoF* also drew reference to several concerns relevant to staff shortages which was reflective of the overall human resource constraints within the wider Ministry. This in turn influenced the fulfilment of key projects such as upgrades to ASYCUDA 4.2.2 and integration with the Ports and TTBizLink. Proposals to fill the relevant vacancies had been lodged with the Service Commissions Department since 2020 and are itemised in **Appendix XVII**.

*IRD- Unreliability of taxpayer's data*

73. The *MoF* noted that one of the **main challenges** associated with achieving full uptake of e-filing by 2022 was **obtaining accurate taxpayer information** of individuals and businesses registered as well as those expected to be registered. At a February 19, 2021 public hearing of the JSCFLA, the *MoF* identified human resource capacity constraints as being one of the core reasons why physical business surveillance checks to gauge tax compliance had been curtailed. It was mentioned at that time that *Monitors* previously assigned to such duties were no longer required to perform them. However, a written submission dated April 19, 2021 stated to the contrary, noting that a total of seventy- four (74) *Monitors* were employed within the IRD.

*CED- Deficiencies within interoperable systems*

*Protracted implementation of the Port Community System (PCS)*

74. As previously mentioned, **efforts to connect NAVIS and ASYCUDA** for the electronic receipt of manifests and customs releases was being spearheaded by the *MTI* via a **Port Community System (PCS)**. The *MTI* advised by written submission dated March 04, 2021 that technical proposals for the design, maintenance, implementation and support of the PCS was in the evaluation stage before approval by the Central Tenders Board. A twelve (12) month period was provided for execution following the award of contract.

75. However, a prior submission by the *MoF* provided a variance on that status by a submission dated February 16, 2021 which indicated that a tender had in fact been cancelled with all parties expected to agree to its termination. Presently, *Electronic Document Interchange* (EDI) was the preferred means to transfer shipping manifests as well as inbound and outbound vessel operation documents. A file structure for automatic uploading to the PATT's system, the process flow for reporting and updates as well as the legal framework for information sharing between the PATT and CED were in the process of being agreed upon with an implementation date of September 2021. Updates to PATT's automated systems would also include:

- *An expansion of the NAVIS operating system to enable a single software to process all cargo operations; and*
- *Implementation of integrated Human Resources and Payroll software systems.*

***Pending upgrades to ASYCUDA 4.2.2***

76. Parallel to the **setbacks caused by the lack of interoperability** between the border agencies (ASYCUDA, TTBizLink and NAVIS) were the inherent weaknesses of ASYCUDA 4.2.2, notwithstanding upgrades conducted in January 2021. The lack of dedicated modules to process various aspects of the import/export process resulted in a tenuous back and forth of applying manual overrides to digitised systems. These were related to the lack of field validation of specific codes in TTBizLink and an incapacity to electronically cross-reference and amend the details of licenses.

***Lack of technical expertise***

77. Measures to correct these oversights were pre-empted due to **the lack of technical staff** to deploy the requisite amendments as senior staff associated with the upgrades including one (1) database specialist and two (2) programme specialists had demitted the project. One (1) Programmer and one (1) Database Specialist had since been retained; however, these individuals required training by UNCTAD, which was scheduled for the first quarter of 2021. The modules identified for further inclusion and upgrading include:



- **Conditional duty relief, exemptions, concessions and waivers-** Implementation of a duty-free module to process and verify conditional duty relief exemptions, concessions and waivers;
- **Post clearance audits/case management-** Digitisation of the post-clearance audit process performed before cargo release (also supports calculations, documented corrections of taxes, fines and other audit reports);
- **Single repository for examination of records-** Processing of breaches, offences and infractions by importers will be integrated into the eC82 form rather than a separate document;
- **Reference database-** Introduction of automated verification database of declared values which would serve as a reference;
- **Automated module on processing-** Processing of decisions granted on classification of the origin of goods;
- **Creation of an Exit Note-** Implementation of a Transit Declaration for the movement of consolidated cargo from the Port of Entry to an inland Customs Office and capture of statistical data.

#### **Limitations to conduct non-intrusive inspections**

##### Lack of proper scanning equipment

78. The CED disclosed that **surveillance of goods** was routine but far from optimal due to the insufficiency of the non-intrusive inspection equipment or scanner. The inability to absorb the cost of the TTD 14 million price tag for a replacement and total staff allotment of sixty percent (60%) resulted in an insufficiency of trained personnel, the combination of which posed major challenges to work output.

79. The current Mobile VACIS scanner does not provide useful functionalities for efficient scanning operations (material discrimination and radioactive material detection) nor proper working conditions to achieve decent image interpretation. Failures are numerous requiring the replacement of scanner parts for which the CED held the view that the system should not be used to scan fully loaded containers.

80. The Fixed Energy Gantry type scanner on the other hand seemed to conform with World Customs Organisation guidelines. In order to augment the functioning capacity of the Fixed Gantry scanner, the procurement of a High Energy Drive Through scanner would assist in the throughput of operations at both Ports of Port of Spain and Point Lisas. In the case of the latter, both scanners have been inoperable



since June 2020. Statistical data provided by the Division highlighted that the percentage of import containers scanned for the year 2020 was 4.8%.

COVID-19 protocols and continuity in operations

81. The *CED* maintained its continued endeavours to treat with containerised cargo, inclusive of staff dedicated to emergency imports. Overtime payments were not borne by the State but was facilitated by either the Master of the Vessel or Importer and paid into a Treasury Deposit account for distribution by the Comptroller of Customs.
82. There was an acknowledgement that an **appointment system**, originating with the *PATT* was in place for the **processing of non-commercial cargo**. The *PATT* further clarified that the appointment system in fact arose out of a need to satisfy *CED* directed COVID-19 physical distancing measures, a main source of the backlogs.
83. Customer access was set initially at forty (40), then seventy (70) and finally one hundred (100) customers, to be accommodated daily. However, due to security concerns and a request by Customs to **facilitate one hundred percent inspections**, the number of persons accommodated would be further reduced to forty (40) customers daily.

*CED and IRD- Delays in the implementation of online payments*

84. The *IRD* had in place the Automated Clearing House (ACH) System to facilitate wire transfer payments of TTD one hundred (100) dollars and over. Discussions were held between the MoF, Central bank and Treasury **but approval for the facilitation of an online banking payment system** from the latter was still pending following the submission of a draft Cabinet Note. The *Customs Border Control System* was already configured to receive online payments whilst the *CED* was in discussions with the Treasury Division concerning the way forward.

## Port Authority of Trinidad and Tobago

### *Indeterminacy of a Strategic Plan*

85. The *PATT* in an updated submission dated April 01, 2021 highlighted the travails of the organisation with respect to the creation of a Strategic Plan. Most notably was the unsuitability of the previously outlined 2017-2020 Strategic Plan. This was largely due to fundamental changes in the shipping industry and the *PATT*'s inability to physically accommodate the increases in cargo and shipping containers coupled with a need to conduct a simultaneous review of its capital expenditure and investments. Tenders for a new Strategic Plan were in the evaluation phase with completion scheduled twelve to fourteen (12-14) weeks post contract award.

### *Unsuitable and outdated equipment*

86. Based on the foregoing the *PATT* affirmed that not only was the infrastructure inadequate to accommodate current trends in the shipping industry but also that at least half of the equipment in the possession of the agency was obsolete and in need of replacement. Accordingly, PSIP funding had been assigned to purchase a new 'Ship-to-Shore' (STS) Gantry Crane, to be commissioned in June 2021 alongside tenders for two (2) Empty Containers Handlers and one (1) reach stacker scheduled to be finalised by May 2021. Preliminary tenders were also in the process for four (4) tractor trucks.

## **FINDINGS**

87. **Based on the forgoing evidence, the Committee has made the following findings:**
- i. The MPADT made specific reference to provisions for enhanced data protection through adequate power supplies and storage. However, the more pertinent issue of privacy protection and measures to treat with the inappropriate use and sharing of consumers' personal data appears to have received little attention;

- ii. Individual agencies within the construction permitting process will be stymied from assuming their full responsibilities until there is full proclamation of the Planning and Facilitation of Development Act, 2014. These delays will continue to position the MPD as the principal actor in the construction permitting process and may have an influence on the willingness of stakeholder agencies, namely, Municipal Corporations embrace their new roles;
- iii. The Committee recognised the potential that negative values, attitudes and behaviours within the public service, as identified by the MPD, can have on achieving EODB reform.
- iv. Notwithstanding staffing constraints, the Committee noted that in spite of the technological changes advanced by the Ministry of Finance, the inability to regulate employee misconduct inclusive of criminally liable acts, would hinder overall efforts to improve performance and service delivery;
- v. The Committee noted that the approach taken by the Ministry of Finance to reconcile the taxpayers' database is heavily reliant on secondary as opposed to primary data, which may limit the validity and reliability of information;
- vi. The Committee detected some ambiguity in the information presented to the Committee by Ministry of Finance with respect to the role and function of *Monitors* employed at the IRD to conduct physical inspections of registered businesses;
- vii. The Committee surmised that there was some degree of miscommunication between the border agencies with reference to the alignment of operating systems. These were evident in the differing version of events narrated by the

CED and the PATT respectively, with each entity ascribing responsibility to the other for causes in delayed operations. These inclinations were also noted in the lack of awareness of the PATT relevant to the status of the tender for the Port Community System and is indicative of a schism in the collaborative approach that necessitates this type of inter-agency dependence;

- viii. The Committee observed that human resource constraints appeared to be a general deficiency among the border agencies which has had negative consequences on their productivity;

## **RECOMMENDATIONS**

88. The Committee recommends as follows:

- A. The Committee acknowledges the benefits of interoperability and suggests that in order for such systems to work effectively there must be stringent privacy and security safeguards, which are supported by strong oversight. The Committee thus sees merit in the development of an accompanying privacy policy to be adopted by all interoperable systems that takes into consideration cultural practices, the need to provide transparency in the processes effected by all invested parties as well as cultural views of privacy.**
- B. The Committee endorses the efforts of the Chief State Solicitor and Solicitor General's Department to augment the total number and expertise of staff as well as accompanying remuneration packages in order to improve employees' work flow process and technical expertise to apply the appropriate judicial principles with respect to the resolution of litigious matters involving the State.**
- C. The Committee exhorts its recommendation (see Objective 2, recommendation D) regarding the implementation of sound change management initiatives for the facilitation of stakeholder awareness and support of reform initiatives.**

- D. The response of the Ministry of Finance must provide to the Parliament clarification on the scope of duties of the Monitors employed at the IRD and that due consideration be given to the deployment of 'Monitors' to assist in the reconciliation of the tax payer database through the conduct of physical inspections to check that all persons or establishments in a taxable business are indeed properly registered<sup>xxxvi</sup>.**
- E. In respect of the agencies involved in cross border trade, the Committee underscores Recommendation G under objective 2 which exhorts the need for a strong collaborative partnership between linked agencies. The response of the Ministry of Finance must also provide to Parliament a status update on the following:**
- i. The implementation of the Port Community System;**
  - ii. The UNCTAD training for the technical staff retained to effect the upgrades to ASYCUDA 4.2.2;**
  - iii. The upgrades to ASYCUDA 4.2.2;**
  - iv. The measures to facilitate online payments at the Inland Revenue and Customs and Excise Divisions; and**
  - v. The measures taken to address the human resource constraints at the Customs and Excise as well as Inland Revenue Divisions.**

The Committee respectfully submits the foregoing for the consideration of the Parliament.

Mrs. Hazel Thompson-Ahye  
**Chairman**

Mr. Clarence Rambharat  
**Vice-Chairman**

Ms. Jayanti Lutchmedial  
**Member**

Mr. Keith Scotland, MP  
**Member**

Mr. Dinesh Rambally, MP  
**Member**

Mr. Terrence Deyalsingh, MP  
**Member**

Mr. Hassel Bacchus  
**Member**

Mr. Marvin Gonzales, MP  
**Member**

**June 28, 2021**

# APPENDICES

## APPENDIX I

### Minutes of Proceedings



MINUTES OF THE THIRD MEETING  
JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS,  
12<sup>TH</sup> PARLIAMENT  
HELD ON FRIDAY JANUARY 15, 2021

**The Meeting was held virtually via Zoom**

**PRESENT**

Mrs. Hazel Thompson-Ahye	Chairman
Mr. Clarence Rambharat	Vice-Chairman
Mr. Keith Scotland, MP	Member
Mr. Marvin Gonzales, MP	Member
Mr. Terrence Deyalsingh, MP	Member
Mr. Dinesh Rambally, MP	Member
Mr. Hassel Bacchus	Member
Ms. Jayanti Lutchmedial	Member

**Secretariat**

Mr. Julien Ogilvie	Secretary
Mr. Brian Lucio	Assistant Secretary
Ms. Terriann Baker	Researcher
Ms. Ria Rampersad	Researcher

**PUBLIC HEARING RE: RE: 1ST PUBLIC HEARING RE: AN INQUIRY INTO THE EASE OF DOING BUSINESS**

8.1 The meeting resumed in public at 10:29 a.m.

8.2 The following persons joined the meeting:

**Ministry of Trade and Industry**

- |                            |  |
|----------------------------|--|
| 1. Ms. Ayleen Alleyne-Ovid | Permanent Secretary (Ag.)              |
| 2. Mr. Randall Karim       | Chief Technical and Operations Advisor |

3. Mr. Irfan Hosein Business Reform Specialist

**Ministry of Public Administration and Digital Transformation**

1. Mr. Claudelle McKellar Permanent Secretary (Ag.)  
2. Ms. Colleen Gallazzi Programme Director, Modernisation and Service

**Ministry of the Attorney General and Legal Affairs**

1. Ms. Karen Bridgewater Registrar General  
2. Ms. Carol Hernandez Solicitor General  
3. Mr. Sean Julien Chief State Solicitor

**Opening Statements**

8.3 The following chief officials gave brief opening remarks:

- i. Ms. Ayleen Alleyne-Ovid Permanent Secretary (Ag.), MTI  
ii. Mr. Claudelle McKellar Permanent Secretary (Ag.), MPAD  
iii. Ms. Karen Bridgewater Registrar General, MAGLA  
iv. Ms. Carol Hernandez Solicitor General, MAGLA  
v. Mr. Sean Julien Chief State Solicitor, MAGLA

**Key Issues Discussed**

8.4 The following are the key subject areas/issues discussed during the hearing:

The following are the main issues arising from discussions with the **Ministry of Trade and Industry (MTI)**:

**Efforts to increase accessibility to credit financing by Micro, Small and Medium Enterprises (MSMEs)**

- i. The role of government in improving the Ease of Doing Business (EODB) indicator of 'Getting Credit' is to provide an enabling environment by creating an appropriate regulatory framework. The MTI thus hopes to initiate a change in lending behaviour through the implementation of a Secured Transactions Regime (STR);
- ii. This system would allow MSMEs to improve their access to credit through the acceptance of moveable property as collateral. In the absence of an STR, the risk profile of MSMEs combined with institutional banking preferences limits these opportunities;
- iii. The MTI hired an international consultant to prepare draft legislation under the supervision of the Chief Parliamentary Counsel (CPC) as well as other stakeholders following a model proposed by the United Nations Conference on Trade and Law. The legislation was under

review by a Cabinet appointed sub-committee and stakeholder comments regarding same was scheduled for completion by March 2021;

### **Legislative amendments to facilitate the EODB**

- iv. A diagnostic review of the regulatory environment as it relates to trade and business facilitation indicated that the Electronic Transactions Act, 2011, the Data Protection Act, 2011 and Customs Act, Chapter 78:01 were in need of review. Collaborative efforts to amend the aforementioned laws were already in motion;

### **Improving import/export procedures**

- v. The MTI's efforts aimed at improving import and export procedures were evident via the implementation of the Single Electronic Window (SEW). The SEW was established through an IDB loan valued at USD 25 million of which TTD 30 million was allocated for fiscal year 2021;
- vi. The funding would seek to:
  - Create a Port Community System at the Ports;
  - Establish interconnectivity among the IT systems of border clearance agencies;
  - Simplify clearance procedures;
  - Automate and simplify construction procedures (branded DevelopTT);
  - Modernise and or amend the legal framework for electronic transactions and data protection (to facilitate tax payments and issuance of permits etc.); and
  - Institute a trade and information business portal integrating and disseminating information to businesses involved in trade and business related activities;

### **Process mapping of the impact of technology on consumers**

- vii. The MTI had begun the process of Business Process Re-engineering (BPR) and had identified areas that could be shortened or removed altogether which would benefit the consumer. One of these reforms has been the ability to apply for and collect permits and licenses electronically through the TTBizLink platform;
- viii. The MTI previously enlisted the expertise of a UK consultant to undertake this identification process and were aware that some reforms, owing to a need for legislative amendment, would require more time for implementation;

### **Driving Business Process Re-engineering and Change management**

- ix. The MTI underscored that BPR and change management could not be achieved solely through technology but must include changes to people and processes. The MTI underscored that whilst the Minister for Trade and Industry chaired a Cabinet appointed

sub-committee to facilitate investments and there was a general thrust to invoke a whole of government approach to BPR/change management, different ministries did not accord equal priority to areas in need of reform;

- x. The MTI noted that the timeframe for improving trading across borders was set at 12-24 months and highlighted that initiating change was propelled primarily by the level of priority that was accorded to achieving reform;

#### **Measuring and communicating the success of the EODB**

- xi. The MTI noted that improvements to strengthen its communication/awareness strategy would be undertaken but advised of the metrics used to measure the progress of reforms to improve the EODB indicators. These were identified as:
  - The EODB survey and other international indicators which must be reported annually; and
  - Customer satisfaction in accessing governmental services;

#### **Excessive border checks**

- xii. The MTI highlighted that the international best practice for the percentage of containers scanned was 5%, a figure that was achieved through the implementation of targeted risk management approaches. In Trinidad and Tobago, the percentage of imports scanned was 20% and the impact of this on efficiency could only be appreciated if the volume of trade affected by that 20% of containers as well as the post-scanning processes involved were considered;

#### **Main gaps in achieving improvements to the EODB**

- xiii. The MTI outlined some of the core reasons for the persistent gaps in the EODB as well as the respective solutions as follows:
  - *Lengthy time of processes*- Introduction of electronic payments initiated at the MoAGLA and to be extended to other ministries;
  - *Working hours*- Most border agencies save and except the Customs and Excise Division (CED) work standard hours 8:00-4:00pm. A 24-hour trading environment would be more beneficial to trade and these alterations were being considered in tandem with the human resources of key agencies involved; and
  - *Interoperability*- The MTI was working to implement tripartite interconnectivity between TTBizLink, CED and the Port systems so that consumers could have continuous electronic access to service operations.

The following are the main issues arising from discussions with the **Ministry of Public Administration and Digital Transformation (MPADT)**

### **Initiatives to address interoperability**

- i. The MPADT were seeking to enact a digital transformation of the public service project using a whole of government approach through the pursuit of two main initiatives:
  - *An e-identity system*- to confirm the identities of citizens accessing government services and to reduce the need for customers to provide repeat information; and
  - *Interoperability*- to increase data sharing among government agencies in order to create a seamless transfer of information and customer satisfaction;

### **The MAPDT's Service Delivery Policy Framework**

- ii. Issues and challenges that hamper the EODB as per the *draft Service Delivery Policy Framework* were highlighted by the Ministry as follows:
  - obsolete services and procedures;
  - lack of enterprise-wide policies;
  - lack of a clear, accountability framework for consequences for public service delivery;
  - slow rate and adoption of technology;
  - publishing data and monitoring systems for service delivery issues; and
  - lack of skills to execute the programmes that need to be initiated;
- iii. The framework also identified the points of interaction (people and processes) and the enablers (legislation, partnerships and ICTs) as well as an operationalisation plan to accompany the framework;
- iv. iGovtTT, one of the executing agencies of the MPADT also noted that solutions to address e-registration for appointments were already in practice at the Registrar General's Department as well as the Ministry of Works and Transport;

### **Support systems in cases of technological failure**

- v. The MPADT acknowledged that the Ministry was in the process of identifying redundancies in power supplies and data centres with additional support locations to enhance data protection in the event of fire, flood or information loss; and
- vi. Whilst the general aim was to digitise hard copy documents there was also a legal requirement to maintain hard copy records for a specific time period. Thus, suitable space was also being sought to accommodate government records;

The following are the main issues arising from discussions with the **Ministry of the Attorney General and Legal Affairs**:

### **Property Business Registration System (PBRS)**

- i. The MoAGLA acknowledged that there were issues in customer access to the Land Registry to conduct searches during 2020 but that the implementation of the PBRS on October 26, 2020 now allowed virtual access to such records. A total of 500 attorneys, title abstractors and members of government agencies were trained. The registration aspect of the PBRS would be unveiled upon the project's completion on February 28, 2021 and would allow for the electronic filing of land documents;
- ii. The MoAGLA posited that the digitisation of hundreds of thousands of records have had positive benefits for consumers not only based on customer use surveys conducted after the launch but also because multiple users may now access a single record digitally;

### **The effect of staffing on effective governance**

- iii. The Solicitor General's Department can identify cases that could be recommended for Alternative forms of Dispute Resolution (ADR) such recommendations were pending agreement from both parties;
- iv. The Solicitor General's Department observed however, that limited positions on the establishment, poor job satisfaction, high job stress and inadequacies in the compensation packages were some of the reasons why the department also did not have the staff requirement (both in number and in expertise due to high staff turnover) to initiate such proceedings. Exercises to align the functions of the department to the staff requirement had been previously conducted; and
- v. It was mentioned that the current lack in human resources had resulted in inefficiencies in the Solicitor General's Department to the detriment of financial prudence on the part of the State; as well as case flow and management.

### **ADJOURNMENT**

9.1 The Chairman thanked Members, staff, the viewing/listening public and adjourned the meeting.

9.2 The meeting was adjourned at 12:53 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 11, 2021

MINUTES OF THE FOURTH MEETING  
JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS,  
12<sup>TH</sup> PARLIAMENT  
HELD ON FRIDAY FEBRUARY 19, 2021

**The Meeting was held virtually via Zoom**

**PRESENT**

Mrs. Hazel Thompson-Ahye	Chairman
Mr. Clarence Rambharat	Vice-Chairman
Mr. Keith Scotland, MP	Member
Mr. Marvin Gonzales, MP	Member
Ms. Jayanti Lutchmedial	Member

**ABSENT/EXCUSED**

Mr. Terrence Deyalsingh, MP	Member
Mr. Dinesh Rambally, MP	Member
Mr. Hassel Bacchus	Member

**Secretariat**

Mr. Julien Ogilvie	Secretary
Mr. Brian Lucio	Assistant Secretary
Ms. Terriann Baker	Researcher
Ms. Ria Rampersad	Researcher

**PUBLIC HEARING RE: RE: 1ST PUBLIC HEARING RE: AN INQUIRY INTO THE EASE OF DOING BUSINESS**

8.5 The meeting resumed in public at 10:37 a.m.

8.6 The following persons joined the meeting:

**Ministry of Finance**

- |                               |  |
|-------------------------------|--|
| 1. Ms. Yvonne Neemacharan     | Deputy Permanent Secretary                                     |
| 2. Mr. Hayden Manzano         | Economic Advisor   |
| 3. Ms. Anna Burkett           | Revenue Planning Officer, Inland Revenue Division              |
| 4. Ms. Karen Seebaran-Blondet | Supervisor of Insolvency                                       |
| 5. Ms. Vidyah Marcial         | Comptroller of Customs and Excise, Customs and Excise Division |

**Ministry of Planning and Development**

- |                           |   |
|---------------------------|---|
| 1. Mr. Ric Ali            | Deputy Permanent Secretary                                  |
| 2. Mr. Kerry Pariag       | Director Ag. - Town and Country Planning Division           |
| 3. Ms. Janyne Rattansingh | Research Officer II Ag. -Town and Country Planning Division |

**Port Authority of Trinidad and Tobago**

- |                           |   |
|---------------------------|---|
| 4. Mrs. Trudy Gill-Conlon | General Manager/CEO                                 |
| 5. Mr. Robert Ramsubhag   | Chief Executive Officer (Ag.)-Port of Port of Spain |

**Opening Statements**

8.7 The following chief officials gave brief opening remarks:

- |                             |                                 |
|-----------------------------|---------------------------------|
| i. Ms. Yvonne Neemacharan   | Deputy Permanent Secretary, MoF |
| ii. Mr. Ric Ali             | Deputy Permanent Secretary, MPD |
| iii. Mrs. Trudy Gill-Conlon | General Manager/CEO, PATT       |



## **Key Issues Discussed**

8.8 The following are the key subject areas/issues discussed during the hearing:

The following are the main issues arising from discussions with the **Ministry of Finance (MoF)**:

### **Cleansing of the taxpayers' register and the role of Monitors**

- i. The goal of the cleansing of the taxpayers' register is to ensure that the database reflects accurate data regarding the number of registered taxpayers as well as those who are required to be registered. The exercise was re-launched in 2019 and was on-going;
- ii. Whilst the MoF does have a compliance unit, staff of this Unit are constrained in number to conduct public compliance inspections;
- iii. The MoF also has a class of employees called *Monitors*, who were previously assigned to conduct public compliance inspections but who were re-assigned different duties within the Compliance and Audit Unit;

### **Provisions for online banking**

- iv. The facilitation of online payments to the Inland Revenue Division (IRD) was in the process of finalisation pending Cabinet approval and onward submission to the Treasury Division;

### **Hindrances to the performance of the Customs and Excise Division (CED)**

- v. The CED conceded that the Division was in need of both modernised scanners and additional staff to undertake proper scanning methodologies. The CED was currently operating at 60% capacity and were not financially capable of purchasing a new scanner at a cost of approximately TTD 14 million;
- vi. Notwithstanding the recent efforts of the Service Commissions Department to fill the vacant posts, staff shortages at the CED resulted in lack of sufficient staff to conduct cargo inspections as well as a continuous need for training as personnel were often rotated;
- vii. Despite the challenges, the CED indicated that there were no backlogs of containerised cargo and officers were available around the clock to attend to emergency imports. It was also advanced, however, that the Division worked in accordance with the appointment system proposed by the PATT;

### **Regulating professional behaviour and employee misconduct**

- viii. The MoF advised that mechanisms to report inducements and other types of professional misconduct were not routinely employed at the MoF due to a lack of awareness of mechanisms by senior managers, absence of stringent consequences and lengthy process to achieve resolution. However, complaints could be submitted anonymously to line supervisors or a Commissioner, as well as through the Compliance Unit;
- ix. The MoF also observed that a number of public servants were currently unhappy in their jobs possibly because they were not in receipt of due salaries and other allowances and noted that this may indeed have a negative impact on work performance.

The following are the main issues arising from discussions with the **Ministry of Planning and Development (MPD)**

#### **The role of the MPD as liaison and source of technical support**

- i. The Ministry IS a source of technical assistance regarding the implementation of Ease of Doing Business (EODB) reforms and that a summary report had been submitted to Cabinet recommending the creation of a *'top-down approach'* relevant to the achievement of EODB reforms. This would be inclusive of the creation of an Inter-Ministerial Committee;
- ii. The Ministry also noted that whilst stakeholder partnerships were key to realising improvements to the EODB, the COVID-19 pandemic had impacted on the Ministry's ability to effectively communicate with stakeholders;
- iii. The Minister of Planning and Development currently chairs a Committee which seeks to lead other Ministries, Departments and Agencies to identify and reform the gaps in the EODB;

#### **Legislative amendments to the Planning and Facilitation of Development Act, 2014**

- iv. The MPD acknowledged the nexus between the Planning and Facilitation of Development Act, 2014 and the Miscellaneous Provisions (Local Government Reform) Bill, 2020. These overlapping concerns include the need for standardised procedures to process development applications and its impact on streamlining the automated construction permitting process;

### **The MPD's online construction permitting system- DevelopTT**

- v. DevelopTT had completed the pilot stage, initially launched in March 2020 but did not yet achieve full implementation throughout Trinidad and Tobago. The programme is currently only available in Port of Spain and Chaguanas;
- vi. A number of municipal corporations now accept digital applications as the intent of the Miscellaneous Provisions (Local Government Reform) Bill, 2020 is for the Municipal Corporations to assume responsibility for simple developments;
- vii. The role of DevelopTT is essentially to undertake the role of a 'clearing house.' The MPD (via the Town and Country Planning Division) may also re-direct requests for information to various stakeholders within the constructing permitting network such as the Environmental Management Authority and the Institute of Marine Affairs. A total of 1,100 applications were received by DevelopTT thus far;
- viii. DevelopTT has in place a help desk facility within the Ministry to accommodate customers online, via email and telephone as well as walk-ins;

### **Changing Values, Attitudes and Behaviours to address under-performance**

- ix. The MPD acknowledged that changing the values, attitudes and behaviours of staff within Ministries, Departments and Agencies were essential to implementing the appropriate EODB reforms. The Ministry also noted that this change must originate within the respective agencies to prioritise individual level reforms;
- x. Changing attitudes was not limited to Ministries, Departments and Agencies but also extended to both applicants and stakeholder agencies who displayed reluctance to adopt the automated system largely due to the novelty of the process. The MPD did assign liaisons to individual stakeholders to assist them in this regard;
- xi. The MPD also indicated that the current approach of the Ministry was to make suggestions for change at the managerial level but concurred that these 'gentle' recommendations were not eliciting the desired behavioural changes.

The following are the main issues arising from discussions with the **Port Authority of Trinidad and Tobago (PATT)**:

#### **Electronic Document Interchange (EDI)**

- i. The PATT highlighted that the integrity of the systems utilised by the agency were sufficient to prevent any compromise of consumer privacy;

### **Interoperability between the PATT and CED**

- ii. The Ministry of Trade and Industry (MTI) is the lead in the implementation of a Port Community System that would facilitate communication between the MTI, PATT and CED. The tenders for the consultancy were in the process of being evaluated by the MTI;
- iii. The timeline for the achievement of interoperability and complete automation of all shared processes between the Port's NAVIS operating system and the CED's ASYCUDA portals was still undetermined but the agencies expressed commitment to creating shared solutions to issues arising;

### **Port Performance- the NAVIS operating system and need for modernised equipment**

- iv. The PATT highlighted that whilst the NAVIS system was an internationally recognised automated system, there had been instances of minor disruptions. These occurred an average of three times per year. Short stays would result in a halting of operations until the situation was rectified. Long stays would result in data having to be entered manually;
- v. The PATT attributed the Port's shortcomings to pre-existing gaps within the supply chain which should be addressed through the operationalisation of the Single Electronic Window (SEW);
- vi. The PATT also acknowledged that more than half of the equipment used by the agency were beyond its economic life. As a result, PSIP funding had been granted for the purchase of a ship-to-shore crane as well as several pieces of minor equipment such as empty containers;

### **Port Performance- Preventing backlogs**

- vii. The PATT submitted that there was a backlog at the Barrel Shop at the Port of Port of Spain.
- viii. With respect to the clearance of backlogs on the Port, the agency maintained that whilst an appointment system was in place to facilitate the clearance of non-commercial cargo, COVID 19 protocols stipulating a fixed number of individuals (soon to move from 100 to 40) combined with Customs and Excise mandated security checks for 100% of goods were continuing sources of delays.

### **Requested information**

8.9 The Committee requested the following information in writing:

- a. Information on the collection of taxes and the administrative and criminal sanctions for defaulting on payments;
- b. Confirmation on whether the BIR has utilised the information sharing mechanism provided under the amendment to section 4 of the Income Tax Act and whether the mechanism has assisted with the collection of taxes;
- c. The number of times the PATT experienced system breakdowns in 2019 and how long it took to get the system functional; and
- d. The number of times the PATT had to revert to its manual system in 2019.

### **ADJOURNMENT**

9.3 The Chairman thanked Members, staff, the viewing/listening public and adjourned the meeting.

9.4 The meeting was adjourned at 12:45 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 24, 2021

## APPENDIX II

# VERBATIM NOTES

VERBATIM NOTES OF THE THIRD VIRTUAL MEETING OF THE JOINT SELECT COMMITTEE ON  
FINANCE AND LEGAL AFFAIRS HELD, (IN PUBLIC), ON FRIDAY, JANUARY 15, 2021 AT 10.25 A.M.  
PRESENT

Mrs. Hazel Thompson-Ahye	Chairman
Mr. Keith Scotland	Member
Mr. Marvin Gonzales	Member
Mr. Terrence Deyalsingh	Member
Mr. Dinesh Rambally	Member
Ms. Jayanti Lutchmedial	Member
Mr. Hassel Bacchus	Member
Mr. Julien Ogilvie	Secretary
Mr. Brian Lucio	Assistant Secretary
Ms. Terriann Baker	Parliamentary Intern
Ms. Ria Rampersad	Parliamentary Intern

**ABSENT**

Mrs. Renuka Sagrarsingh-Sooklal	Member
Mr. Clarence Rambharat	Member

**MINISTRY OF PUBLIC ADMINISTRATION AND  
DIGITAL TRANSFORMATION**

Mr. Claudelle McKellar	Permanent Secretary (Ag.)
Ms. Colleen Gallazzi	Programme Director, Modernisation and Service Improvement Division (MSID)

**MINISTRY OF TRADE AND INDUSTRY**

Mrs. Ayleen Alleyne-Ovid	Permanent Secretary (Ag.)
Mr. Randall Karim	Chief Technical and Operations Advisor
Mr. Irfan Hosein	Business Reform Specialist

**MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS**

Ms. Karen Bridgewater	Registrar General
Ms. Carol Hernandez	Solicitor General
Mr. Sean Julien	Chief State Solicitor

**Madam Chairman:** Good morning everyone. I would like to welcome all of you to our meeting this morning, our enquiry into the ease of doing business in Trinidad and Tobago, an enquiry of the Joint Select Committee on Finance and Legal Affairs. This is our first hearing this morning and I would like to remind participants that this is in fact a virtual meeting, and there are specific guidelines to follow. Ensure please that you mute your microphone when you are not speaking to help to keep background noises to a minimum, adjust your camera so that your face is clearly visible and ensure that notifications from your cellphone or any other electronic device in your vicinity are muted during the course of the meeting.

Now, members of the listening and viewing audience you are invited to post or send your comments via the Parliament's various social media platforms Facebook page, *ParlView*, Parliament's YouTube channel, and Twitter.

I would like to welcome officials of the Ministry of Trade and Industry, Ministry of Public Administration and Digital Transformation, and Ministry of the Attorney General and Legal Affairs, and now I call upon the officials to introduce themselves, starting with the Ministry of Trade and Industry please.

[Introductions made]

**Madam Chairman:** Thank you. Ministry of Public Administration and Digital Transformation.

[Introductions made]

**Madam Chairman:** Welcome. Ministry of the Attorney General and Legal Affairs.

[Introductions made]



**Madam Chairman:** And I am Sen. Hazel Thompson-Ahye, Chairman of this Committee, and I ask other members of the Committee to introduce themselves.

[Introductions made]

**Madam Chairman:** All right, everybody is there now? Everybody has introduced themselves?

[Introduction made]

**Madam Chairman:** All accounted for?

**Hon. Member:** Yes.

**Madam Chairman:** So today we embark on a very important enquiry into the ease of doing business in Trinidad and Tobago. I am Sen. Hazel Thompson-Ahye, Chair of this Committee, and as I said, we have heard from the other members.

Pre-COVID-19 there were a number of small, medium and large businesses in our country. We know that COVID-19 destroyed many of them, post-COVID-19 – and there will be a post-COVID-19 – we hope to see a resurgence of business activity. Our economic survival depends on that taking place, but this will happen only if there is ease of doing business in Trinidad and Tobago. If businesses are to rise phoenix-like from the ashes of the pandemic, Trinidad and Tobago must become a place where local and foreign entrepreneurs can say of us that bureaucracy is at a minimum, that start up processes are efficient, swift, and reasonably priced, and all in all, that we are a business friendly environment. And the fact that the World Bank has ranked us number 105 out of 190 countries must be a dreadful mistake, because we are number one of business-friendly countries.

Now, the motto of my high school was “*Veritas*” and you would wish me to live up to that virtue. So over this session and the next, we will examine how to make this true. So the enquiry objectives are as follows: to identify reform measures aimed at improving the ease of doing business, sometimes called for short “EODB” in Trinidad and Tobago, to identify reform measures aimed at improving the EODB, and to identify the challenges which state agencies may encounter in implementing reform measures.

Now, I am going to call on various persons here present to make their opening remarks. And I want to start with Mr. Claudelle McKellar, Permanent Secretary (Ag.) Ministry of Public Administration and Digital Transformation. Over to you, Sir.

**Mr. McKellar:** Good morning again, and thank you, Madam Chair. I will try to be brief. Good day to members as well and to the viewing public.

The Ministry of Public Administration and Digital Transformation is pleased to be here to provide information relating to the Ministry’s transformation efforts and those of its agency the National ICT Company or iGovTT, and our role in the ease of doing business in Trinidad and Tobago.

Chair, permit me to frame our role within our mandate. The Ministry of Public Administration and Digital Transformation’s mandate is the creation of a digital nation, that is, a digital Trinidad and Tobago. A key enabler of this mandate is the creation of a digital public service. What do we mean when we speak of a digital nation? A digital Trinidad and Tobago will be achieved when Information and Communications Technology or ICT becomes a major feature of the fabric of our economy, society and governance mechanisms. A digital Trinidad and Tobago will be characterized by at least four things: The ubiquitous use of technology by our citizens in their everyday lives; the existence of adequate, robust and cutting edge technology across Trinidad and Tobago that is supplied by a thriving technology sector; a competitive local business sector that has adopted modern technology in its delivery of goods and services; and a public service whose internal operations and delivery systems are digitally enabled.

A digital T&T will therefore exist where technology has improved the ease of doing business, delivery of goods and services, and increased our productivity. The process of digital transformation towards creating a digital nation therefore seeks to improve the lives of our citizens and residents, as well as improve the country’s global competitiveness and ranking on a number of key indicators.

Madam Chair, it should be noted that our progression to digital nationhood will take place in a manner that is both conceptually and observably environmentally friendly. The Government’s ICT execution agency is iGovTT which among other things manages the Government’s IT network, GovNetTT which connects Government Ministries and Departments and provide shared software for their use.



iGovTT is also responsible for the TTConnect suite of services which thousands of citizens' access via the website portal and other mechanisms.

Madam Chair, the Ministry of Public Administration and Digital Transformation is working assiduously to deliver to the people of Trinidad and Tobago a digital nation and a digital public service. My colleague with me, Ms. Gallazzi, we stand ready to answer members question or to make available any written submissions that may be required to improve the ease of doing business in Trinidad and Tobago. Thank you.

**Madam Chairman:** Thank you very much. Can we hear from Mrs. Ayleen Alleyne-Ovid please? Ministry of Trade and Industry.

**Mrs. Alleyne-Ovid:** Thank you, Chair. Good morning, Chair, again. Good morning, members of the Committee. It gives me great pleasure to be here today together with my colleagues from the Ministry of Trade and Industry to engage in this enquiry to the ease of doing business in Trinidad and Tobago as posed by the Joint Select Committee on Finance and Legal Affairs.

This enquiry which seeks to identify the existing initiatives to improve the ease of doing business and especially the challenges and shortcomings in our more recent reform efforts, is essential to ensuring that what we do as a Ministry and Government works, and works well today and for the future.

According to the latest 2020 doing business index, Trinidad and Tobago's doing business rank was 105<sup>th</sup> out of 190 economies, remaining unchanged from the year before. So, while Trinidad and Tobago is experiencing some progress in making it easier to do business other countries are doing more.

The Ministry of Trade and Industry, its core responsibility is to grow trade, business and investment, particularly through driving the non-energy sectors of the economy. And in the area of ease of doing business the Ministry of Trade and Industry has played an important role in this initiative which is dependent on the support and efforts of other Ministries and agencies to ensure that reforms are relevant, effective and executed within time and budget.

Therefore, I wish to say that to ensure and sustain success, the ease of doing business requires a whole-of-government approach. Despite the World Bank group statement on 22 August, 2020, that it was delaying the publication of the 2020 report due to irregularities in previous reports, Trinidad and Tobago considers the ranking an invaluable benchmarking tool. The Ministry believes that the ease of doing business extends beyond an international survey to the everyday experience of businesses and citizens in accessing government services.

Significant work has been done to improve the levels of efficiency and reduce the time and cost of doing business in Trinidad and Tobago. And this works well for the future, especially during these times. Madam Chair, my team and I will look forward to and we are encouraged by today's engagement with this Joint Select Committee. And we look forward to the questions and to be able to respond. I thank you.

**Madam Chairman:** Ms. Karen Bridgewater, Registrar General.

**Ms. Bridgewater:** Madam Chair, members, the Registrar General's Department is grateful for the invitation to participate in this exercise. As most persons would know, the Register General's Department, based as on the services that we offer at our Companies Registry, our Land Registry, and our Civil Registry, our services are critical to the ease of doing business and the business-customer experience in Trinidad and Tobago.

Over the years we have done a lot of the work to improve on our service delivery which we will elaborate on as we go through the course of this exercise, but we remain committed to doing even more. And we are in the process of continuing several projects that we have undertaken over the last year or so to ensure that we meet the objectives of improving the customer and business experience in Trinidad and Tobago.

**Madam Chairman:** Thank you. Can we hear from Ms. Carol Hernandez, Solicitor General, please?

**Ms. Hernandez:** Good morning again to the members of the Committee and my colleagues. The Solicitor General's Department resides within the Office of the Attorney General and Ministry of Legal Affairs. Now, the Civil Department which is headed by the Solicitor General consists of the Registrar General's Department and Chief State Solicitor's Department.

This is basically the departments, as Ms. Bridgewater said before, the main department that will deal with the ease of business that affects ease of business in Trinidad and Tobago, is the Registrar General's Department. The Chief State Solicitor's Department and the Solicitor General's Chambers, we basically deal with civil litigation and some of our services do affect the ease of business in Trinidad and Tobago.

We look forward to answering your questions, and if necessary providing written submission. Thank you.

**Madam Chairman:** Thank you. Mr. Sean Julien please, Chief State Solicitor.

**Mr. Julien:** Good morning again everyone. It has been said already in the short time we are here, ease of doing business in Trinidad and Tobago has in fact deteriorated. Just a few years ago we were in or around the position of 78 or 79 on the Index and now we are at 105. So that has not been –

Post-COVID as the Chair has said, businesses need to reemerge from the ashes, businesses need to once again, you know, get out of situations that have brought them to this premise, especially in terms of foreign investment and that sort of thing.

The Chief State Solicitor's Department in its role as the primary, I would say, facilitator of litigation at the instruction level has a role in perhaps expediting matters as much as possible, in terms of presenting perhaps commercial disputes before the court and representing the State. However, as indicated in my submissions, we do have issues with staffing that make it difficult for us to perhaps expedite matters as well as we would want.

The Chief State Solicitor is also the provider of various commercial services. We are the contracts maker for the State. We execute leases, and deal with Administrator General applications by petitioners. And you know, all these things require sufficient manpower to effectively conduct our matters, and that is one of our critical issues and it has been so unfortunately for a number of years. But we remain committed and ready to do what we can to assist in the matters.

**Madam Chairman:** Thank you, Mr. Julien. And I was very happy to hear two things from the Ministry of the Attorney General and Legal Affairs, from the Registrar General, that your services are critical, and from the Chief State Solicitor that you remain committed. Because, I must confess that when we did not receive anything from your department after having written to you on the 14<sup>th</sup> of December, we were very concerned and anxious as to what was happening with the Ministry of the Attorney General and Legal Affairs.

So perhaps you can say, well, what was the reason? Someone can say what was the reason? Because we – not having received up to late last night – well I mean, there is some degree of relief that something came in at 8.30 this morning. But you know we have to prepare for you based on your responses. So, we were not at all happy that we had not received anything. And we are not completely happy that we got it only at 8.30 this morning for members to peruse and so on. So, is there any explanation? I am not just targeting you, Mr. – although you are the last one to speak – but is there any way that one can account for what happened?

**Mr. Julian:** Yes, Madam Chair. Unfortunately, our department only received the correspondence of this enquiry approximately a week ago, although I saw an e-mail that was sent to persons within the department as you say, the middle of December. But in terms of our department, as within persons within the Ministry, and would have received it in December but our department only received indication of this enquiry one week ago. And so, we had approximately one week to try and scramble and get sufficient time to respond, unfortunately.

**Madam Chairman:** We kept losing you during the course of the hearing but I got the gist of what you are saying. That you had one week, well – so we are talking about a month here, all right? But we just want to emphasize not just for you but for all the Ministries that when we embark on these exercises is because they are crucial and we are about the people's business, and we want to ensure that we proceed with the people's business in the best manner that we can. So, we need your cooperation to know what is happening. Because here we are always hoping for solutions. And this is really crucial for our economy as we realize, as all of us realize, we want to move from where we are in terms of the World Bank's ranking. We want to be a friendly business environment and there are stumbling blocks. In some areas we are good, and in some

areas we are very poor.

So electricity is very good, 43 out of 190. But in terms of enforcing contracts we are at 174 out of 190. So we want to know where these stumbling blocks that is why they can be removed. So we want to hear from you all this morning, and at the end of the day we want to be able to do a report that will show how these things can be rectified so we will be where we want to be, number one. It is not unthinking, you know, we have some Caribbean countries are pretty high. So let us begin.

**Mr. Gonzales:** Madam Chair.

**Madam Chairman:** And remember that – sorry?

**Mr. Gonzales:** Madam Chair, can I make a brief intervention? I noted that had we have some key officials within the Ministry of the Attorney General and Legal Affairs I think is very important. But there is a critical area that I am not seeing represented and that is the office of the Chief Parliamentary Counsel. Because I believe that when we are discussing an important issue of ease of doing business, one cannot do so without the intervention and the support of the office of the Chief Parliamentary Counsel, because it requires changes in legislation, changes in Regulations, et cetera.

So, I do not know if the Solicitor General or the Chief State – not the Chief State, yeah, can explain why is the office of the Chief Parliamentary Counsel is not being represented this morning?

**Madam Chairman:** Well, there will always be crucial agencies but what we have is representation through the senior members of the head of the departments. So that I would not pose that question to the Solicitor General because the Solicitor General is of course in charge of the department as a whole, and would be able to speak to whatever problems and transmit whatever concerns, so that, we do not need all the department heads even if it is crucial they will be – the Solicitor General will be fully on board with what is happening in the department. I understand your concern but it is really not possible to have everybody at the enquiry.

**Mr. Gonzales:** But Madam Chair, I would also want to emphasize – and I take the point that you have made – but I would like to suggest to you and to suggest to the Committee, that if we have to make any serious head wave on the issue of ease of doing business that the office of the Chief Parliamentary Counsel must be on board. It is equally important because as the Solicitor General and the other Government agencies – as a matter of fact, I think the office of the Chief Parliamentary Counsel is more important than the Chief State Solicitor on this particular exercise, as far as I understand it.

**Madam Chairman:** Noted your concerns and your suggestion. So perhaps we can proceed with the Ministry of Trade and Industry.

**Mr. Rambally:** Madam Chair, before we proceed with the Ministry of Trade and Industry, just to place on the record I appreciate what member Gonzales is referring to, but we need to be fair to those who have actually come forward, the Solicitor General, Mr. Julian, Ms. Bridgewater. I do not think that they may have the answers to that question. I think the person or entity that would be in a better position to say why not, or why is it that the Attorney General's department – not the Attorney General, the Attorney General's department has not sent forward someone? It may not necessarily be the Parliamentary Counsel; it could be anybody from that department. It is necessarily – it could even be someone from Law Reform Commission. And as far as I am aware it does not fall under the Solicitor General. So, member Gonzales is right that we may need some assistance from those departments that are really charged with reforming legislation or suggesting legislation.

So I just wanted to place on record that I think that we have to get an answer from the Office of the Attorney General as opposed to these persons who have come forward, Mr. Julien, Ms. Hernandez, Ms. Bridgewater.

**Madam Chairman:** Well, when we send for submissions we engage with the Permanent Secretary, they make the decision about generally who would come to represent the Ministry. But it does not preclude us in engaging with other key members of the Ministry at a later point. So we take note of that concern and we will proceed. So thank you very much. Ministry of Trade and Industry.

**Mrs. Alleyne-Ovid:** Yes, Chair.

**Mr. Rambally:** Madam Chair, may I get the ball rolling?

10.55 a.m

**Madam Chairman:** Pardon me? Would you begin please?

**Mr. Rambally:** Madam Chair, to our officials from Ministry of Trade and Industry, I would like to get the ball rolling, simply with—I appreciate and certainly it is commendable that the Ministry sees itself as a target, that we wish to be at the top 50 countries in world ranking in ease of doing business. Having identified the indicators that they have put forward, one of them being getting credit and they have put forward the rationale, my question really to them is that having set increased availability and accessibility of credit to businesses, especially micro, small and medium-sized enterprises, the question I wish to pose to them is really, how do they contemplate this rolling out in the near future, because we well know our budgetary allocations have lessened, you know, for whatever reason, I would not get into that but we have less budgetary allocations and certainly to this Ministry, and therefore how do they intend to have the increased availability of this credit facility or whatever it is they contemplate? So I just wish to have them give us some details on this item, this indicator please.

**Mrs. Alleyne-Ovid:** Madam Chair, I would call upon my colleague Mr. Karim to respond.

**Mr. Karim:** Thank you, member, for that very important question. As you indicated in the preamble of the question, we all know that resources at this time, certainly at the state sector level, is a challenge. One of the major reforms countries globally have implemented to ensure increased credit goes to the SME sector, is what is referred to as the implementation of a secure transactions regime. Because all countries generally have the same challenge in growing the SME sector, how can you increase financing and credit for SME expansion? The primary source of financing really is from the private sector, the banking sector. And in 2012, the World Bank had undertaken a very detailed study on credit lending in Trinidad and Tobago, and identified that while we have a very liquid system, so there is certainly more than adequate capital in the financial system, SMEs, there is a credit gap between what is available and the quantum of funding being loaned or lent or accessible to SMEs. And that is primarily as a result of a number of factors. One is, of course, the institutional lending practices and the risk profile of the financial system. And that is as a direct result of our traditional banking sector lending, providing credit based on collaterals—based on immovable collateral. And so, what a secure transaction regime is meant to do is to provide the legislative framework to allow the SME sector to use movable property as a form of collateral to access financing.

In 2017, the Ministry of Trade and Industry would have produced a secure transactions policy, the policy was approved by Cabinet and it is available on the Ministry's website, and we have been working very closely with the Ministry of the Attorney General's Department to develop a secure transactions law, because what you have to do is unify all of the existing pieces of legislation that relate to lending and we had hired a consultant, an international consultant and we have a draft version of a Bill and that legislation is currently being reviewed by a Cabinet appointed subcommittee, chaired by the Ministry of Trade and Industry but includes the Central Bank, the Bankers Association and various private sector organizations. Once that legislation is enacted, greater confidence would be placed in the system to allow banks to lend to the SME sector by allowing them to use movable assets as a form of collateral.

**Madam Chairman:** Thank you, Mr. Karim.

**Mr. Rambally:** Madam Chair, with your permission I just have a couple of follow-up issues I would like to raise with Mr. Karim. Mr. Karim, thank you very much for giving us that insight. What I would want to say is that a couple of questions arise on what you put forward. In terms of the lending and you referred to having some sort of committee established and working towards the legislative infrastructure. Can you tell us how advanced is that piece of legislation that is being proposed at this time?

**Mr. Karim:** So the legislation, the actual process is very advanced, we actually have a draft piece of legislation prepared, so I have to be careful because it only becomes a Bill, of course, once the—as member Gonzales recognized, the CPC's department is obviously the one to bring the Bill to completion. But what we did at the Ministry of Trade and Industry, we hired an international consultant to prepare legislation for us, and that process was supervised and involved the CPC's department as well as other stakeholders. The draft legislation is based on the International UNCITRAL Model. So this is not anything novel that we are doing in Trinidad; a number of countries have utilized the UNCITRAL, United Nations conference on



trade and law model for similar legislation.

The draft legislation, we have sent it to all of the stakeholders, as I said, the Central Bank, the Bankers Association, in the Chambers of Commerce, they have already given us their comments, we have one final round of consultations currently taking place by those stakeholders because as you would appreciate, it is a very complex matter. It involves a number of technical complexities. The Registrar General's Department is obviously very critical to the implementation of the system. So we are hoping in this quarter which is January to March, to get that process completed, so that the CPC could take the necessary steps to get that legislation before the consideration of the LRC.

**Mr. Rambally:** Mr. Karim, I want to put it as, for what it is in terms of our discussion. There is a perception in our society that when you are talking about funding or initiatives for small/medium enterprises, that a limited category of persons may access it. I do not know if this is something that has been taken on board by the Ministry and if it has, given that we are not sure where are we in terms of treating with the pandemic, whether we are in tail end of it or whether we are going to have a next year of it or whatever, how does the Ministry intend to get its initiative or initiatives out there for as many people as possible to attempt to access same?

**Mr. Karim:** Member, your concern is obviously one shared by the Ministry of Trade and Industry. One of the things I am sure we all would recognize is we have a strong financial system in Trinidad and Tobago and every week we read about liquidity in the system and the volume of capital that is available. The challenge is obviously, how do you get that capital to the SMEs? Now, government obviously has its role to create that enabling and facilitative environment by creating predictability and giving the financial system the regulatory framework to increase lending to the SME sector, you would appreciate that ultimately lending is made in the boardrooms and by the commercial banks. But what we are attempting to do certainly at the Ministry of Trade and Industry's level, is to provide the legislative framework to allow and facilitate a changed behavior in lending.

Ultimately, it is the banking system that will determine who they lend to base on their risk profiles. But what we have seen is that these types of reforms, and in fact, if you go to the World Bank's access to credit, this is one of the major reforms that countries have undertaken and right here in the region we have seen Jamaica do it four years ago. And if you look at where Jamaica is in access to credit, they are in the top 15 countries in the world. So we have seen the reform work, government has its role to play and then ultimately, it is the private sector to respond to whatever legislation the State facilities.

**Madam Chairman:** Thank you, Mr. Karim, indeed Chief Technical and Operations Adviser. Now, could we have some questions for other members so that Mr. Karim gets a little rest and then perhaps we can come back to him while he catches his breath?

**Mr. Gonzales:** Madam Chair.

**Madam Chairman:** Yes.

**Mr. Gonzales:** All right, I am going to pose a question and I guess anyone of the appropriate government officers can respond. But have we identified –

**Madam Chairman:** We are still on Trade and Industry, yes?

**Mr. Gonzales:** On Trade and Industry, okay, great. So have we identified a list of regulations or legislation that currently exist that need to be changed in order to facilitate the ease of doing business?

**Mrs. Alleyne-Ovid:** Madam Chair, Chief Technical Officer would respond.

**Mr. Karim:** So, no rest, no rest for the weary. So within the ambit of trading across borders, one of the important consultancies that we undertook in 2019 was to do a detailed diagnostic review of the legal and institutional environment as it relates to trade and business facilitation. That process and consultancy has been completed. And we would have already shared with all of – and we would have consulted extensively with all of the relevant border agencies, including Customs and Excise, Chemistry, Food and Drugs, Plant Quarantine, the Bureau of Standards. And we are currently working on a series of draft pieces of legislation to respond to all of those inadequacies in the legislative framework. So we have processes in train right now with the Ministry of Public Administration and Digital Transformation to support their work in the Electronic Transactions Act. We are working with the Office of the Prime Minister, Communications

Division in respect of the Data Protection Act. We are also working with Customs and Excise on reforms to the Customs Act. So all of those pieces of legislation – all of the inadequacies, all of the shortcomings in the legislative framework have been identified and the process to prepare legislation is in train.

You would appreciate that obviously this, because it involves a number of stakeholder Ministries, and Ministry of Trade and Industry ultimately does not condone a primary responsibility for those pieces of legislation, what we are doing is providing technical support through consultancies and allowing those Ministries who have responsibility for those pieces of legislation, to really provide the leadership in ensuring that draft Bills are prepared and reaches the CPC. But we have a very close active programme of work at the Ministry with the stakeholder agencies and the CPC's department is very much integrally involved in supporting the work of the consultancies.

**Madam Chairman:** Once again, thank you, Mr. Karim. Any further questions? In the Ministry's submission you stated that reduced administrative costs and time for the private sector for the import and export of goods would be a priority area for improvement. Tell me, what are the proposed initiatives and projects to be implemented to improve productivity and efficiency of import-export procedures?

11.10 a.m.

**Mrs. Alleyne-Ovid:** Thank you, Madam Chair. Some of the initiatives that would speak to, to address this, would fall under what we call the Single Electronic Window, which is a project that is funded by the Inter-American Development Bank loan valued at TT \$30 million – sorry, US \$25 million with an allocation of TT \$30 million for fiscal 2021, and some of the initiatives that would be implemented include implementation of a port community system at the ports of Point Lisas and Port of Spain in Trinidad and Tobago. And some of the key impacts of this initiative would include: establishing interconnectivity among the IT systems of the border agencies in Trinidad and Tobago such as the Customs and Excise, the ports and other Government agencies, and the main objective is to simplify clearance procedures and to reduce the time and to improve efficiency of clearance of cargo when trading across borders; an automated construction permit system which has now been branded as DevelopTT, and this deals with making it easy and less costly to apply for the regulatory approvals for building and construction, and it would redound to streamlining and automating the processes for land and building development approvals by having all of the regulatory agencies on a common platform for the receipt and processing of applications.

Another key initiative includes modernizing of the legal framework for electronic transactions as well as amending the data protection legislation in Trinidad and Tobago, and this would reduce the cost and time of doing business by modernizing the legal framework to allow electronic transactions such as the payment of taxes, issuance of permits and licences and the clearance of goods involved in trading and land and building approvals, including dealing with construction permits and starting a business. And, finally – I am just highlighting a few – is the implementation of a trade and business information portal, and this would provide a framework to integrating and disseminating information to all stakeholders involved in trade and business and related activities associated with trading. Thank you, Madam Chair.

**Madam Chairman:** Thank you, Mrs. Alleyne-Ovid. Mr. Bacchus, I think you had a burning question?

**Mr. Bacchus:** Thank you, Chair, for acknowledging me. Let me first indicate and declare my interest as it relates to the fact that one of the entities before us, the Ministry of Public Administration and Digital Transformation, I am the Minister in that Ministry. So I would like everyone to be aware that that is so. However, as it relates to what we are dealing with now under the Ministry of Trade and Industry, when I looked at the submissions that we have before us, there are a couple of things that stood out, and they are generally the things that we would want to have be addressed as we do the types of transformation that are happening to get us to a better place of doing business. We are talking about technology, which abounds around us and is being developed in a number of places, people, process and, of course, the legislation.

I have seen a lot of the numbers relative to cost but I am concerned about the process – either the process-mapping, the process-building and the process-reengineering – as it relates to making the changes that we want that impact the customers that we are trying to address, and the customers in this case could be another government agency, could be a Ministry as well as it could be directly the citizens or business. How is that being managed is something that is – and it is not only limited to the Ministry of Trade and

Industry, because I am sure a number of the processes that are going to be actually spread across other Ministries and other agencies and other divisions—how is that being addressed and what is the general philosophy surrounding that as it could be explored by the Ministry of Trade and Industry and it probably applies to the others as well?

**Madam Chairman:** Thank you.

**Mrs. Alleyne-Ovid:** Chair, I would like to call on the Chief Technical and Operations Advisor, Mr. Karim, to respond to this question. Thank you.

**Mr. Karim:** It is an excellent question as member Bacchus indicated. We fully recognize—the Ministry of Trade and Industry has actually been very involved in digital transformation in the trade sector for at least a decade, through the implementation of the Single Electronic Window. But simply introducing technology without changing processes usually, and has led to sub-optimal outcomes and that is admittedly so. We recognize that you have to go at the core of the business processes because unless the business processes are changed, what you find people doing is even though they use new technology, they retrofit new technology to facilitate an existing process.

We, in 2018, we would have hired an international consultant Ecorys—it is a very prestigious UK firm—to come and do a detailed mapping of the business processes that support international trade in Trinidad and Tobago. Ecorys would have completed that work and identified all of the reengineered processes. We would have worked very closely with, again, all of the main border agencies and identified specific processes and how we, in some instances, completely remove some of those steps and in others shorten those procedures. We would have gotten Cabinet approval on a number of those recommendations and we are currently working on implementing those procedures.

Now, obviously, I am not going to make it sound like everything is perfect, because when you attempt to change the processes, what you are ultimately doing is making, in some instances, individual judgment less important. So once you start changing processes and you really begin tampering with individual judgment and reducing the scope of manual decision-making, it is a difficult exercise to implement. But what we have found is, it is possible to do, but you progressively have to chip away and tackle those reforms. I would give you one example of—and I know the chairperson spoke about COVID-19, and I will give you a very good example to appreciate what I am talking about.

Prior to COVID-19, the Ministry of Trade and Industry would have been issuing permits and licences, even though persons were applying electronically on TTBizLink, we were still requiring persons to collect the permits and licences in person—come and collect it in person, because there was this challenge—well, people have to, you know, physically come and collect and we want somebody to sign a book saying that they collected the permit and licence. And once the permit and licence is printed, somebody was physically signing the permit and licence. And then, of course, one of the unintended positive impacts of COVID-19 was people have to figure out, well, if people are not in the office and they are working from home, how are the customers going to get these permits and licences. That forced us, it forced us to say, you know, well, why are we required to have somebody physically sign these documents? And, literally, in the space of a week, we realized well, you know, there is no legal impediment for physically signing these documents. And now, as of three months ago, all of the permits and licences being issued from the Ministry of Trade and Industry, persons no longer have to physically visit our offices to collect the permits and licences. An electronically generated signature has been placed on the permit and licence, and we introduced that innovation, not only here, but the Plant Quarantine Services, because the permits are facilitated on TTBizLink, and the Chemistry, Food and Drugs Division. So now persons no longer have to visit those offices to not only apply for those documents, but also they are collecting the documents electronically. And that is a good example of business process reengineering. Because very often what you find across government is that we do things without remembering the reason why we are doing them, and it is only when you do the process-mapping you realize well, you know, there is no underlying rationale to continue doing these things.

But, as I said, there is a body of work that has been undertaken. The business processes have been completed. We are working with the border agencies to implement those process changes. Ultimately, some

are achievable in the short term and others are much more complex, because it requires legislative and institutional reform.

**Madam Chairman:** Mr. Karim, you have not spoken, you have preached, so much of that. People do things, do not understand the rationale and they just keep doing it over and over again, and this is right through the public service. I have encountered it many a time. Thank you so much for that.

**Mr. Scotland:** Madam Chair? Madam Chair?

**Madam Chairman:** I recognize you, Mr. Scotland, please.

**Mr. Scotland:** Thank you. Madam Chair, can I enquire from the Ministry personnel whether they have addressed the issue and attached a cost associated with the easing of shortcomings of doing business in Trinidad and Tobago, and if there has been such an itemization, whether or not the moneys for doing so are available and when it ought to be implemented?

**Mr. Karim:** So to respond to the question from the member, we have not done any empirical studies, but we know the reality on the ground. Obviously, there is a significant cost the country is paying, because every second of delay in facilitation of services is somebody is paying for it and ultimately, it is all of us participating in the Joint Select Committee as members of the public. Every second of delay is a cost transferred over to consumers, and that is why we have been very focused at the Ministry of Trade and Industry to identify the bottlenecks that result in those delays and do the business process-mapping. What you would find is that we are in a fortuitous position at this time, where successive Governments, including the current, have made the resources available to facilitate transformation, but as member Bacchus sought to lead us, it is not only the resources, eh. A lot of these reforms are institutional reforms and changing people, changing processes. So no amount of money and no amount of technology alone will lead to a significant improvement in the ease of doing business. It is changing people and processes and holding people accountable to ensure that you have a more efficient business environment.

**Mr. Gonzales:** Madam Chair, can I ask a question?

**Madam Chairman:** Yes, please.

**Mr. Gonzales:** Again, to Mr. Karim, I want to personally congratulate you on the passion that you have, because we need people more like you in the public service because one of the great impediments that we have in the public service towards transformation is that so many people are embedded and invested in protecting the status quo because transformation means that their jobs may be at stake. They do not see it as an opportunity to retool and to gather new skills, et cetera.

In my experience in the public service is that because people like you continue to be in the minority, you will continue to be stonewalled by people who are embedded deeply in the system. My concern then is that; what systems or what committee do you have in place that will help you drive the changes deep inside the system? Because you can have your great plans, you can have everything floating around, you can have your plans on paper as to what must be done to bring about transformation but you also need to have people working with you to drive the process every single day until it takes root. So, yes, a budget is very important, yes, your plans are very important, the legislative framework must be in place, but what team do you have working with you to bring about that transformation and seeing it to its very end?

**Mr. Karim:** Okay. I thank members for the positive feedback. Well, the fact that ease of doing business has garnered the attention of the Joint Select Committee actually helps advance our battle, our rallying cries that – at the Ministry, I should tell you, I am not the minority, I am part of the majority and the growing majority. We do have a very dedicated Minister and Permanent Secretary who have been working with us over the years. I should tell you, the Ministry of Trade and Industry is not the only Ministry. You will find throughout the public service – and I see some of my colleagues from the Registrar General’s Department and Public Administration and Digital Transformation – there is equal passion for these reforms and what needs to be done. We have gotten very strong support from the administration in terms of resources.

At the Ministry, we have – our Minister chairs a Cabinet-appointed subcommittee at facilitation of investments which among other things includes ease of doing business reforms. So there is the institutional support. There are the resources. There is a large cadre of public officers who are very committed to the digital transformation and improvement in the ease of doing business. But I think, one of the – perhaps, if



I could be honest with the Committee, it is perhaps we do not always share the same degree of importance of getting things done immediately. And as our PS started off in her opening statement, while we might be doing what we believe to be the best we are doing, there are other countries who are doing far more. So while we are seeing some small improvements in our indicators, there are other countries, because of economic necessity and strategic positioning, they are doing perhaps four, five, six times more than what we are doing because the impetus is there. So it is a whole-of-government approach for all of the Ministries and Departments of Government to have that same degree of prioritization that I have to get this done in the shortest possible period of time.

**Mr. Scotland:** Madam Chair?

**Madam Chairman:** Mr. Scotland.

**Mr. Scotland:** I have not received the response to my discreet enquiry as to the time frame set. Is there a time table set for us to achieve this success in eliminating the shortcomings to ease doing business in Trinidad and Tobago? Is it going to be the end? It is a target? Is it targeted for June 2021, the end of the year? I do not mean to press but I think that is an important answer.

**Mr. Karim:** Yes. I apologize, member Scotland, for not being pointed. So, at the Ministry of Trade and Industry, with respect to trading across borders –

**Madam Chairman:** Mr. Karim, let us try and keep the responses as succinct as possible, as tight as possible. Yes?

**Mr. Karim:** Right? So, we have set – we have a 24-month work programme aimed at dealing with the issues relating to trading across borders. Cabinet has already approved those reforms and those recommendations, and we are working within the next 12 to 24 months to see a substantial improvement in the area of trading across borders.

**Mr. Scotland:** And would you be willing to share that with this Committee? I know Mr. Bacchus will be interested, I know Minister Gonzales will be interested in that.

**Mr. Karim:** Certainly, certainly. We will put that in writing.

**Mr. Scotland:** Thank you.

**Madam Chairman:** Mr. Bacchus had a question as well?

**Mr. Bacchus:** Yes, thank you, Chair. It concerns two things: one, the number of initiatives and the progress that is happening already. Part of the consideration for this is that that information has to get to the stakeholders. In this case, I like to call all of them customers, regardless of what is taking place – that these things have already been done and are available. There has to be a level of effective communication, whether it be done electronically or otherwise. How is that being undertaken under the Ministry? And, lastly, from me, how do we measure? I mean, the ultimate measure in looking at it from a global perspective is the ease of doing business index. But on a more gradual level, how do we measure from either a metric or blended indices or something, or a range of them, that we are actually making progress and that the things that we are implementing – aside from measures associated with the ease of doing business at a local level and as far as the Ministry of Trade and Industry is concerned – how are we going to measure success that things are actually going and getting better in order to transact business?

**Mr. Karim:** If I may respond, we measure, obviously, based on our ranking in the ease of doing business survey. But you are quite right, over time, there has been a conflation of every single impediment to accessing a government service being related to ease of doing business. But, ultimately, as you alluded to, the ultimate measure is the degree of customer satisfaction that we see in the general public when they go on a day-to-day basis to access government services. When you read in the papers how long, if there is a port delay or how fast it is to get a passport or how fast it is to access a government service, that is really the ultimate measurement. But we are using the international indicators, because every year we have to report to the international indices, and it is very quantitatively measured, but we are more than just the international survey now, because it has to relate to customer experience being experienced in every single government department.

**Mr. Bacchus:** And to the communications part of the question, how are you getting the message out?

**Mr. Karim:** We have a communications strategy that we are working with various Ministries. Perhaps it is

an area that we need to strengthen, but we will be working closely with the communications department in other Ministries to make sure that all stakeholders are aware of what is going on.

**Madam Chairman:** I have a question for you all. In your submission, you stated that excessive number – on page 2, question 3 – of physical inspections at border entry point is a gap to be addressed. But when we had the JSC, Finance – when I say “We”, I mean the Parliament – and Legal Affairs report on food fraud some years ago, we got a finding that only approximately 20 per cent of imports are scanned or inspected by the Customs and Excise Division. So we are wondering, how do you reconcile those two things? On the one hand, you are hearing 20 per cent is scanned, inspected, and yet in your report, you are saying an excessive number of physical inspections at border entry points. Because, of course, the anecdotal evidence is that many times things are not scanned, so you have all kinds of fraud getting in, things happening.

**Mr. Karim:** This is an example of when I spoke about when we use our idea of success versus other countries. You know, if you look at the international indicators and surveys, the best practice is actually less than 5 per cent of containers requiring scanning through the implementation of modern risk management procedures. So while we might think we are doing pretty good because we are scanning 20 per cent of containers, the best practice is actually less than 5 per cent, because you are using modern technology to do specific targeting of containers. But inspection, physical inspection is only part of a process. Because after a container is scanned, it is sent to some importer’s premises for further scrutiny. So 20 per cent might sound like, okay, it is not going to have such a big impact, but it is not the number of containers, because it is the volume of trade affected by those numbers of containers and, of course, the post-scanning processes that take place, because that 20 per cent of containers might actually be accounting for 40 or 50 or 60 per cent of food. So it is not really looking at only the number of containers being scanned, but also what is the value of trade being affected.

**Madam Chairman:** Thank you.

**Mr. Rambally:** Madam Chair, may I pose a question at this point?

**Madam Chairman:** Yes, please.

**Mr. Rambally:** Well, to Mrs. Ovid or Mr. Karim. In light of that last pertinent question, Madam Chair, that you posed and the response of Mr. Karim, is it that when the Ministry speaks in its report on trading across borders – that is the indicator I am referring to specifically – is it that Mr. Karim is suggesting some kind of amendment in the gaps to be addressed? Because, I am not seeing what he has just referred to in the gaps to be addressed. What we are seeing is excessive number of physical inspections. And I also want to throw in here that in practice, in reality, what we have is you have a lot of litigation with Customs and are you all in a position to tell us whether that is linked to, you know, any way a downfall in terms of the ease of doing business?

**Mrs. Alleyne-Ovid:** Chair, through you, Member, I thank you for the question, but the specific question that you are asking, I think it relates to the practice of Customs and Excise and I think that questions would be better posed to the Customs and Excise Division. The Ministry of Trade and Industry really does not have a remit in that area.

**Madam Chairman:** I entirely agree.

**Mr. Rambally:** And, Madam Chair, I am grateful for that response and I have noted that in your report, but this is why I am saying that they have identified, as the Ministry of Trade and Industry, certain gaps to be addressed and it seems to me some of these gaps, really, they are putting it here but they are not going further to say why they have put it and they are now telling us that really, you know, Customs should really come and answer these questions. So I leave that on the record, but I appreciate the response.

**Madam Chairman:** Admittedly, they raised it but sometimes, you know, there is a word in English language “unwittingly” you fall into a particular area. So that we will continue that when Customs and Excise appears before us. Yes? Any further questions?

**Mr. Bacchus:** Madam Chair, one last from me, if permitted?

**Madam Chairman:** Certainly.

**Mr. Bacchus:** Yes, as we are speaking about the gaps, and I think it would be remiss of us if we did not give the opportunity for not necessarily the gamut of all the gaps that we have but, at least, the core ones to get

some of the core reasons why we still have these, you know, delays or things that may be impairing our ability to close the gap and get better in our ease of doing business, the major ones, maybe the top three if you can so relate.

**Mr. Karim:** If we are to respond to that question as it relates to trading across borders, there are three major gaps right now: one is the facilitation of electronic payments. Right now, all of the processes involved in international trade, there are manual payments involved, whether you have to go to the cashier at the Customs and Excise Division or in other border agencies. Over the last 12 months or, perhaps, shorter, the Ministry of the Attorney General has been doing a lot of work to break that bottleneck down and we have seen the introduction of electronic payments at the Ministry of the Attorney General and we expect the floodgates to literally open in terms of Ministries being able to now, for the first time in the history of the country, to allow and facilitate customers to be paying for, whether it is duties and other taxes, electronically. What that will do is significantly reduce the time brokers and clerks going around manually waiting for a cashier to be available that closes off at 12 o'clock or two o'clock in the afternoon. Now, at the luxury of my business premises, I could pay electronically online. So that is the first major bottleneck, and we expect to see a significant improvement because of the work of the Attorney General's Office in facilitation.

The second area relates to working hours. What we have found at the Ministry of Trade and Industry is, while the Customs and Excise Division is available 24/7, our border agencies, all of them work 8.00 to 4.00. So whether it is Chemistry, Food and Drugs or the Bureau of Standards or the Plant Quarantine Services and, certainly at the Ministry of Trade and Industry, it is 8.00 to 4.00. Now, obviously, that poses a difficulty because if cargo comes in on Friday afternoon, then it has to wait until the following Monday, et cetera. What we are doing is working with those Ministries to get officers assigned to working after 4.00 p.m. in the afternoon. And, of course, that involves HR considerations with the CPO's office, but we are hoping to see that issue dealt with, because if we can get our trading environment to be 24/7, then you will see an improvement in the ease of doing business. And the third one, the third major gap is interoperability, and I am sure member Bacchus would appreciate that, coming from the IT world.

**11.40a.m.**

We have the TTBizLink system at the Ministry of Trade and Industry that automates a part of the trade process. Customs and Excise has a major part with the ASYCUDA system. While ASYCUDA and TTBizLink speaks, none of our systems speak to the port because the final part of every trade process ends at the port because a physical container has to be cleared at the port. And what we are doing with the implementation of the port community system is integrating and making sure TTBizLink speaks to the port, the ASYCUDA system and there is that the tripartite electronic interoperability within our systems so that people do not have to start a process electronically and end it manually.

So those are the three major gaps and we are very aggressively working on dealing with those three major gaps. Some of the other reforms are documented in our written submission.

**Madam Chairman:** Mr. Karim, I am a little confused here because you are talking about Customs 24/7 when you cannot get anything after three o'clock in Piarco there. Customs shutdown for the whole weekend and you have to come back on Monday morning because it is three o'clock. And "Why?", you ask them. They tell you, "Well, people living far and they have to go home?" Please, not 24/7, not Piarco. Next question, please. All right.

We go to Public Administration and Digital Transformation, a new Ministry, new name; key, "digital transformation", that is the buzz word. Thank you COVID-19, you have precipitated a lot of things. So do we have any questions for Public Administration and Digital Transformation or have they answered all the questions in their submissions?

**Mr. Rambally:** Madam Chair, just for my own self, I would ask that the members just bear a bit with me. I am trying to get it on my iPad, their report, please.

**Madam Chairman:** Do you have a question?

**Mr. Bacchus:** Madam Chair, if I may, just as a follow-up or just to get some clarity as it relates to the three items associated with the core concern that just came up, the last one of course being interoperability.

Because of my knowledge of the Ministry and I would not elaborate on it but it would be fair to ask how is the Ministry of Public Administration and Digital Transformation seeking to adjust or adjust the items associated with things like the interoperability and so on? Or are there any initiatives that they have and could address that, as it relates to what is happening with you, just as a follow-up to the question that I asked previously?

**Mr. McKellar:** Madam Chair, could member Bacchus repeat his question, the audio was not all that clear. I know he mentioned “interoperability” but could he repeat, please?

**Mr. Bacchus:** Certainly. The question is really a follow-up to one of the things raised in the last question that I asked and it is specific to the Ministry of Trade and Industry identifying interoperability, interoperability as being one of the major hindrances of things that needs to be addressed as we try to close the gap in our ease of doing business. The question really was how is the Ministry of Public Administration and Digital Transformation working in regard to that specific item. Is there anything or initiative or measure that they could describe that would, you know, work and try to get that or at least ease some of that issue as it relates to them, and obviously the Ministries that they are trying to associate themselves with?

**Mr. McKellar:** Okay. Thank you very much for the clarity and repetition and that is a good question. First of all, I guess we could address the issue of what exactly do we mean by “interoperability” and in a nutshell it is really about developing and implementing, introducing data-sharing solutions that allow Ministries and Departments, whether in the public service or across the public service and the private sectors that would allow data-sharing between those entities. Right now in the public service there is a fair amount of “silo-ism”. Entities have their data sets, they have their information and that information is not always readily shared in a manner that would facilitate citizens’ businesses when they seek to access Government services. And for many years one of the elements of citizen-centred service delivery is the whole concept of “Tell me once”.

Citizens should not have to provide personal information, name, date, address, date of birth, whatever, every time they show up at a Government agency or Department. That information when provided once, whether it is at birth, whether it is at the issue of a national ID card or a driver’s permit, accessing any service at any Department, it should not be required thereafter. Maybe there might be instances where depending on the service you may have to provide something a little more but there is a core set of information specific to every citizen that he or she should not have to provide more than once. So “interoperability” really at its heart is about making the customer service much more pleasing, much faster through allowing Government agencies, their data system, to speak to each other in a safe, secure, reliable environment through an appropriate solution.

To further answer the question posed by member Bacchus, the Ministry right now, of Public Administration and Digital Transformation, we have two major programmes that we are addressing that have been outlined and presented by the Government in the Roadmap to Recovery, in its manifesto, and Development Programme. Those are the e-identity process where we go in to develop an e-identity system for citizens accessing Government services where persons could be verified and confirmed as being who they are when they present themselves to access a service. And the other key project is the interoperability. So in terms of our digital transformation programme, e-identity, interoperability, and the general transformation of the public service into a digital public service, those are our key initiatives. We want to break down the siloes. We want to facilitate easy flow of information again to improve the customer experience.

**Madam Chairman:** Thank you, Mr. McKellar. Any other questions?

**Mr. Rambally:** Madam Chair, I would like to ask, in terms of the reports that the Ministry has put forward, I am looking at – there is a specific reference in their report that – I do not know if it is a draft document or – the Service Delivery Policy Framework, there is reference to that so I wanted to ask at what stage is that report? Is it a draft report or is it that it is something that is already in circulation, Service Delivery Policy Framework?

**Mr. McKellar:** Thank you, member. With respect to the question, I will defer to Ms. Gallazzi.



**Ms. Gallazzi:** Thank you. The Service Delivery Policy Framework has been drafted. It is currently under review on being ready and prepared for submission to our Minister who will then submit it to Cabinet for approval.

**Mr. Rambally:** Thank you. And may I just ask as a tag on whether this report has in any way sought to address elements that would be considered in the ease of doing business?

**Ms. Gallazzi:** Well, in terms of the research that we have done we would have come across some of the issues and challenges that hamper the ease of doing business, whether those may be obsolete processes or procedures, or the lack of enterprise-wide policies; also with the lack of requisite skills to execute the programmes that have to be initiated. So those would have been highlighted, and the framework really and truly addresses and helps organizations work within particular guidelines in terms of how they should improve service delivery.

Two of the key areas in the framework is the points of interaction and what we call the “enablers”, and the point of interaction across the people process technology and it also places any enablers that we have identified. Of course the legislation, culture, partnerships, especially in this current economy whereby we believe we need to partner and collaborate more with our other Government agencies also looking at our ICT infrastructure as part of the “enablers”. So those are the two key areas within the service delivery framework that we will be highlighting and operationalizing, and we have actually drafted an ops document to go along with the policy framework.

**Mr. Rambally:** Thank you so much.

**Madam Chairman:** Okay. Any other questions for this Ministry? Key digital transformation, that is what is going to save us in a number of ways, you know.

**Mr. Rambally:** Madam Chair, just to get some clarity again from of our guests, what I would ask is that there is also a reference to online repository of information and there is what is referred to as the – I am looking specifically at page 2 and this is where I see – The question is, did the Ministry consult any other governmental or non-governmental agency determining priority indicators? And it says:

The Ministry is committed to working with any MDA towards determining priority indicators. I do not know if the PS or anyone cares to volunteer some further information on this, how advanced are they in terms of getting any feedback and, you know, how much of it has been incorporated into this report.

**Mr. McKellar:** Thank you, member, for the question. As per our response to the question, I think we indicated that we are committed to a whole-of-government approach to service delivery improvement to improving the ease of doing business. Again, striking at the heart of the whole issue of the “siloes” nature of doing things in the public service. We are committed to collaborating. I think Mr. Karim indicated earlier that the Ministry of Public Administration and Digital Transformation has been for quite some time working along with the Ministry of Trade and Industry. We have been working as well with the Registrar General’s Department and many others, whether directly as the Ministry; also the efforts of our satellite, iGovTT.

So we really are on board as far as collaborating, working with the other Ministries and Departments to identify the issues that exist, those that we know, those that we learn from them towards working in the interest of the citizens.

**Mr. Rambally:** I am glad you mentioned the Registrar General. In terms of, you know, registering property and those sort of transactions, can you give us a practical scenario of how? What your Ministry is doing is going to assist in, you know, registering of transactions insofar as what the Registrar General is already handling.

**Mr. McKellar:** Some of what – again, as I said, iGovTT is our implementation arm as far as IT, ICTs are concerned. Right now iGovTT has been developing applications, solutions to address issues such as e-appointments across the public service. I think right now the Registrar General’s Department has been using e-registrations. The Ministry of Works and Transport has been doing e-registrations for making appointments. So that certainly frees up the departments to do other much more meaningful work.

It eases up the citizens and their crowding and having to line up for any extensive period. You come in when your appointment is scheduled. So that is just one way in which the development and

indications of solutions can help, not only at Registrar General but other Departments throughout the public service.

**Madam Chairman:** Thank you.

**Mr. Scotland:** Madam Chair.

**Madam Chairman:** Yes, Mr. Scotland, proceed.

**Mr. Scotland:** Madam Chair, my question to the Permanent Secretary and their representative from this Ministry, in the quest for digital transformation there is always a bugbear or a downside as it relates to the system not having a backup. So for example, Chairman, when in my Chambers I try to go virtual and digital, I made sure I had a book, a hard copy book with numbers and things as a backup. What backup systems—I mean, I have looked at it; I have looked even also from the Ministry of Trade and Industry, what backup systems are being put in place to ensure that if there is a snag in the digital delivery that things can still—there can still be a backup or a fallback position for manual delivery? I give the example of the port. I mean, we could have had the best computers but if the computers are down, is it that business stops?

**Mr. McKellar:** That is an excellent question. Thank you, member Scotland. So right now the whole thrust is towards digitalization of services so really the emphasis is on providing services online in terms of reliability, speed in citizen access, comfort. But you are right, things can, things may go wrong, and there are a number of issues to be addressed; redundancy in terms of power supplies, additional networks. Right now the Ministry has been looking at possible venues, locations for data centres that would support the systems that we seek to put in place for a unified government system. So, for example, we may have a single data centre at one point but there will be multiple or a number of other locations that can support that main data centre in the event of something going wrong, fire, flood, whatever; issues relating to, as I said, redundancy, failures in power supply. What alternative power sources do you have to support your data centres; we are certainly doing that.

Now, a major element of the digitalization is the digitization of records, that is, turning hard records, paper records into digital formats, primarily through scanning. Now, we recognize that even as we scan and upload documents that there will be a need and there is a legal legislative requirement to maintain hard copies. So one of the things we are also looking at is the issue of identifying suitable space where Government records can be maintained for whatever legislatively prescribed period that they need to be maintained. Because, as you said, things can go wrong and in the event that they do there must be some failsafe, some fallback to maintain operations. So, yes, these risks and potential risks are being considered and strategies to mitigate them are being put in place.

**Madam Chairman:** Thank you very much. Now, in your submission the Ministry says that it had conducted research and drafted a Service Delivery Policy Framework which seeks to create sustainable, strategic, integrated, customer-focused approach to service delivery for our citizens, businesses and other users of Government services; very, very impressive and I commend you on doing this work. But tell us, did this research identify shortcomings in the delivery of public services which impact the ease of doing business?

**Mr. McKellar:** Thank you, Chair. I will turn over to Ms. Gallazzi.

**Ms. Gallazzi:** Okay. Thank you, PS. I believe I would have mentioned previously some of the challenges that we have identified that can impact the ease of doing business around the issues of obsolete processes and procedures; also around the issue of limited use of technology and innovation. What we found is that there is a slow rate of adoption with regard to technology even though it may be deployed. Also with regard to the requisite skills, as I mentioned before, in terms of the whole thrust around digital transformation, but the Ministry is also embarking on ensuring that we address those issues as well in terms of ensuring that we have our digital employees through training and development.

Other issues that we have also highlighted or came across is the issue on clear accountability and framework—a clear accountability framework for consequences for our public service delivery failures, that is not properly well identified. Also the matter of publishing data and monitoring systems for service delivery issues. So those are some of the challenges or issues that we would have researched and came

across in conducting this exercise to prepare this policy.

**Madam Chairman:** You said your draft was late, is that the finalized document now that can be shared?

**Ms. Gallazzi:** The draft has been completed and as I mentioned previously, we are currently reviewing that document and the document is also accompanied by an ops plan. So it will help to guide MDAs in terms of how to utilize the policy. So the ops plan also provides further details and information and steps in terms of engaging in any service delivery initiative.

**Madam Chairman:** Thank you, Ms. Gallazzi. Thank you.

**Ms. Gallazzi:** You are welcome.

**Madam Chairman:** Any further questions for this Ministry? So could we turn then to the Ministry of Attorney General and Legal Affairs?

**Mr. Rambally:** Madam Chair, I was just disturbed with my device here a little bit but are we now moving on to the Ministry of Legal Affairs, Attorney General and Legal Affairs?

**Madam Chairman:** That is what I said, Sir. Yes.

**Mr. Rambally:** Would I respectfully ask or enquire at this time, my colleague, Member Lutchmedial had messaged me and I see it on the chat as well, our Zoom group chat. There are certain pertinent questions which she wishes to place to the members but in light of the late submission, or, I should say, receipt of the late submission, is it possible that we may be able to have some of these questions deferred as against the AG's and Legal Affairs personnel?

**Madam Chairman:** There is an alternative below. If she has indicated to you the question that she wanted to ask, well then you could ask on her behalf as well.

**Mr. Rambally:** Yes. Madam Chair, I am just looking, I do not have her questions. I am just looking at what she has put on the group chat. She would appreciate the opportunity to review the submission and that she has questions relating to matters under their purview, and that is as much as I see. I think –

**Madam Chairman:** –how are we going to accommodate at a later stage.? But for now members who are here we would ask you, invite you to ask your questions.

**Mr. Rambally:** Madam Chair, may I ask a question? I suppose it may be addressed appropriately to Ms. Bridgewater. During the latter part of 2019 and certainly in 2020, I know the problem may have been exacerbated with the pandemic. There were problems in terms of persons, not only lawyers, persons, the citizens generally in obtaining title searches and conducting certain land transactions at the registry and maybe it is something that, you know, we could start with getting an update in terms of if some of the problems which were being experienced are now sorted out or how, you know, what level are we at in terms of getting ahead of the problems that we faced.

**Ms. Bridgewater:** Thank you for your question, member. I think you are alluding to the issues that may have been in the public domain with respect to access to the public search room for the searching of land records to facilitate land title searches. We, at that point in time, around the end of –I would say mid-2020, to the end of 2020 thereabout, our challenge was twofold. First of all, we were operating a dated land registry, property information management system which quite frankly was unstable in the outer environment. While stable in the office we had some challenges in terms of the access that our customers were having outside of the office. In addition to that because of the pandemic and the protocols that we would have had to implement to satisfy the social distancing requirements, the numbers of persons that we could have accommodated at any given time in the office to do public searches had to be reduced. So therefore at that point in time we were running a sort of rotation system to allow for persons to access the records which for some reason was not sufficient.

Since then the Department –because we had been working, and in our response you would see that, we have been working on updating and upgrading our land registry system to implement a new system which is referred to as our Property Business Registration System, PBRS system. In about October 26, 2020, we went live with online access or online search portal for the PBRS system. We would have done virtual training sessions for –it would have been open to all attorneys, all title abstractors, members of the Government agencies as well that are involved with land administration and we were able to successfully train over 500 persons.

So that at present there are no complaints coming back to us in respect of access to those records because persons are accessing those records virtually without any issues. We are to launch the registration aspect of the PBRS at the end of February of this year, 2021, and that would incorporate e-filing of land documents into the Registrar General's Department Land Registry system.

**Madam Chairman:** Thank you, Madam Registrar General.

**Mr. Bacchus:** If I may, Chair?

**Madam Chairman:** Please proceed, Minister Bacchus.

**Mr. Bacchus:** Yes, thank you. Just a follow-up to the last question and it relates directly to what we talked about measure. The solution implemented on October 26<sup>th</sup>, and that should be commended when you consider the amount of work, I am sure, that went into getting it there. I noticed that it was a three phase thing whereby you are looking at how it behaves, and like you said there have been no complaints, and so on, and then there is the phase C which will start and be completed the next time where you start to get into the registry. My question then is, having done this, and obviously this is a significant achievement, how do the customers—and again I use “customers” in the broadest sense, meaning really all of the stakeholders or users of the solution, and that would be the people who actually use the solution to deliver the service, the people who consume the service or at the other end of it. How do we measure that there has been significant improvement or how is it being measured that there has been significant improvement as a result of all of this change that you have accomplished both in terms of the technology and in terms of the process? How is that measured?

#### 12.10p.m.

**Ms. Bridgewater:** Member, when we launched the online search portal of the PBRS, a month after that we conducted surveys to get customer feedback on the usability of the system, any challenges that they were encountering in the use of the system and so on, and a month after that we followed up with additional surveys. So we actually reached out to our customers directly to get their feedback on the impact and that is why I can say with confidence that we have had a very good response to the launch of that service.

**Mr. Bacchus:** Is it then that confidence, based on the feedback from the surveys, is based on the fact that people can do things easier, that they can get things done faster, that they have less issues in terms of conflict and search? So what I am really trying to get at is there is an empirical base that really leads to a subjective answer. So saying it is better, saying it is this, is one way of saying yes, but yes it is better because of these things.

I am saying if we want to continue, if we are going to use, as it pertains to this, the ease of doing business and the relative subjectivity of that in the local environment, we must be able to back it up with some kind of empirical thing. So let us say a search would take from a search clerk half an hour to go to find it, to get it to come back. Now that it is online it could be done in three minutes. I am just using that as an example. I do not know if it steers you in that direction.

**Ms. Bridgewater:** Well, member, I can tell you that, if I take you through a history of the access to the records, you are moving from a manual environment where you may have multiple requests for the access to one particular record, and the implications of that would mean that one person at a time can view the actual hard copy of the record. Moving away from a manual environment to an electronic environment, where you have now digitized that record, you have made that record available outside of the Department and in the digital sphere, now you have multiple persons who can access the same record at the same time. That in and of itself is an improvement on the way, in terms of the ease of access to business.

What I could say at this point in time is in the exercise that we had to conduct with respect to the implementation of the new Land Registry solution, we had to digitize hundreds of thousands of records that had not been digitized prior to that exercise beginning. These would be the RPA titles, registered land titles, and so we have moved from an environment where the applicant would have to get access to the office, come in to the office, request that record. The persons working at our office would have to retrieve that record from the vault, that one person would view that record and after he or she is done with that



record, the other person would then have access. These are records that are legal records, so it is not as though it is only a record that is being requested by a member of the public, but we use those records internally, amongst our legal staff as well, because as documents come in for registration there are notations that have to be made on those records.

So we have gone from an environment where we have to actually move that physical record from our vault, to give access to the attorneys, to give access to members of the public, to give access to the title abstractors working on behalf of the lawyers and so on, who are closing a land transaction. We have moved from that environment where there is a competition for a particular record, to an environment where these records are now digitally available for multiple users who can access them from the comfort of their offices or homes.

**Mr. Bacchus:** Thank you.

**Madam Chairman:** You spoke about, in the report, seven capacity-strengthening areas under the project to strengthen information management and the Registrar General's Department: Digitization of all non-digitized records, training of staff in archiving and a number of things. What is the expected completion date for roll out of this project?

**Ms. Bridgewater:** The completion date is February 28, 2021. That is where we would launch the second aspect or the second phase of the project, which will encompass virtual access to registered documents filed, the ability of attorneys and other practitioners to file their records electronically with the Registrar General's Department. So that we expect that we will be able to launch that second phase at the end of February 2021.

**Madam Chairman:** Thank you. Any further questions?

**Mr. Rambally:** Madam Chair, I would like to ask, in terms of receiving the response from the Office of the Attorney General and Legal Affairs, how we have received those responses, they are in several documents, they are to be found in several attachments. So I am looking at one of the attachments, and it appears to be a submission of the Chief State Solicitor. What I am looking at is that it refers to the fact that the Chief State Solicitor department does not engage in dispute resolution unless it is part of litigation.

Now, the question I want to ask is that, is it that, in terms of the ease of doing business, the Attorney General is the defendant to a lot of commercial litigation, and so the question I want to ask to the members is: Are they sufficiently staffed if it is they do not have any dispute resolution process themselves? Are they sufficiently staffed that they could say comfortably they are able to weed out those matters that can be expedited, whether by way of resolution, pursuing some kind of dispute resolution, or in terms of having appropriate personnel, whether it be a senior counsel or someone who can advise in the matter? Are they themselves appropriately staffed to determine these matters, to determine these issues? In other words, the question is: Is the Solicitor General's department and any other department which deals with litigation, are they appropriately or sufficiently staffed to weed out these types of matters in commercial litigation that can be dealt with other than by proceeding with litigation?

**Mr. Julien:** I will ask Mrs. Hernandez, perhaps, to answer that question.

**Ms. Hernandez:** Any matters that come in, basically with litigation, yes we can weed it out. Whether we have the staff that you need to engage in mediation or maybe arbitration, that is a different story. Because in the Solicitor General's chambers, we never have enough bodies. We just do not have enough attorneys. The establishment needs to be expanded, and one of the difficulties we find is that even if we suggest that something goes forward by mediation, or even the court suggests that something go forward, we have to look at the nature of our matter. For example, you may have a matter that involves maybe like prisons officers or maybe police officers, and then we have – that is basically our client, so we have to have some agreement for them to go forward in that.

The easiest matters that you could probably do dispute resolution in is probably commercial matters. Basically, I would not say commercial. I would say if you want to enforce maybe we have contracts where maybe works were done, small works, or maybe Government went out and bought some goods, there is much easier to do dispute resolution. We can identify it, but it is a matter of now having the attorneys to do it. That will always be a concern, because as I said you need more bodies, you need more

attorneys.

Also you would find that there is also a constant turnover of staff. So we are always losing senior attorneys, and that also creates a problem because although you have the junior attorneys, you need your senior attorneys there to give the guidance, and probably also review the matter. So there is a difficulty there. But as to identify whether we should go by the way of court or mediation, yes we can do that, but also remember there is a party on the other side if you want to go into mediation, who will have to agree to that as well.

**Madam Chairman:** Madam Solicitor General, it is nothing new, in fact, it is a perennial problem, the shortage of staff, your department, Chief State Solicitor and all of that and, you know, those departments that come under the purview of the Attorney General.

Now, coupled with that, the shortage of staff, the hemorrhaging. After you have trained staff over a number of years they leave to go to greener pastures. And the motivating factor for moving out, would you not agree with me, is the compensation package? When you put that with the millions of dollars paid to private attorneys every year, have submissions been made to the Attorney General's Office that perhaps what he ought to do is to improve the compensation packages for the attorneys? There are many other areas where people's compensation packages are rising rapidly, but perhaps when he compares what is being paid, and he talks about it in the public arena that people are suing the Government and so much money is being paid because you have to defend and all of that, keep the very experienced and competent attorneys within the department, and they are paid a fixed salary, which would be nowhere near what is being paid to attorneys. But at least they will feel that they can stay there and that experience, the State can benefit and also benefit from this constant hemorrhaging of huge packages of fees paid to private attorneys.

Tell us, have you made representations? Have they fallen on deaf ears? Is there something we can do to help you perhaps, Madam?

**Ms. Hernandez:** The terms and conditions of attorneys, we all work in the Judicial and Legal Service, and that is dealt with through the Salaries Review Commission. So we will always make a recommendation. We will, of course, in doing that we look at what our workload is, what is out there, what is being offered maybe in other state agencies, because that is where people hemorrhage mainly to, say like state companies, state agencies. That is where you go.

So we would make our recommendations, then you have the Salaries Review Commission make their recommendations, and that, of course, goes to Cabinet. So in all fairness that is where it is. Even if the Salaries Review Commission reports and then – and it is always that although what you are being given, and also your career path. There are not enough probably posts, the people might be stuck at the middle level, and maybe as a State Counsel III, there are not enough posts for you to move up.

Probably when they did the structure of these departments it was a different time. We did not have things like the Freedom of Information Act. We did not have people doing mediation, so we need to probably look at it and it is something we will look at. Something I think we would, you know, send it to Attorney General, he is open to. We have in recent times been speaking with him about it, and he has said, well, let us see what we can do here as to the structure.

As I said, as to our package, which I think they have to look at, if you want to keep people here. Because the same people, it is ironical, they move out from the Ministry of the Attorney General and go to another Ministry, and then you find that the work of the Ministry there is coming into the Solicitor General's chambers. So you are working from a place where – and maybe that person will now be making more money than the attorney who is actually – probably the person might be a III, but then it comes in here because we do not have enough people and enough experience. You have to push your attorneys. So you might give that to a II; it is ironical in that way. So you have to look at it.

It is not just the compensation package. It is our environment, where we work, having the necessary equipment, having the necessary support staff. All of that links into your – I mean, because job satisfaction, yes, let us say a good compensation is what you do, but job satisfaction is also affected by all of these things. So we should, as I said – I know there is a Salaries Review Commission coming up now, we have been asked to do submissions maybe by the end of this month, but we always put forward our submissions to

### Salaries Review.

Hopefully when they look at it, they will take into account factors like you said, how much money is being paid out there, because sometimes it has to be possible that it is a matter it can do in here, but when you look at the workload of the attorneys, you really cannot do it. So we then have to go to the Attorney General and say, "Could you take this outside". Sometimes we just have to do it because we simply do not have the manpower in here to do it. It is not that they cannot do it; it is not they do not have the experience, sometimes it is out there. And as you said, there is a hemorrhaging of experience, we lose attorneys, and we lose them not just I think to other Ministries, but the Judiciary. We lose them to also, people, they are retiring and you need to look at that, and to see how people can look at a department like this and say, "I can make a career here, I can stay here", and these people can start on their career path. Thank you.

**Mr. Julien:** If I might just add to what the Solicitor General has said. Yes, stress is also another factor that drives people out of the Ministry, the stress factor. Because as I indicated in my submissions, when you have this hemorrhage taking place, the work that these attorneys would have been doing now falls on fewer shoulders, those that remain. So their stress increases and then they look for opportunities to get out of the system. Many times it is not only the salary, sometimes they are willing to take a small demotion just to get to a more stress-free environment. So that many times, for example, as the SJ alluded to, the Judiciary offers posts. Right now, for example, there is an Assistant Registrar post. I know persons are looking at possibly moving there. The salary is on par with what they are experiencing here, or it may be even a little less, but they anticipate that the pressures of state – because all incoming civil litigation passes through our department. It is really an amazing burden, so many look for opportunities because of the stress factor. I just wanted to add that.

**Mr. Chairman:** Mr. Bacchus?

**Mr. Bacchus:** Thank you, Chair. Just to follow up on the answer given. Structures are mechanisms for execution of a mandate. It is obvious that the mandate with this Ministry, and specifically with the one at the Registrar General, the Chief Solicitor's office, and so on, and the Solicitor General, the mandate that they have to perform has changed significantly from inception to now, and even over the last three years. In examining the appendices that came with the HR numbers, we would see for a number of them they just look exactly standard, they have not changed, they have not moved.

There has to be, apart from the compensation, and I know the SRC is coming up, but there has to be some mechanism that is going to be employed, that would bring into clearer balance the work and the expectation and the rate of performance and efficacy of what they do, and bring it into alignment with the staffing that is required so to execute. How is this being addressed at the level of the Ministry?

**Mr. Julien:** Well, I know, speaking from my perspective, I know several of those exercises have been done over the years and submitted. We did programmes where we looked, again the SJ alluded at it, at what was operating on the outside with private attorneys, compared to the same work that we were doing. Looked at international comparators, that kind of thing, and submitted showing the number and volume of matters that we are dealing with requires "X" number of attorneys to perform it in a reasonable fashion. We are not asking for comfort, but we are asking at least at a reasonable level, and these have been submitted as part of our suggestions to the SRC and so on. But, again, unfortunately things have not happened as we would have liked.

**Madam Chairman:** So you have to submit directly to the SRC, it does not go through the AG at all? The Permanent Secretary is the one who submits straight to the Salaries Review Commission, is that how it works?

**Ms. Hernandez:** Well, submissions will be done by the various departments, and it is the Permanent Secretary who would ask us to submit to her. As to whether or not the hon. Attorney General sees it, is something I guess the Permanent Secretary would know. I do not know if she has a discussion with him, but we send our submissions through to the Permanent Secretary, who will then, I think, pass it on to the Chief Personnel Officer, and that is the way it gets to the Salaries Review Commission. But as to whether or not the Attorney General sees it, I guess as Minister he may have seen, he may see it, but at the end of

the day it is the report coming out from the Salaries Review Commission that goes to Cabinet.

To the question that was raised by Minister Bacchus, I think we went through this already as the Chief State Solicitor said. We went through it in 2020, when we had the doing of the 2020 plan as to how these departments, the Chief State Solicitor and the Solicitor General should be structured to meet the demands, to be able to give the service that our clients, which is the Government of Trinidad and Tobago, need. It is there, and over the years they would have probably looked at it, persons have spoken about it, but it is always a matter of getting it done.

I think one of the things that probably hinder, because at some point it has to come back to these departments to probably provide the manpower, because we are the ones who are working here, we are the ones who are seeing how we need to deliver our services. We just do not have the manpower, because we just do not have the time to do it, because we are always understaffed, so we have to focus on which our main function is, dealing with the litigation that is brought against the State.

**Madam Chairman:** Madam Solicitor General, I see 2020, the total number of posts, 42, and the number of offices filled 25. So 17 are –

**Ms. Hernandez:** At this point that would be sort of dated. You are looking at it in the sense that it is 24 I am seeing, and at this point in time we have some persons who have been given temporary appointments, but usually we have two senior officers out of that. The most senior Deputy Solicitor General has just been told, “Well, as of the beginning of this year, you are going on preretirement leave,” and he retires at about July.

You also have some persons, like two persons who are out on leave of absence. We always give people the opportunity to do that, because we see it as a time so you could go out, get a different experience and come back in.

So basically we could take away three from that. We have 24 public posts filled. Right now I have only 21 persons, and just recently I was told another member of my staff has been appointed to a post in the Judiciary. So basically I have in one year lost four very senior attorneys with years of experience. But as I said, people will look, as the Chief State says again, you would look for other things. Thank you if you want to stay, but as again it is not just – yes you need a very good package, you have to get that, but if I am going to go to a job maybe that I would have a good package and less stress, well, I will go as well. That is what happens a lot of times.

So, in fact, I probably have now, let us say maybe about 21 persons. Not 21, less than that; take five from that. I have 19 persons on my establishment and, of course, we have some contract posts and we have persons there, but they are mainly legal officers, one Legal Counsel I’s and II’s.

**Madam Chairman:** So you are operating with less than half of your required staff? Because we have been hearing about the DPP’s crisis for some time now, but we have not heard before about what was happening in the Solicitor General’s department. So this is a shocking state of affairs.

**Ms. Hernandez:** In all fairness to this, I have been having discussions with the hon. Attorney General, he is aware of it. He has asked me to put forward some recommendations as to what could be done to probably expand the establishment, which is what we need to do. We need to expand the permanent establishment of the Solicitor General’s chambers, and we will work on that. But at the moment yes, I am working with about 21 persons on the establishment and maybe about 12 on the contract, most of them being Legal Officers I, Legal Counsel I.

**Mr. Scotland:** Madam Chair.

**Madam Chairman:** Mr. Scotland.

**Mr. Scotland:** With your leave, the issue of current staffing, in my respectful view, is by no means novel. But every six months, Madam Chair, you would appreciate, and so would member Rambally and the hon. Minister of Public Utilities, every six months we call over 70 people to the Bar. In other words, it is not as if there is a dearth of attorneys, and it must be a question of getting adequate staffing, and I will tell you why.

In the CPR now, where there is the concept of relief from sanctions, the State is not allowed the luxury for continued applications for extensions, because with all of that, Madam, I know Mr. Julien and



the hon. Solicitor General—who mind you, if my memory serves me right, was also in the Chief Parliamentary Counsel’s office, so I know that this officer can speak to that office also. But the thrust now of the CPR, and according to Trincan, there is no longer a laissez-faire approach, and you can see that there has been a plethora of matters filed against the State. If the resources for the State are limited, and continue to be limited, they will be severely prejudiced in meeting these claims, and meeting the strict deadlines imposed by the courts. So it is a matter of extreme urgency, in my respectful view. I do not know what are the views of the Solicitor General and the Chief State Sol, but that is my view, and in practice that is what happens.

**Mr. Julien:** I cannot add anything to what Mr. Scotland has said. He has encapsulated our problems. This has been urgent for a number of years. Regretfully, several matters have fallen through the cracks because of the inability of officers to manage all their matters. So it is an urgent situation, it continues to be urgent, and we really hope going forward it will be addressed.

**Mr. Gonzales:** Madam Chair, just to add to what member Scotland said as well as Mr. Julien. This is not a novel problem for us. As a matter of fact, the last 15 years, time and time again we always hear of problems of staffing in the Office of the Attorney General and the Ministry of Legal Affairs. But if one looks at the recruitment process, we are talking about ease of doing business in Trinidad and Tobago that would facilitate economic development, but what about ease of recruitment practices in the public service, that can transform and re-engineer the entire process to get people on board as quickly as people are leaving the various departments?

I know that is outside of the remit of the Office of the Attorney General and Ministry of Legal Affairs, or the Chief State or the Solicitor General, but it is one that falls within the powers of the Judicial and Legal Service Commission. But these are systemic, they are endemic institutional problems affecting the entire public service, affecting and undermining governance in Trinidad and Tobago. Because while we are looking to move forward and to transform the society, and to do so at a pace, not many institutions within the State and the governance of Trinidad and Tobago are really excited about these things.

They come before these hearings that we are having right now, and they complain what is not being done and all kinds of problems, but are they prepared to do it differently? That is not what we are hearing. Because the problems exist for the last 20 years, and God alone knows how long before that. But we are not hearing what are we doing to change the recruitment process, so that we will avoid the problems that we are having today. It is not right to come here every single year or every single opportunity to complain of these things, and we are not trying to change the system to address the problems.

So we are talking about it in the context of ease of doing business, but this is a problem that is much bigger. It is very much relevant, but it is much bigger. And perhaps it might be a good opportunity to look at the institutional dysfunctions within the society to address these problems.

12.40 p.m.

**Madam Chairman:** Point well taken. Responses.

**Mr. Scotland:** Madam Chair, my last point and this is geared towards the hon. Solicitor General and Chief State. What I did not say in my first contribution, forgive me, is the lacuna that I spoke about comes with a cost, you know, Chair. For every time the State concedes a matter for want of defence, the matter is lost and sometimes in a constitutional motion, cost is awarded. For every time an application to extend time is made, the court may very well order cost, and it comes at a cost to the taxpayers, and the cost accumulates per matter, and it is very, very serious. As someone who practices in the courts every day, I mean, on one side, we love to win a matter by default. No defence filed, judgment entered, we enforce judgment. But on the other side as we sit here, we would like to see the ability of the State to launch robust defences especially in matters which may affect taxpayers’ money, Chair. I would say no more on this point.

**Madam Chairman:** I think it is being well and properly ventilated, the implications of the short-staffing, and that also adds to the stress because when the officer appears before the court, it is the officer in front of the court who has not been able to do what he is supposed to do, who is going to be lambasted by the judge; not the system. And that certainly makes you feel that you better run from there because it is not your fault, you have 20-how-much, 100 matters on your desk and you cannot address all of them, and you

are getting, you know, called out on it because you cannot handle the situation. So if there – it is very important. I am very happy because I have never heard before about the problems in terms of the number of staff missing from the various departments to this extent. So I thank you for bringing it out in your report, and you really need to see how you go forward because you know – I know, Mr. Scotland, you talked about how many people are coming out. And we know that there are many lawyers out there, and even if somebody is a scholarship winner and is supposed to be employed by the State – I meet them, some of my students and they tell me, “Ms. Ahye, I ain’t get a job yet, you know”. “They ain’t call me yet. I am a scholarship winner, I have to go and work with the State.” You know they are coming out, certainly we can work on these processes so that they can get into the job early because there are many people out there, many lawyers unemployed. I understand some of them are driving taxis and doing all sorts of other things because they just cannot get jobs.

**Mr. Gonzales:** Chairman.

**Madam Chairman:** So that is an area that, when we leave here, we certainly can see – I am sure the Attorney General will be listening and all the powers that be and all the people who can make a difference –

**Mr. Gonzales:** Chair.

**Madam Chairman:** – to make things happen because that is what we want at the end of the day because if there is nobody to attend to the business, you cannot have ease of business, we are one of the lowest in terms of contracts and so on, so you need to have a lot of things done in terms of, not only drafting the law but also those who have to work with the law. Those who work with the administrative Registrar General’s Department, you know, a number of things, a number of people are suffering because they cannot get their things done because you just do not have the workforce to deal with it.

**Mr. Rambally:** Now, Madam Chair, if I may –

**Madam Chairman:** Yes, Sir.

**Mr. Rambally:** – one contribution. And I do not wish to rehash what Mr. Scotland and my colleagues have said already but I think, and I mean no disrespect by this and I am not trying to steal a match on the Attorney General in any way but it is interesting that we are having this discussion, we have had, contributed to and heard many discussions on the administration of justice. But what we have not heard from the, you know, hon. Attorney General in the discussions relating to the administration of justice are these matters that we are now talking about, namely, understaffing and to what extent, you know, this takes place and how it impacts.

**Madam Chairman:** We are not going to – we are not going to go that route. Yes? Are there any further questions on any of the issues before we wind up?

**Mr. Rambally:** Madam Chair –

**Madam Chairman:** I am very happy that this is an unusual situation that we do not have our hearing, we do not have a sitting this afternoon, so you would realize that we went over time, our normal time. Normally we would have finished long ago but because there is no sitting of the House we, you know, we went into your, what should be your lunch break. I am very grateful for your patience. You know, you are still very animated, I know you could go for another 20 minutes or so but that may be one or two of you but we must let the public servants get back to their jobs because there is so much for them to do and so little time to do it. So I am very grateful.

So I am just going to invite concluding remarks from all of the officers who have appeared before us this afternoon, as it is now, and then we will close off. And I must thank them for their cooperation and their patience and for assisting us, because at the end of the day we are all in this together. So we start as we begin with Mr. Claudelle McKellar, and we are going to keep it very short. I know you would probably have a lot to say but maybe one minute will suffice. We all did precis at school. Yes? So we are going to precis our closing remarks. Thank you.

**Mr. McKellar:** Thank you, Madam Chair. I will process-reengineer my closing remarks and simply say thank you very much for the opportunity for the Ministry to appear before the Joint Select Committee today. Public Administration and Digital Transformation remains committed to the general digitalization of the public service and certainly the ease of doing business which is everybody’s business. Thank you

very much.

**Madam Chairman:** Ms. Colleen Gallazzi.

**Ms. Gallazzi:** Thank you, Madam Chair. You know, I just want to reiterate what my PS would have mentioned. We have got a dedicated bunch of officers here and heads of departments who are totally and solely committed to seeing this transformation take place. There is a lot of work happening on the ground that may not be in the public domain but eventually the public will know about what they are doing and hopefully feel the changes that have taken place. Thank you.

**Madam Chairman:** So as we go forward, you know, I am guided that we take the main officials. So let us have Mrs. Ayleen Alleyne-Ovid. Mrs. Ayleen Alleyne-Ovid from Trade and Industry.

**Mrs. Alleyne-Ovid:** Thank you, Madam Chair. And thank you to the Committee, this Joint Select Committee for having us here today. I would like to say that, you know, being very brief, that improving the business environment and the ease of doing business is not a simple undertaking as our discussions would have revealed. Transformation takes time, it involves people, processes, institutional and legislative reform, as well as cultural reform. And having said that, you would have seen the Ministry of Trade and Industry's passion as well as our commitment. And I wish to reiterate that we are committed to ensuring that the initiatives linked to our indicators for improving the ease of doing business, that we will aggressively and passionately pursue them. Thank you, all.

**Madam Chairman:** Thank you very much. So let us have Ms. Carol Hernandez to end, please.

**Ms. Hernandez:** I would like to thank the Committee for the opportunity of having the Civil Law Department which, as I said before, is headed by the Solicitor General and consists of the Solicitor General's chambers, the Chief State Solicitor and the Registrar General. The Registrar General, as I said, is the one that probably has the most contribution to the ease of doing business. But the other two departments, the Solicitor General and the Chief State Solicitor, we are there but in a different way, as we realize we deal with litigation that probably would arise at some point, and we also deal with, as we may not realize, we also deal with any agreements or anything the Government has to do, which is probably part of the ease of doing business in the country. And we are all committed, we are all very committed. The persons who work in these department are very committed, they have to be, otherwise the work will never be done, given the fact that we always have a shortage of staff, we always have other different challenges. But the commitment of the staff of the departments, of the Civil Law Department is what makes it possible. And again, I will like to thank you very much on behalf of the Chief State Solicitor and the Registrar General as well. Thank you.

**Madam Chairman:** Well, we have come to the end of our first session on the ease of doing business, and I must say it has been a very enlightening session. We have, I have been able to identify that the departments are all working at different paces, of course, but all aimed at improving the ease of doing business. And there is some reform going on that we have seen and heard about but we have also heard about the constraints, constraints of staffing and other things. And, of course, what I did not hear though is that we talk about the people and the processes and so on, is that there must be a way that can be found for rewarding exceptional service.

I really think so, because there are people within the government departments who at the end of the day work extremely hard, who make a difference and we have heard some of them today and we do not want to lose some of the gems that we have in the public service. So we have to study really how can we retain them and how can we reward them, and how can we encourage other people to follow the excellent examples that we find among our public servants, as well of course, is how do we weed out the stumbling blocks, you know, those people who should not be there. It takes courage but in the public service we have to recognize that we are really doing the people's business. And if we are to move forwards in this society, we need to do what we have to do to take the tough decisions, and always remember to encourage those who are doing well. And we feel heartened to know that there are people who are doing extremely well. We have heard some shining stars this morning into the afternoon. We know and I do not want to identify, we know what we are talking about, and I want to congratulate all of you on the work that you do and the work that you are continuing to do, and your willingness to continue to serve the

Republic of Trinidad and Tobago.

So thank you very much and enjoy your lunch. I am sorry it is not physical luncheons but I am sure you are aware wherever you are in your spaces, it will not be a virtual lunch but enjoy the rest of the afternoon. Thank you.

**12.53 p.m.:** *Meeting adjourned.*



VERBATIM NOTES OF THE FOURTH VIRTUAL MEETING OF THE JOINT SELECT COMMITTEE  
ON FINANCE AND LEGAL AFFAIRS HELD, (IN PUBLIC), ON FRIDAY, FEBRUARY 19, 2021, AT 10.35  
A.M.

**PRESENT**

Mrs. Hazel Thompson-Ahye	Chairman
Mr. Keith Scotland	Member
Mr. Clarence Rambharat	Member
Mr. Marvin Gonzales	Member
Ms. Jayanti Lutchmedial	Member
Mrs. Renuka Sagrarsingh-Sooklal	Member
Mr. Julien Ogilvie	Secretary
Mr. Brian Lucio	Assistant Secretary
Ms. Terriann Baker	Researcher
Ms. Ria Rampersad	Researcher

**ABSENT**

Mr. Terrence Deyalsingh	Member [ <i>Excused</i> ]
Mr. Dinesh Rambally	Member [ <i>Excused</i> ]
Mr. Hassel Bacchus	Member [ <i>Excused</i> ]

**MINISTRY OF FINANCE INCLUSIVE  
OF THE CUSTOMS AND EXCISE DIVISION**

Ms. Yvonne Neemacharan	Deputy Permanent Secretary
Mr. Hayden Manzano	Economic Advisor
Ms. Anna Burkett	Revenue Planning Officer Inland Revenue Division
Ms. Karen Seebaran-Blondet	Supervisor of Insolvency
Ms. Vidyah Marcial	Comptroller of Customs and Excise Customs and Excise Division

**MINISTRY OF PLANNING AND DEVELOPMENT**

Mr. Ric Ali	Deputy Permanent Secretary
Mr. Kerry Pariag	Director (Ag.) Town and Country Planning Division
Ms. Janyne Rattansingh	Research Officer II (Ag.) - Town and Country Planning Division

**PORT AUTHORITY OF TRINIDAD AND TOBAGO**

Mrs. Trudy Gill-Conlon	General Manager/CEO (Ag.)
Mr. Robert Ramsubhag	Chief Executive Officer (Ag.) - Port of Port of Spain

**Madam Chairman:** Good morning. Everybody is hearing me?

**Mr. Gonzales:** Good morning, Chair.

**Madam Chairman:** Yes. I would like to welcome the stakeholders, officials; the members first of all and the

stakeholder officials who have graciously consented to come and sit with us this morning to answer the question that we wish to ask. I wish to welcome the viewing and listening audience to the second virtual hearing of the Joint Select Committee on Finance and Legal Affairs. This is our second hearing, as I said before, with stakeholders pursuant to an enquiry into the ease of doing business in Trinidad and Tobago.

So we had the first hearing just about a month ago on January 15, 2021, with the Ministry of Trade and Industry, the Ministry of the Attorney General and Legal Affairs, and the Ministry of Public Administration and Digital Transformation. And today we have three different entities, the Ministry of Finance, inclusive of the Customs and Excise Division; we have officials of the Ministry of Planning and Development and we have officials of the Port Authority of Trinidad and Tobago.

So today, this enquiry that we are embarking on is the ease of doing business in Trinidad and Tobago. So pre-COVID-19, there were a number of small, medium and large businesses in our country and if you walk through the malls or you walk through Port of Spain or anywhere in the country, you would see that COVID-19 has destroyed many of them, we hope temporarily, and that they would rise again. We hope to see a resurgence of business activity. But our economic survival depends on that taking place, you know, and this will only happen if there is ease of doing business in Trinidad and Tobago.

If businesses are to rise phoenix-like from the ashes of the pandemic, Trinidad and Tobago must become a place where local and foreign entrepreneurs can say of us that bureaucracy is at a minimum here, start-up processes are efficient, swift and reasonably priced, and all in all, that we are a business-friendly environment. And the fact that the World Bank has ranked us number 105 out of 190 countries must be a dreadful mistake, because we know really we are number one of business-friendly countries. Now the motto of my high school was *Veritas* so you would want me to live up to that virtue, so over the session and the next we will examine how to make that true.

Let me remind you of the enquiry objectives: one, identify reform measures aimed at improving the ease of doing business in Trinidad and Tobago; two, to identify reform measures aimed at improving the ease of doing business and to identify the challenges which state agencies may encounter in implementing reform measures; identify the challenges and how we are going to fix them.

Now, this is a virtual meeting and we have certain guidelines: one, ensure that you mute your microphone when you are not speaking to help keep background voice to a minimum. We have done some checks so we – adjust your cameras so that you face is clearly visible. I seem to be seeing everybody – Mr. Scotland, again; Mr. Clarence Rambharat, Mr. Minister, we want to see all of you. Ensure that notifications from your cell phone or any other electronic device in your vicinity are muted during the course of the meeting.

We are inviting members of the listening and viewing audience to post or send their comments via the Parliament's various social media platform, Facebook page, *ParlView*; the Parliament's YouTube Channel and Twitter during the course of the enquiry.

So I welcome you all to this meeting and invite now the officials to introduce themselves, starting with the Ministry of Finance, inclusive of Customs and Excise Division, briefly. Ms. Yvonne Neemacharan, do you want to start?

[Introductions made]

**Madam Chairman:** So again, thank you all for coming. We are now going to invite opening statements, maximum of two minutes – of course, it can be shorter – from Ms. Yvonne Neemacharan, then Mr. Ric Ali and then Mrs. Trudy Gill-Conlon.

**Ms. Neemacharan:** Good morning, Chair, members of the Committee, my colleagues at the Ministry of Finance and all others sitting in this meeting this morning. Madam Chair, the Ministry of Finance is very cognizant of the importance of the ease of doing business to the macroeconomic landscape of the country and is therefore very committed and much more focused in dedicating adequate resources in order to fulfill its obligation in this area.

A number of initiatives have been instituted by various divisions in the Ministry of Finance. The Board of Inland Revenue has undertaken measures to bring much needed relief to the taxpaying public including, but not limited to, the implementation of the Automated Clearing House, ACH system, to

facilitate wire transfer and the implementation of a comprehensive road map to achieve full uptake of e-filing and e-payment by 2022.

With regard to our Customs and Excise Division, we have introduced non-intrusive equipment, scanners and upgraded the electronic system. Also, in keeping with Government's drive towards a digital economy, there are plans to introduce an online payment system for the payment of taxes, having already configured the custom border control system to receive online payment. The Ministry of Finance has also identified and instituted ongoing training of audit managers in effective management of audit processes at the Inland Revenue Division. The Customs and Excise Division has identified priority areas of business process re-engineering which is receiving the full support of the Ministry of Finance.

The Ministry of Finance has also done tremendous work in the area of insolvency. The Office of the Supervisor of Insolvency was established and became operational in July 2017, and work is ongoing in strengthening the appropriate legislation in this area. The Ministry of Finance has made a concerted effort to address issues outlined in your correspondence and we hope that the information submitted assisted the Committee in its deliberation.

The team present here this morning is also willing to assist the Committee with its further deliberation and it is hoped that the contribution of the Ministry of Finance will contribute to the improvement of our ranking in the ease of doing business index in the near future. Thank you.

**Madam Chairman:** Thank you. Ric Ali?

**Mr. Ali:** Thank you, Madam Chair, and good morning to your Committee members and to all of my colleagues present. It gives me great pleasure to be present here today on behalf of the Ministry of Planning and Development to engage in this enquiry into the ease of doing business in Trinidad and Tobago by this Joint Select Committee on Finance and Legal Affairs.

In the Ministry of Planning and Development, we acknowledge that the ease of doing business of a country is represented on a ranking index, published by the World Bank, based on individual country performance over 10 specific quantitative indicators. And given today's prevailing economy and the global outlook for the energy sector, the Ministry of Planning and Development also recognizes that it is critical for Trinidad and Tobago to improve its ease of doing business index, and to do so, requires reform of many areas across the wider public service.

In its facilitation of Government's development priority toward improving the ease of doing business in Trinidad and Tobago, the Ministry of Planning and Development, as the lead body with responsibility for development planning and control, is directly involved in respect of the business indicator dealing with construction permits. Our developed TT system was officially launched to the public on March 04, 2020, and has consistently been improving the delivery of service to the public.

Additionally, a core function of the Ministry of Planning and Development is the Public Sector Investment Programme, the PSIP, which is the capital expenditure component of the national budget that supports projects and programmes geared towards stimulating the economic growth in accordance with our National Development Strategy, our *Vision 2030*. The PSIP is therefore a strategic investment plan of the Government of the Republic of Trinidad and Tobago which reflects public investment against national priority areas for development.

The Ministry of Planning and Development, in support of the national socio-economic and environmental transformation agenda, oversees the preparation of the annual and three-year PSIPs, and attempts to align fiscal allocations with the national priorities. More specifically and in respect of the ease of doing business in Trinidad and Tobago, funding is targeted toward respective Ministries and Departments and agencies to address the various sub-indices associated with the ease of doing business.

Notwithstanding the importance to ensure that funding is targeted in the correct areas and that comprehensive monitoring and evaluation of projects is required to achieve success, it is critical for this Committee to accept that the process of improving the ease of doing business in Trinidad and Tobago requires a whole-of-government approach. Therefore, commitment needs to be displayed and individual responsibility needs to be accepted by all relevant stakeholder agencies to implement the required change management strategies if the overall objective is to be achieved.

Madam Chair, the Ministry of Planning and Development's team looks forward to participating in today's enquiry and commits to attempt to respond to any questions that your Committee may have and to make available any written submissions as may be required towards improving the overall ease of doing business in Trinidad and Tobago. Thank you. Madam Chair, I think you are muted.

**Madam Chairman:** Thank you very much. I say, I welcome your offer for us to call on you later on, you know. Be careful what you offer, you know, because it may never end. So now we have Mrs. Trudy Gill-Conlon, your opening remarks.

**Mrs. Gill-Conlon:** Good morning to all. All protocols observed. The Port Authority is pleased to be here and it is very cognizant of its role in the country and in the economy in terms of being the gateway to trade, coming in and out of Trinidad and Tobago as well as facilitating trade within Trinidad and Tobago in terms of domestic. The Port Authority is a facility and we are the last stop in the process chain, in the supply chain and we are the facility that houses the cargo.

Our role and our objective in Trinidad and Tobago, and internationally, is to be able to support our international partners in terms of efficiency and productivity in order to—and we also would like to support the local market, the local consignees, importers/exporters, in terms of getting their cargo on and off of the port facility as quickly, as efficiently as possible, as well as providing a high level of customer service to our international partners and our domestic partners.

The Port Authority is here and we are committed to being part of the team and part of all the agencies. We are committed to collaborating with all the agencies in order to facilitate trade and the ease of doing business within Trinidad and Tobago and across our borders. Thank you.

**Madam Chairman:** Thank you very much. I would like to give a special welcome to the hon. Minister Clarence Rambharat. I saw him a little while ago. You are muted. You had me a little worried, Sir.

**Mr. Rambharat:** I have been here, Madam Chair. I have been here. Welcome to the teams that are before us, and this is a very important topic and I am sure we are going to have some very fruitful discussions.

**Madam Chairman:** "Um-hmm". So I just want to remind you that you pass your questions—direct your questions through the Chair and activate the microphone on your devices when you are speaking, when you acknowledge, and turn it off when you have concluded your contribution. And of course, we all have to be reminded, as you see, so that is why I have these two gentlemen here, to keep me in check. So, at the end of the hearing, we will have brief closing remarks. So we go straight into the hearing now and we start with the Ministry of Finance. So we may not direct the question to a particular official. You may determine amongst yourselves, unless we say otherwise, who is the best person to respond to the question. Yes?

**Ms. Lutchmedial:** Madam Chair—

**Madam Chairman:** Yes?

**Ms. Lutchmedial:** If you may, if it is okay with you if I could get started with a question on—

**Madam Chairman:** Certainly. Certainly, Ms. Lutchmedial.

**Ms. Lutchmedial:** Yes. Question with respect to what the Ministry spoke about—this is in respect to Inland Revenue. They spoke about the taxpayers' register. They needed to have like a clean-up of the system. They call it, "relaunch project" to cleanse the taxpayer register. Could we get some more information about this process? When was it previously done? How far it reached and where it was relaunched and what type of progress? And what are the expected outcomes of this exercise?

**Ms. Neemacharan:** Ms. Burkett will respond from Inland Revenue.

**Ms. Burkett:** Hi. Yes. Good morning. In relation to the cleansing of the taxpayers' database, the objective of doing that is to ensure that the information we currently have consists of at least accurate information on the taxpayers that we do have registered. That is one part of the database cleansing project. The other part would be getting onto the database all taxpayers who are required to be registered, that is where the challenge is for Inland Revenue, in that we need to get information from different organizations and bodies as to persons who are active businesses and should be registered. [*Technical difficulties*]

**Ms. Lutchmedial:** Does the Ministry—

**Ms. Burkett:** In terms of relaunching—

**Ms. Lutchmedial:** Yes.

[*Technical difficulties*]

**Ms. Lutchmedial:** I am not hearing.

**Ms. Burkett:** Should I continue?

**Ms. Lutchmedial:** Yeah. Sure. Go ahead.

**Ms. Burkett:** You were about to ask a question.

**Ms. Lutchmedial:** I will leave my question –

**Madam Chairman:** We did not hear all of the response.

**Ms. Burkett:** Okay.

**Ms. Lutchmedial:** You were saying about the relaunching – you relaunched the exercise.

**Ms. Burkett:** Right. So we would have relaunched in 2019, I believe it was – in 2019. With the relaunching, that was the setting up of a unit that was – its main responsibility was going through the database and identifying records which may be like duplicate records, inactive records and making recommendations for ceasing. At this point in time, I will not be able to say what the progress has been on that because I am not directly involved there and I have not received that information, but I know it is ongoing. [*Technical difficulties*]

**Ms. Lutchmedial:** Okay.

**Ms. Burkett:** In relation to – [*Technical difficulties*]

**Ms. Lutchmedial:** So the expected outcome you are saying basically is just a more –

**Ms. Burkett:** It – [*Technical difficulties*] – accurate database. The expected outcome would be a more accurate database which would show all taxpayers who are required to be registered are registered and the information is accurate and reliable. Because there would be issues indicated on the system as being outstanding; many times that is not accurate, so it means that taxes that we may be expecting are not really accurately shown.

**Ms. Lutchmedial:** Okay. Chair, just one follow-up question. The –

[*Technical difficulties*]

**Ms. Lutchmedial:** I am sorry; you are breaking up quite a bit. Are you hearing me?

**Ms. Burkett:** Yes, I am.

**Ms. Lutchmedial:** Okay. You were breaking up quite a bit. I do not know if it is just me or if everyone else is getting the feedback and the break up, so we are not hearing you clearly.

**Mr. Gonzales:** Yes. I am also experiencing the same thing so I am wondering if it is on the Ministry of Finance's side.

**Madam Chairman:** Perhaps you can try talking a little slower and see if that will help.

**Ms. Burkett:** Okay.

[*Technical difficulties*]

**Madam Chairman:** Are you speaking? Ms. Lutchmedial, you had another question? Perhaps you can ask and then we would see if there is going to be a response we can hear.

**Ms. Lutchmedial:** Sure. Yes. Thanks, Chair. I wanted to find out with respect to getting people onto the register whether or not Inland Revenue had something like compliance officers, similar to what NIB would have, that would do site visits, that would examine business activity and determine whether people need to be registered, and what type of resourcing they have for those persons – I do not know what they call them, field officers, or whatever – but how much resources do you have? Because we keep hearing that there are a lot of people who ought to be registered and paying taxes, conducting activity, business-type activity, that are not paying taxes; tax evasion being a huge problem. So I just wanted to find out about the resourcing of your compliance or your field officers, or what title you call them by, whether or not you think you have sufficient resources and whether, you know – what type of monitoring you do in terms of monitoring business activity out there?

**Madam Chairman:** Ms. Marcial, were you able to hear that question because we lost you? We have seemed to have lost you for a while. Were you able to hear the entire question posed by Ms. Lutchmedial?

**Mr. Marcial:** Ms. Marcial here, could you repeat please, Ms. Lutchmedial?

**Ms. Lutchmedial:** I wanted to know if you have something similar like a compliance unit, like what NIB



would have, where they go out and monitor people who ought to be registered, whether you conduct exercises similar to that? I do not know if you all call them field officers or what you call them, but whatever the name is, whether you have that and whether it is sufficient at the moment to capture people who ought to be on the register? Because cleaning up the register and getting duplicates is one aspect, but from the answer given previously, it appears that getting people to be registered so that we do not have a tax evasion problem is a big part of it as well, and having an accurate register. So –

**Madam Chairman:** Excuse me, that is a question for Ms. Burkett –

**Ms. Lutchmedial:** Inland Revenue, yeah.

**Madam Chairman:** – and we want to know if Ms. Burkett is on.

**Ms. Lutchmedial:** I am seeing them, I think.

**Madam Chairman:** I think we have lost her.

**Ms. Lutchmedial:** I think –

**Madam Chairman:** So, Ms. Burkett, were you able to hear while you were off-screen?

11.05 a.m.

**Ms. Burkett:** Yes, I did.

**Madam Chairman:** So can you respond then for us?

**Ms. Burkett:** *[Audio distortion]* Are you hearing me?

**Ms. Lutchmedial:** A little broken, but we will try our best.

**Madam Chairman:** Let us see how it goes.

**Ms. Burkett:** Yes, the Inland Revenue Division does have a compliance unit. You see in terms of going out to the public to ensure that persons who are required to be registered are registered, is minimal to none as far as I am aware. We are very low on resources in terms of manpower, and that is an issue across the Division. So that activity we are facing major challenges with that. We do have a third party database where we get information that could help us identify taxpayers that are required to register, and we will pursue this, but the actual going out, that has been limited.

**Madam Chairman:** Ms. Burkett, with regard to what you just said, do you not have a class of employees called “monitors”? If so, what do they do?

**Ms. Burkett:** Yes, we do have a class of employees referred to as “monitors”, but the functions that they perform really does not fall within that. The Division has changed the responsibilities of the monitors and I believe it is in keeping with – *[Inaudible due to audio distortion]*

**Madam Chairman:** There is a change of vision, but when they were hired, were they not hired to perform exactly that function, to go out there and find people who were not complying, and have them comply? Was that not the whole rationale for having these monitors brought on board?

**Ms. Burkett:** Initially yes, but in terms of the decision to change their responsibility or the nature of their work, I will not be able to answer definitively when and why that occurred.

**Ms. Lutchmedial:** Just through you Chair, what are the current responsibilities that the monitors are carrying out?

**Ms. Burkett:** Many of them are attached to our Audit Unit. There are some within the Compliance Unit. What they do specifically, again I will not be able to say – *[Inaudible due to audio distortion]*

**Ms. Lutchmedial:** Chair, given the technical difficulties, perhaps we could ask the Ministry to follow up with a written response, just give us some clarification on the allocation of monitors and the current responsibilities being carried out.

**Madam Chairman:** I would also want to know.

**Mr. Gonzales:** Chair, I am seeing a notification coming up on the screen that Ministry of Finance has a low bandwidth, and that might be contributing to the technical problems that they we are experiencing.

**Ms. Lutchmedial:** I figured out as much. Maybe we could send – the Secretariat could send them the question if they got it, and Chair, you can add your – and let them send a written response, because I do not think this is productive.

**Madam Chairman:** Because we are talking about improvement in payment of taxes, I have seen all the initiatives that they have said, but I have not seen anything about this taxpayers’ assistance that people

have been complaining about, that it is no longer available. To me, if you are serious about paying tax, people paying taxes, that you should make every effort to assist them in this regard. So I would want to hear what is happening with the taxpayers' assistance programme, and why these people hired as monitors are now being asked to do things like audit and so on, which, you know, it does not make them very happy, because you were hired to do a particular task that is being left undone.

**Mr. Gonzales:** We also need to find out what are the projected deliverables, the deadlines to meet, the projections, et cetera. We need to find out when this project started and at what point in time they expect to end. So those are some of the details we need to get from the Ministry of Finance, because you would just be getting or going around in circles with no end in sight. So Ministry of Finance needs to let us know what the projected timelines that they are dealing with are and whether or not they are complying with those deadlines.

**Ms. Lutchmedial:** Chair, I think when they said they resumed in 2019, I would also like to know, for example, if they have—now we hear a lot about tax evasion—and I do not know why people beat up on lawyers so much—but we hear lawyers and doctors, but I would also want to know about new types of business activities. I hope Ministry is hearing me, because there is something in particular that I have looked at. For example, when people buy property, large pieces of property, and they develop that property and they subdivide and they sell it off, they are making a profit. The property is vested in their personal names, so it is a regular transaction. It passes through Inland Revenue Division for stamp duty purposes, but those people pay no taxes on the profits that they make as a result of that activity.

If we do not have people who are monitoring this type of activity, and getting people like that on to the register—now, I do not know that there could be an end date, because these things are really sort of ongoing, but are they setting any sort of targets in terms of increasing the number of persons registered by “X” amount, some sort of a deliverable? We need to understand that otherwise, as Minister said, you are spinning around top in mud, because there are always going to be people who may not be registered, and ought to be, but we need to understand, I think, are you looking at specific types of business activities. So as we use the typical example, the lawyers, the cash intensive type business that may not be on there. Are we looking at targeting segments and increasing the number of persons registered by a certain amount, by a certain date? [Silence] You are muted, Chair.

**Madam Chairman:** Thank you. There are some technical glitches with Inland Revenue, with Ministry of Finance, really very crucial to the operations—because the ease of doing business is really very much closely tied in with bringing finance to the country, because you enrich the people, you enrich the country. So it seems that we would have to move on and deal with it in another way. We have several questions for Ministry of Finance this morning.

So we go to Ministry of Planning and Development. Now, the Ministry of Planning and Development noted in their response that the Ministry of Planning and Development prioritizes areas for the development, recommends allocations, coordinates the provision of financial resources and technical assistance to implementing Ministries, Departments and agencies. Tell us, how has COVID-19 impacted the Ministry's ability to provide technical assistance where necessary to the Ministries, Departments and agencies?

**Mr. Ali:** Madam Chair, as with everyone else, COVID-19 has affected the Ministry of Planning and Development and our ability to communicate with our several stakeholders, and that more specifically meaning our ability to communicate directly with our stakeholders. However, the RE Division of the Ministry is still able to communicate with its stakeholders in a virtual capacity for the monitoring and evaluation of projects which are being financed under the Public Sector Investment Programme.

**Madam Chairman:** That is, it? Anything else?

**Mr. Ali:** Unless it is more specific in terms of a particular programme, I will not be able to—I am saying that we are still able to, notwithstanding COVID. COVID has made it a little more difficult in terms of meeting face to face. It has not entirely shut us down, so we have—

**Madam Chairman:** All right, so you are still able to function to a large extent?

**Mr. Ali:** Yes. At a reduced capacity, but we are still able to function.

**Madam Chairman:** Any other questions, members?

**Mr. Scotland:** Madam Chair, through you, the Ministry of Planning and Development, can I ask – because the Ministry would appreciate now that they would play a critical role in the post or the softening of the impact, the harsh impact of the COVID-19 pandemic. Can I ask what plans the Ministry has in place in terms of an approach paper, some sort of document that would tell this country how they intend to deal with that recovery, from the Ministry itself?

**Mr. Ali:** Minister, just for a little clarity, you are asking for the Ministry's overall or holistic plan in terms of what it recommends for economic recovery of the country as a result of COVID? If I am to understand what I am being asked.

**Mr. Scotland:** Exactly.

**Mr. Ali:** Madam Chair and member, the Ministry of Planning and Development is guided by our National Development Strategy, and also it is guided by our road map to recovery document. We are in continuous communication, through our Minister, in terms of suggestions that the Ministry may have towards economic recovery of the country. Of course, today's preparation is specifically with respect to the ease of doing business, and the Ministry's contribution towards the ease of doing business is specifically in reference to our dealing with construction permits, and our contribution in that aspect therefore would lead us into a more detailed discussion regarding our particular projects in that manner.

**Mr. Scotland:** Madam Chair, through you, as a follow-up question – Madam Chair?

**Madam Chairman:** Yes, proceed, I recognize you.

**Mr. Scotland:** I have looked at the paper and how the answer relative to the impact of COVID-19, and you have touched on one aspect of it in terms of permits, relative to persons wanting to do business in Trinidad and Tobago. You would appreciate however, that the Government will now have to partner with entities, foreign entities in terms of bringing investment and capital into the country. In the past, for example, simple things such as work permits – and that is not within your purview, but that is within the purview of the Ministry of National Security, but it would take three months to get a work permit. And now I think, with the ease of doing business in other countries, much less investment by invitation in Dominica, in Grenada, in other countries, what is the Ministry's plan with respect to linking with other Ministries, for example, the Ministry of National Security, the Ministry of Trade and Industry. What are the plans from this Ministry to have synergies that will help us do business in an easier fashion with respect to foreign investment?

**Mr. Ali:** Mr. Scotland and Madam Chair, thank you for your question. The Ministry of Planning and Development, we do recognize, and I think I may have made mention in my opening statement, we do recognize the importance towards the ease of doing business that there are several different stakeholders as you have identified. There are several stakeholders that are involved, and collectively we are going to need the cooperation of each and every individual stakeholder if we are to achieve an overall impact on the ease of doing business.

That being said, the Ministry of Planning and Development has the intention to, we have been discussing it over the past couple of months, that in producing a summary report to the Cabinet in terms of our success in respect of our individual contribution, regarding the dealing with construction permits, that some gentle recommendations may be made to encourage a top down approach, to encourage that the different Ministries and their Ministers and Permanent Secretaries be all made a little more aware of the need for a partnership amongst the whole of Government, in order to effect that change, to effect that success of the ease of doing business for Trinidad and Tobago.

**Mr. Scotland:** Thank you, Madam Chair.

**Madam Chairman:** Now, some months ago, I had to participate in the South-to-South cooperative, and there was a virtual seminar out of Pakistan. Preparing for that, I got a lot of information from your Ministry. I must say I was surprised to see how much you are doing in penetrating the markets in South America and so on. I want to know if that thrust has now died down, because of the fact that the trade missions and so on that you have been doing, that really amazed me, and it is not out there, if that now is in jeopardy, or you are able to use the virtual platforms to continue penetrating those markets, because we are talking about building the economy. Another thing, I do not think there has been enough of advertising in the



public arena to the people, that here these markets are available for you to export your businesses. So what is happening with that? As I said, I was very impressed. [Interruption] It was Planning and Development and—

**Mr. Ali:** Madam Chair, I apologize, but I am not certain if that question was addressed to the Ministry of Planning and Development. If it is, then I am not aware.

**Madam Chairman:** All right. So that was Trade and Industry?

**Ms. Lutchmedial:** Chair, through you, can I just pose a question for the Ministry of Planning and Development. Member Scotland asked about collaborating with other Ministries. I want to specifically ask about—you mentioned you needed to standardize processes with the municipal corporations, because when it comes to building permits, completion certificates, the role of the CMOH and public health you have differing requirements. Tell us a little more about that process, how it has been going, and have you really had those discussions in order to sort of standardize the system, so that people who are applying for these things do not have that challenge as much, and how the DevelopTT—perhaps Ms. Rattansingh could tell us how the DevelopTT platform would help us in that regard.

**Mr. Ali:** Thank you member for your question. I shall defer this question to Ms. Rattansingh to give you a response.

**Ms. Rattansingh:** Good day everyone. Thank you for that question. So with regard to our submission, when we said standardization of process—but I need to take it back a little bit about DevelopTT. So DevelopTT is an automated system that starts with [Inaudible] and ends at the municipal corporation, and the relevant agencies included.

When we started the project, we noticed that 14 municipal corporations had 14 different ways of processing applications. So when you tried to automate this, it turns into chaos in trying to put it into a system. So in the system we have tried to standardize it. The Local Government would have created a committee to also standardize their process. But this is one of the issues we would have noted, that they still need—[Audio distortion] so in the system we have one way for cities to operate, one way for boroughs, one for municipal corporations to operate. Of course, you would know they are under various Acts so that would depend on their processes as well. But it is something that needs to be streamlined in order to grant the permits in a faster manner. I hope that answers your question.

**Ms. Lutchmedial:** Well not quite, because we understand what needs to be done, all we are asking is how far have we gotten in this process of getting it done?

**Ms. Rattansingh:** So that would be under the remit of the Ministry of Rural Development and Local Government. We would have been in talks with them, telling them this is what we notice from requirements gathering and business process reengineering, that we notice this is how you can benefit and this is what you need to do.

**Mr. Gonzales:** So do you all not have—I am sorry, Jayanti.

**Ms. Lutchmedial:** So, go ahead.

**Mr. Gonzales:** Just to follow up on your enquiry, Jayanti. I am really amazed at the response coming from the Ministry of Planning and Development on this particular issue, because I know it has been around for some time. I recall, and perhaps you can assist my memory here, that there was a particular piece of amendment to the Town and Country Planning Act, where a committee was formed or—I cannot remember exactly what it was—but various state agencies were being represented on this particular committee where the approval process can be facilitated or rather expedited. So can you assist me whether or not I am correct in my recollection of a piece of amendment that was done to the Town and Country Planning Act, and whether such a committee has been in place since the Act was passed?

**Ms. Rattansingh:** You were a bit broken up, but what I get is that you are saying that the Ministry of Planning and Development has a committee, and I think you probably mean the Complex Development Facilitation Committee?

**Mr. Gonzales:** I do not know it is complex development, but I recall that a piece of amendment was made to the Town and Country Planning Act, which was geared towards standardizing this particular process. A committee I think was formed under the Act, and various state agencies like WASA, Ministry of Works

and Transport, regional corporation, Town and Country Planning Division, they were all represented on this particular committee so as to expedite the approval process for some of these small developments.

**Ms. Rattansingh:** I believe that would be under our past Act, which had been partially proclaimed, and the committee I think would have been geared towards getting the Act fully proclaimed, but that has not been fully proclaimed as yet.

**Mr. Gonzales:** Well, you see, this is a very serious matter, because I think the Ministry of Planning and Development should really be taking the lead role in this, because it is all about, not only ease of doing business, but it is all about the development of Trinidad and Tobago, especially some of these construction developments.

We have an issue in the country where a lot of buildings are illegal, they are not compliant with the Town and Country Planning Act, they are not compliant with the Regional Act, and perhaps for the same reason that you referred to earlier on. Therefore, I think Ministry of Planning and Development should be playing a more pivotal role in coordinating all the various state agencies to make the approval process more streamlined and more efficient. I am not getting that from you.

You seem to be saying that, well we have passed it on to Ministry of Rural Development and Local Government, and we are expecting them to streamline their process. Did you all put a specific timeline as to when they should return to you? Who is leading this particular charge? Because you just simply cannot pass something to Rural Development and hoping that for the next 10 or 20 years they spin around in circles and come into some resolution. There must be a committee that is driving this whole process through, with specific deliverables and timelines.

**Mr. Ali:** Member Gonzales, if I may just interject for a couple of seconds in respect of your question. The Ministry of Planning and Development fully agrees with your suggestion. We acknowledge that it is extremely important that all stakeholder agencies, including those that would be given or the responsibility would be transferred upon full proclamation of that new legislation. We fully agree that the level of preparedness that is required of those external stakeholder agencies needs to be expedited and needs to be appreciated by them.

Of course, I must say that the Ministry of Planning and Development in our collective discussions with those Ministries, we have raised these issues very gently. We have pointed it out, and we do expect that these Ministries would assume their responsibilities, knowing what is to come, and act in their best interest as well as in the interest of Trinidad and Tobago.

**Mr. Gonzales:** Mr. Ali what I am saying then is that there should be a committee. I am suggesting to you rather, that if the Ministry of Planning and Development is simply relying on the other stakeholder Ministries to do what they are supposed to do, then you would not get anywhere fast. I am suggesting to you that a committee, comprising all of the various state agencies be formed, and that committee be responsible for driving through the process, and making sure that it comes into reality within the shortest time possible.

**Mr. Ali:** And again, I agree with you fully member. I think it would please you to know that such a committee already exists, and that work is ongoing at that committee stage, and that communication takes place at that committee level. So we appreciate your suggestion, I am in agreement with you, and I am saying that we are working. The Ministry of Planning and Development is working with its partner Ministries towards achieving that task.

**Mr. Gonzales:** Who chairs the committee?

**Mr. Ali:** The Minister of Planning and Development.

**Ms. Lutchmedial:** Just for some clarification please, Chair. I gathered from Ms. Rattansingh's response that there are some amendments that have to be made to the various pieces of legislation that govern the cities versus the municipalities, versus the boroughs. Has that recommendation for these legislative – in order to standardize processes, have these legislative amendments been collated and sent forward by the committee, or to the committee, and has the committee considered them and sent it on to Attorney General or anybody like that, to drive these amendments forward? Because what I am hearing, and from my experience, the changing of this law is the first step and then you can get everything else lined up.

**Madam Chairman:** We will take note of that and ask that we be given documentation, so that if it is not there – we are not seeing it immediately at a glance, that we can include that. I want to recognize Minister Rambharat. I think he is somewhere in the wings, and he has a burning question.

**Mr. Rambharat:** Thank you very much, Chair. Just to follow up, but just to add some context and information. I think the reference was to the planning and facilitation of development amendment, which was made in the last Parliament. It was meant to improve the legislation passed in, I believe, 2014.

**Mr. Gonzales:** Yes, that is right.

**Mr. Rambharat:** That has been passed. In the normal course of things, as Ric knows, in the normal course it is the public sector in particular that will tell the line Minister that there is a level of readiness for full proclamation. But alongside that, member Gonzales, I think you were referring to, and I believe Ms. Rattansingh was involved in it, if PS Hinds from Planning is here – or Ric you may know, there was the pilot project.

The thing that struck me was on our final meeting with the team doing that preparation for the pilot project, the reference was to about 23 different agencies being involved in the process for the granting of a construction permit, for example, and the automation was meant to remove the paper and allow the agencies to work simultaneously on a single application. That project was supposed to be piloted in the City of Port of Spain, and I believe after some delays, it is being piloted in the City of Port of Spain. Maybe we can get an update on that.

Then the planning and facilitation of development legislation, as that was amended, and as we proceeded in working out some of the things that are required to make the automated system work, parallel to that we were also doing the local government reform legislation, which was in the last Parliament and has been laid and is before a JSC, which I chair in this Parliament. The amendments, member Lutchmedial, are most likely those amendments which are required to first – there is a delegation of authority to the municipalities in the planning and facilitation of development legislation, which is to be proclaimed. There is a delegation of simple developments – the authority for that to the municipal corporation – and that delegation would have to be reflected in the local government reform work and the capacity building that is required.

So there are a few things that work together, and maybe both Ms. Rattansingh and Ric might be able to give us some update on how those things are going, with the exception of the Local Government Reform Bill, which is before the JSC.

11.35 a.m.

**Madam Chairman:** Any further response from the Ministry?

**Mr. Ali:** Madam Chair, thank you very much again to member Rambharat. And I would want to agree with almost all of what he has said there. Minister has referred to several pieces of information in his contribution. But as we have referenced, the DevelopTT application which has been launched since March 2020, has successfully been implemented by our Town and Country Planning Division in that pilot aspect over two of our geographic regions, namely the City of Port of Spain and environs and extending all the way to Chaguanas and its geographic limits. And that pilot has allowed the Town and Country Planning Division and our Ministry to engage our stakeholders to move to transition us from a manual paper-based environment into a digital environment, and it has allowed us to interact with our stakeholders to determine all of the shortcomings of the system and we are addressing them as quickly as they arise. And, of course, Ministry will be happy to provide, if the Committee so requires, any further details, statistical details or any other types of details in writing subsequent to the conclusion of the hearing.

**Mr. Rambharat:** So, Acting PS, we are still at the pilot stage in Port of Spain and Chaguanas with that automated – is that the one you called DevelopTT?

**Mr. Ali:** So, member, for the region of Port of Spain and Chaguanas although we have not – yes, the pilot stage for that for those two regions has been completed however, because the system has not been expanded to incorporate the southern extremes of Trinidad and, of course, our Tobago and our eastern segment of Trinidad, we cannot make a statement that the system has been fully operationalized.

**Mr. Rambharat:** Right. So that work is still ongoing, Right?

**Mr. Ali:** Yes.

**Mr. Rambharat:** And that work will give the municipal corporations the capacity to do what is delegated to it under the Planning and Facilitation of Development Act and also allow all those agencies, T&TEC, WASA, Commissioner of State Lands, local health, Ministry of Health, Town and Country, EMA, will allow all those agencies to interface via that platform. Am I correct?

**Ms. Rattansingh:** So, thankfully not only the Town and Country Planning Division offices are online. We have the Port of Spain Corporation, Diego Martin Corporation, a part of San Juan/Laventille Corporation, a part of Tunapuna Corporation, Chaguanas Borough Corporation and Couva Corporation are all online and they would have accepted the applications digitally and they are also processing these applications digitally.

So for DevelopTT as of today we would have received over 1,100 applications for processing. Of course, only those approved applications would go to the municipal corporations, so it still has to go through the building permit stage and the completion permit stage.

The usual OJs who we have which would be the fire prevention unit who also have to do inspections and give approvals, they are also using the system as well. EMA would have received applications, other agencies would have received applications for advice as well. And as you know sometimes when TCPD receives certain applications, they may need to reach up to IMA, highways, drainage for advice, so that is currently being done on the system as well, all digitally.

**Mr. Rambharat:** Right. So there is like a clearing-house function that resides in Town and Country before – Town and Country receives with whatever municipality you are in, the application is made, it comes to a central point and after you go through it, then it is redistributed to the relevant municipality. Is that how it works?

**Ms. Rattansingh:** So once you are approved by Town and Country, you will receive an email notification, you being the applicant, that your application is approved and there is no action for you to do. When you log into your account, you click on the application, you would see “more tabs”. The “more tabs” would be your local health authority form, and then you will be able to upload your additional documents needed at each corporation, for example, your isometrics. Only then would we receive it immediately, once TCPD has approved.

**Mr. Rambharat:** Okay. So just for the clarity of the public, for simple developments which are to be dealt with by the municipalities, the application is made to the relevant municipality or it is made to Town and Country?

**Ms. Rattansingh:** So at this point the process is still Town and Country.

**Madam Chairman:** Your question has been answered, member Rambharat?

**Mr. Rambharat:** Yes, and I would add but the intention is to place that capacity in the municipal corporations so that they could do simple developments from the outset. Right?

**Ms. Rattansingh:** Of course, most definitely.

**Mr. Rambharat:** Thank you.

**Madam Chairman:** Member Lutchmedial, you had a question or it has been answered?

**Ms. Lutchmedial:** Chair, well, no, I was moving onto something with DevelopTT as much as Ms. Rattansingh was answering. Part of the submission they noted that there was some unwillingness with respect to agencies, unwillingness to use the DevelopTT to process applications. Maybe they can clarify for us which agencies and what are the, you know, if they have identified the source of this reluctance to use the platform? I know that rolling out technology is never easy, especially, you know, with public service people who are accustomed to the public service. But could you tell us a little bit more about what are some of the agencies you had that challenge with? And what is the source of that unwillingness? And what initiatives either DevelopTT or the Ministry have adopted to try to address the concerns?

**Ms. Rattansingh:** So, of course, we should also mention that the reluctance was on both parts, of course, on the applicant end and on the approvers end. There will always be resistance to change. It was something new. We also in the middle of the – [*Technical difficulties*] – thought that they had no other choice but to submit online. Some of the reluctance – if they did not want to register, they thought the registration



process was too long or they just did not understand it. So what we had to do was, for lack of a better word, handholding. So when we called them and explained or we walked them through how to actually submit an application or even the agencies, we had to do retaining on a frequent basis to show them how to use the system, then it kind of made sense to them. This is not so hard, I can use it but there was this initial stumbling block, “I not sure how I see myself in this system”.

What we also have at the Ministry is a team of persons who are assigned liaisons. So we have somebody who would be assigned maybe four agencies. They call up that agency every week, “Are you all having any problems, are you all able to process anything”? “I see that this application, you know, may be taking a little while, how can we help?” Those sorts of handholding going on at the Ministry to help those agencies.

**Ms. Lutchmedial:** Ms. Rattansingh, you know, like for example, one of the most horrific experiences I had was having to get onto BizLink in order to do transactions. Right? But now that I am on, it is okay, but I had to go, you know, to an outlet and so on, and spend an entire day sorting it out. But do you all have that sort of, you know, they have, for example, for the BizLink, places you can go all over the country. Do you have something like that in place where, for example, if I am a developer and I am from Siparia or Point Fortin, is there a place in my community that I can go to and get assistance to get onto this thing? Or am I going to wait on the phone to talk? I mean, I am just being very practical here. Am I going to wait on the phone for somebody to pick up the phone and help me walk through it, this process? – as a small contractor that I am buying land, developing, and I need to get permits and so on, because I know there are so many people who do that type of work in Trinidad and Tobago who may not be very tech savvy and they may need the assistance. Do you all have that sort of outreach like what they did with BizLink where you can go to a place in your area and get assistance like that?

**Ms. Rattansingh:** So, of course, we have our help desk facility. We have set up on our level 13 a full conference room to help persons. Of course, with COVID we are limited in what we can physically do, so we have to kind of depend on the emails and the Microsoft Teams at this point to walk through applicants. What we do for our approvers and in small batches, we physically visit them when needed. For applicants, if you come into the building, we can actually help you register, because TT BizLink and TTConnect, everything can be done online now, you do not have to physically visit a TTConnect centre anymore, you can email your registration details and be –

**Ms. Lutchmedial:** Yeah. Well, that is not quite – yeah, that is not quite so, you actually have to still go and stay in the BizLink office and do quite a lot of things. I did it last year. I was forced to do it because of COVID and I had to do it, so the process still requires someone to come in. Just like Inland Revenue and filing your taxes online, you still have to physically bring something in at the end of the day.

But anyway, my point is this. You are talking about assistance at the applicant end – sorry, the approver end. The approver is some government agency, so they have people holding their hand on their side and to contacting them every week and sort of helping them get on board with using the system. But the citizen who is out there that needs – they actually have to either go on a help – sorry, I do not mean to be thing but a help desk really is a lot of listening to very bad music, in my experience, but it is either a help desk or physically coming to Port of Spain at the moment.

**Ms. Rattansingh:** Well, not necessarily. If you physically come in, we will be able to help you, and that is the only catchment that we have of you other than – we have our phone numbers that you can call. We have our emails that you can email us at and we will contact you like that. Even if you do not contact us directly, we also take calls, if it comes from a different floor maybe someone calls somebody at Town and Country and says, “I am getting this problem”, we contact them immediately.

**Madam Chairman:** In your submission you said that:

*Vision 2030* explores some of the reasons why many of the country’s socioeconomic indicators including the ease of doing business do not reflect better results given Government’s high expenditure. And the answer resides in the values, attitudes and behaviours that the people of Trinidad and Tobago either possess or lack.

Now, this is across the board. So in answering, I am sure you probably will be speaking for other sectors

as well. So what is your response? Are there any plans to develop a change-management strategy aimed at enhancing this country's performance in the ease of doing business? And he smiles.

**Mr. Ali:** Madam Chair, I apologize but I did not hear the question properly, we had a small glitch in the transmission.

**Madam Chairman:** All right. We are quoting from your –

**Mr. Ali:** Could you repeat?

**Madam Chairman:** Yes. Quoting from your submission:

*Vision 2030* explores some of the reasons why many of the country's socioeconomic indicators including the ease of doing business do not reflect better results given Government's high expenditure.

And you said:

...the answer resides in the values, attitudes and behaviours that the people of Trinidad and Tobago either possess or lack.

And I am asking, are there any plans to develop a change-management strategy aimed at enhancing this country's performance in the ease of doing business? How do we change these things, these attitudes? Is there anything going on there in the strategy?

**Mr. Ali:** Thank you very much, Madam Chair, for the question. And what we were alluding to in our response there is, as you all are aware, change is something that is very difficult for the human to accept. And apart from our external stakeholders, our internal stakeholders, our sister and brother Ministries and Departments, we also have to work towards accepting change and managing change. So the intention of the Ministry of Planning and Development to address this issue that you have raised is, during our meetings especially during the meetings where we are dealing with Ministries either on a face to face or virtually, as COVID has mandated, in terms of processing their respective projects and programmes that they have envisaged for going forward, it is at that opportunity that the Ministry would use – well, the Ministry would use that opportunity to discuss with those relevant stakeholders the need, and highlight for them the issues that are involved in the overall benefits of their projects.

**Madam Chairman:** So is there a way that you hold people to account? You know, if you see the behaviour is nothing – is not helping the organization, not helping people to understand that they are there and they are being paid to assist in a process. Is there anything that is happening? Or it is that people are left to their own devices to a large extent and say, "that is how they are, they are public servants". What strategy are you really adopting except – are you just talking?

**Mr. Ali:** Again, Chair, thank you for that point. And we do recognize the importance. Of course, that level of micromanagement may have to come from the leadership at the individual stakeholder agencies however, the Ministry of Planning and Development does commit that it would raise at a management and at a leadership level these important issues with the various stakeholders, with the various respective stakeholders for each of those issues.

**Madam Chairman:** I expect there will be follow up to make sure that something is happening and you are not just talking in the wind. All right.

**Mr. Scotland:** Madam Chair.

**Madam Chairman:** Yes, Sir.

**Mr. Scotland:** I would like to ask, in receiving the report from the Ministry, there was a suggestion that there was underperformance of interrelated stakeholders involved in the construction permit process. Madam Chair, you would appreciate, through you, the Ministry would appreciate that the construction process may, and the construction industry may be one of the driving, one of the few driving forces that may help us to cushion the blow of COVID-19. My question is, what measures have been put in place by the Ministry to treat with underperforming agencies to improve their workout, but especially in these trying times?

**Mr. Ali:** Thank you again, member. And we recognize, just as you have recognized the importance of all agencies to be able to perform and to access their responsibilities for what needs to be done. Now, the Ministry of Planning and Development as may have been indicated previously, intends to submit through

our Minister to the Cabinet gentle recommendations that would suggest that we would make a top-down approach that we would need possibly an inter-ministerial committee to drive that—I do not want to use the word—yeah, that continuous monitoring and more importantly, to drive the effective implementation by the relevant stakeholder agencies in trying to move forward.

**Madam Chairman:** Well, thank you very much, I am sure we have many more questions but we have two other entities to deal with and I must say, be careful with the “gentle recommendations”.

**Mr. Scotland:** “Ahh.”

**Madam Chairman:** It is not working; it is not working; we have to be firm. The time for gentle recommendations, I think that has passed.

**Mr. Scotland:** You have taken the words directly out of my mouth, Madam Chair.

**Madam Chairman:** I tend to do that, Mr. Scotland. [Laughter]

**Mr. Gonzales:** We are obviously operating in a crisis and the term “gentle” does not suggest in any way that we are operating in a crisis.

**Madam Chairman:** All right. So let us—thank you very much for your patience with us and we are very grateful for the contributions that you made, and it may be likely, you know, likely that we may have some follow up with you. But we want to go to the Port Authority and I see that Finance is back with us, I hope we have not lost them once again. So let us have the Port Authority and then we will go to finance to finish with them.

So starting with the Port Authority. Your submission indicated that electronic document interchange was implemented to facilitate the electronic transfer of documents. In relation to the electronic transfer of documents, please clarify. What measures have you implemented to ensure customer security and privacy in the electronic transmission of data via the electronic document interchange?

**Mrs. Gill-Conlon:** Good morning to all, again. Thank you for that question. The system that we primarily operate with, Navis SPARCS N4 system, that system has been in place since 2012, and it is top, you know, it is one of the top systems in the world. And within the system it is built with the security features that the information that is captured electronically is not compromised in any way. We have not had any circumstances, any situations with anything of that nature, so the integrity of the system and the security within the system allows for that.

**Madam Chairman:** Thank you. And thank your very succinct response. Mr. Gonzales, you had something? Have we lost him? Okay. I know he had a question. Ms. Lutchmedial?

**Ms. Lutchmedial:** Sorry. Yes. Port Authority, my questions, I wanted to find out about the tender, I think, you sent out an RFP for the Port Community System. I just wanted to find out more about that; where it has reached, where the process has reached, any contract awarded for that system and what kind of time frame you are looking at to implement that system.

**Mrs. Gill-Conlon:** The Port Community System, we did not send out that tender. We are part of the evaluation committee. That was sent out by the Ministry of Trade and Industry.

**Ms. Lutchmedial:** So have you received any, you know—

**Mrs. Gill-Conlon:** No, it is being evaluated at this time.

**Ms. Lutchmedial:** And you are part of that evaluation team?

**Mrs. Gill-Conlon:** I personally am not a part of it but members of the port are. I can give an update in terms of where they have reached with it but they are still evaluating.

**Ms. Lutchmedial:** Okay.

**Mr. Gonzales:** Sorry, Lutchmedial—sorry, Jayanti, I apologize for that.

**Ms. Lutchmedial:** That is okay. Do you all have a kind of out of limit time frame that you are looking at to complete the evaluations?

**Mrs. Gill-Conlon:** This is not driven by the Port Authority. We are sitting on the committee, so I would have to ask the agency that is in charge of this tender evaluation.

**Ms. Lutchmedial:** And you said that is the Ministry of Trade and Industry?

**Mrs. Gill-Conlon:** Yeah.

**Ms. Lutchmedial:** Okay. Thank you.



**Mr. Gonzales:** Sorry about that, Chair. I would ask the general manager, in reference to page 1 of the submission that indicates that the PATT submission indicated that the electronic document interchange was implemented to facilitate the electronic transfer of documents in relation to the electronic transfer of documents, whether or not she can clarify whether or not the PATT has taken into consideration the issue of privacy from citizens or the citizens' privacy?

**Madam Chairman:** We dealt with that question before, did we not?

**Mr. Gonzales:** No.

**Madam Chairman:** That was the first one that I asked.

**Mr. Gonzales:** The first one?

**Madam Chairman:** "Mm-hmm."

**Mr. Gonzales:** Okay. I did not get that.

**Madam Chairman:** All right. Sorry about that.

**Mrs. Gill-Conlon:** Do you want me to repeat what was said?

**Mr. Gonzales:** No. No. That is okay.

**Mrs. Gill-Conlon:** Okay.

**Mr. Scotland:** Madam Chair.

**Madam Chairman:** Yes.

**Mr. Scotland:** I have a question that touches and concerns both the Port Authority and the Customs to come. We know that there has been—we know that there is a pandemic but there is a backlog at the port and a backlog of clearing of goods and it is a real issue for users, it is now an issue for consumers. What is being done—but we have been doing this—March will make it one year, so we know what we are involved in. What is being done by the port? What is being done by Customs to clear that backlog and to make business easier during this time so that goods do not take up to three, four months to clear, particularly medication and critical goods? That is my respectful question. That is the only question I have.

**Mrs. Gill-Conlon:** Right. That question I will answer but Customs will also have to—

**Mr. Scotland:** Yes, please.

**Mrs. Gill-Conlon:**—provide a response. So the Port Authority is a facility, right? We are terminal facility and cargo is housed on the port. Only when your documentation and your approvals are given by the various agencies, not the port, prior to collecting your cargo, then you can come, you are facilitated to come onto the port. So the process is, all your approvals and all your clearances, as you say, have to take place prior to a trucker being able to come onto the port or a consignee be able to come onto the port to collect their cargo. So the Port Authority is not involved in the clearance part of it.

What we are involved in is, once you come into the port to pay whatever handling fees to collect your cargo, then we facilitate that. And the Port Authority is open from 6.00 a.m. to 11.00 p.m. The gates are open Monday to Friday, vessels call here 24/7, so we are a 24/7 operation. We have an appointment system, and the appointment system basically will facilitate—once you are able to collect your cargo in terms of containerized cargo, we can facilitate you. There is no limitation in terms of the number of trucks, we do about 200 and so.

And just before COVID took place, the port did not shut down because we are an essential service. So we continued operating and we, you know, the first couple—the lockdown period, obviously there was less movement of cargo, less movement of people coming in and out. However, that has pretty much normalized to some extent in terms of the deliveries that we do a day. But on average we would do about 200 imports a day. It would have reduced slightly. I can get those figures to you all but the facilitation of cargo, you know, again, Customs would have to answer here in terms of how COVID has impacted the delays that you are speaking about, the clearances.

**Mr. Gonzales:** Madam Chair—sorry. Madam Chair, can I ask a follow-up question? I just want to ask the general manager and just to support what member Scotland indicated. Now, the people in the country as far as they are concerned there are delays on the port, and I totally understand what you are saying by, you know, Customs having their part to play and the others agencies having their part to play but as far as people are concerned, there is a delay on the port. Is it—is the port doing anything by working with the

stakeholder agencies to make sure that systems are streamlined so as to prevent the delays that citizens often complain about with respect to cargo on the port?

**Mrs. Gill-Conlon:** Yes. The port works with all the agencies, and Customs and Excise being one of the major agencies. And if there is an issue or if something occurs and there is some sort of backlog we are seeing happening or if the customers are complaining to us, so if the brokers, the truckers, you know, are complaining to us, we would bring it to the attention of the agencies that are involved and we work together to try and facilitate whatever has to be done to clear up any backlogs.

**Mr. Gonzales:** But in terms of a digital platform, do you all have a single digital platform where you all operate together?

**Mrs. Gill-Conlon:** Right. No. That is in – so the Port Community System, single electronic window, as well as the single electronic window will facilitate that. At this time, we are working with Customs to have our Navis system integrated with ASYCUDA, so that when a broker or the consignee goes to Customs to clear, to do their customs clearances, once Customs releases the cargo, then our system will get an automatic message showing that release. As it stands right now, the broker, when they get their documentation and the approvals from Customs, they come to the port with their release order, physical release order and we release it in our system, because we have to do a port release once Customs releases it. But we are working with Customs to have that done electronically.

**Mr. Gonzales:** When you compare your system with, for example, Barbados, Bahamas or Jamaica, these are ports that based on the reports that we have received, they have gone through some major transformation compared to what we are doing in Trinidad and Tobago. Have you benchmarked your operations with some of these ports in the Caribbean so that you can understand what are some of the transformations that you would have to go through to make your system a little bit more modern?

**Mrs. Gill-Conlon:** Right. So I would have said in the first, in the opening when, I guess, you probably did not hear. Navis, the system that our terminal operating system is our port system that is used to manage our vessels that are calling here, international shipping lines, international vessels where we – everything is done electronically in terms of sharing of information, their manifest, their discharge, their load. Our terminal is more or less automated because we have handheld RF. So containers that come off, go on, everything is done electronically through the system, so there is no paper in the terminal itself. Even when truckers come to our gate, prior to coming to the gate, the broker goes into our system after they have paid and they have been processed and they assigned the container to the trucking company, the trucker goes on electronically, makes their appointment to collect their cargo. So, Navis, our Navis system, if you look – and it is used internationally not just regionally so that is a worldwide state-of-the-art system.

12.05 p.m.

**Mrs. Gill-Conlon:** When we are speaking about trade as a whole and we are looking at ourselves, ranking at 105 out of 150, and we are looking at the entire logistics chain, I think that is where the issue is in terms of our connectivity of all the systems across all the agencies, so that currently if a customer takes nine days to process documentation prior to being able to come to the Port, that if you compare it, benchmark it to other regional partners and international, that can take 24 hours. And so it is the other agencies in the supply chain where, you know, we may fall short and the Single Electronic Window, it is my understanding that that is supposed to improve or close that gap.

**Ms. Lutchmedial:** Chair, through you, just one question. Well, a couple questions actually coming out of this from member Gonzales' questions. The cohesion between the Port and Customs to get on the same, the ASYCUDA, is that what you call it, and Navis?

**Mrs. Gill-Conlon:** Yes.

**Ms. Lutchmedial:** You have a time frame in mind, again an end point for this, that you all are looking at?

**Mrs. Gill-Conlon:** No, we do not have a timeline per se as to when it will happen. We started working on it a little while ago. So, I do not know if the Comptroller could advise in terms of how fast we can move along with it, but is being worked out. I do not have a deadline date.

**Ms. Lutchmedial:** Okay. Chair, I find this tends to be the recurring answer we hear a lot, "we working on this thing a while and we really doh know how soon." So, if you all could perhaps follow up and maybe

give us some information about some timelines that we could look at. Anyway, coming out of that too and the ASYCUDA system, and again I am trying to be practical here. We hear a lot about the systems at the Ports breaking down. Could you tell us a little bit more about backups, what happens when sometimes systems go down? Do you all have, for example, systems in place to quickly remedy a situation when your—because these are, as you said, world class systems, but even world class systems and technology you have hiccups along the way, and it can seriously impact upon the business that people have to do at the Port. Can you tell us a “lil” more about how, you know, what systems you have in place to address breakdowns and so on, and how quickly you can turn these things around?

**Mrs. Gill-Conlon:** All right. In terms of—and I will go with the statement you said, we hear frequently of systems breakdown. I am not sure—

**Ms. Lutchmedial:** Yes, that is why I am asking you, I do not want to go on hearsay.

**Mrs. Gill-Conlon:** I am not sure where that data or information is coming from, but, the system itself, I mean, yes, you will have glitches at times and things will happen. For the year you might have about three occasions it may happen for whatever reason, and generally speaking, if Navis goes down for any reason, obviously we have a team assigned to getting it back up and running, as well as have the support, the international support with the system. But, when it does go down in the interim until we can fix whatever the issue is, yes we have manual procedures that will kick in.

Sometimes it may not be, depending on what the issue is, we may halt the operation for a period of time, because it is difficult when you have an electronic system and if you move to the manual, the paper based and you start recording things on paper and then you have to put it into the system. So sometimes it makes sense. If we know the problem can be resolved within, say, an hour or so, we may halt the operation in terms of trucks coming in, we will let them come in and we will ask them to wait until we can go back up on the system, or we will just revert to the manual system if we know it is going to take longer to fix the issue, and then enter the data after to update it.

**Ms. Lutchmedial:** Do you have any data in terms of—you said that it is probably not accurate to say that the system breaks down all the time. But if you have breakdowns—you all have any data as to how long is the turnaround time before you can get the system back up and running, like let us say for year 2020, how many breakdowns? Well 2020 was a kind of odd year, but maybe 2019?

**Mrs. Gill-Conlon:** I will have to get that data for you, because depending on the problem it would have a different time frame.

**Ms. Lutchmedial:** Right. So, perhaps you can let us know, like for example—2020 COVID kind of messed everything up, but 2019, how many breakdowns you had and how many times you had to revert to the manual system, and how long it took before the system was back up and running? That would be really helpful.

**Mrs. Gill-Conlon:** No problem.

**Madam Chairman:** All right, thank you very, very much. Unless there is at least one more burning question, we would move back to the Ministry of Finance. Yes?

**Ms. Lutchmedial:** Chair, sorry just one more question for Port Authority with respect to, they mentioned the modernization of equipment as being a key factor to assist with your efficiency. Could you give us any update with respect to acquiring modern equipment? I, again, I hear and you can correct me if I am wrong, people always talk about the age of the cranes and so on, on the Ports and that being an issue, is that in fact so and do you need or have you embarked upon a process of modernizing and updating the equipment that is available on the Ports?

**Mrs. Gill-Conlon:** Sorry, my bandwidth was low at the start of your question so I did not hear the first part of it.

**Ms. Lutchmedial:** I said that we often hear again that one of the challenges that the Port has is the age of the equipment. For example, people have identified cranes, for example, that are on the Port, could you tell us whether or not you have embarked upon the process—if that is in fact so and if you have embarked upon the process of modernizing your equipment and where that process has reached?

**Mrs. Gill-Conlon:** All right, that is in fact so, half of the equipment or more has passed its economic life, so

the age of the equipment is beyond economic life. However, we still use the equipment. We are actually in the process of receiving a new crane, so we would have ordered – we got PSIP funding for a ship-to-shore crane to replace one of the 44-year-old cranes, and will be implemented very shortly. The crane is actually on its way here to be put together.

**Madam Chairman:** Sorry?

**Mrs. Gill-Conlon:** In terms of other pieces of equipment, again, we would have gotten some PSIP for this fiscal, 8.4 million, so we are going to send out tenders to get smaller pieces of equipment, backup equipment.

**Ms. Lutchmedial:** Like, give us an example, what type of equipment would that be?

**Mrs. Gill-Conlon:** Like empty containers, handlers, and Robert is here with me, he is the CEO of the cargo handling. He can give you the specifics on the equipment.

**Ms. Lutchmedial:** Yes, thanks.

**Madam Chairman:** As succinctly as you can, because we must finish at 12.30, because there is a sitting of the House. Not like last the last time when we were free.

**Mr. Ramsubhag:** We are currently sending out tenders for ECH's and reach stackers. We do have in mind to do some truck to trucks later on, but generally, yes. The thing is, the capital equipment, we have to get the funding off of the PSIP, and we have been getting approval for the acquisition of this equipment. So, right now on the burner is a new ship-to-shore crane which is due at the end of February and it would be in operation by May, and we do have tenders going out for two empty container handlers and one reach stacker.

**Madam Chairman:** So, we go back to Ministry of Finance, I think their house is in order now and I hope that the technical glitches do not signify what is going to be happening when people try to pay their taxes online. Yes? So, thank you, we welcome you back. Ministry of Finance, you have any questions for them? One or two outstanding. There were a few outstanding.

**Ms. Lutchmedial:** Chair, I would like to find out what about the online – I cannot recall if we touched on this, the online banking system. They mentioned that it had been done with Customs, in the opening statement I think that it was the PS or Deputy PS mentioned that Customs had implemented this system, so they indicated in the submission that they wanted to move ahead with an online banking payment system for the payment of taxes, that some approvals were needed from Treasury. Could you give us an update on that and where you have reached?

**Ms. Neemacharan:** Good afternoon, thanks for the question, and I will ask Ms. Marcial to provide a response, Comptroller of Customs.

**Ms. Marcial:** Good afternoon.

**Madam Chairman:** Yes, please, we are listening.

**Ms. Marcial:** Thank you very much. At present we are liaising with the Treasury Division and they are advising us on the best way forward for the online banking system. It has not been implemented as yet. However, the upgraded ASYCUDA system, which is the system used by the Customs Division is configured to receive online payment. But they are really –

**Ms. Lutchmedial:** Sorry, I think you misunderstood the question. My question was, you mentioned that they had the approval and could not do it. My question was about Inland Revenue doing it, not Customs.

**Ms. Marcial:** Oh, sorry.

**Ms. Lutchmedial:** I understand from your opening statement you said that Customs had made some progress, but I wanted to find out more about Inland Revenue actually.

**Ms. Marcial:** Sorry. Sorry.

**Ms. Lutchmedial:** No, no, that is okay. That is okay. It was directed – it was referred to you, but PS if you could just tell me about Inland Revenue now, following suit.

**Ms. Neemacharan:** Sorry, I did miss the review of the question so I would ask our representative from the Inland Revenue to provide a response.

**Ms. Burkett:** Yes. Madam Chairman?

**Madam Chairman:** Yes, please, who is speaking?



**Ms. Burkett:** As it stands right now, what I have been advised is that Inland Revenue has done its due diligence in terms of the resources that are necessary for online banking. They have already liaised with the banks. The banks are waiting and ready to move ahead with us for online banking, but we need the required Cabinet approval, and as far as I understand this has to go through the Treasury Division in order for us to move ahead with that, and that is where we are at now. I believe a draft Cabinet Note has been completed and submitted to Treasury for review and approval. But we are ready and waiting.

**Madam Chairman:** Thank you. Now, you spoke about the non-intrusive inspection equipment available at Customs, very old and outdated, insufficient in quantity. What is the current and required capacity of the Customs to conduct effective cargo scanning at the Ports in Port of Spain and Point Lisas? I am not hearing you.

**Ms. Marcial:** Thank you for the question, Chair. When you say capacity, are we talking about human resources or the physical capacity of the scanners?

**Madam Chairman:** Tell me about both nah. We need the human beings to move to conduct the –

**Ms. Marcial:** Well, the scanners are very expensive. A scanner is about \$14 million, for a scanner. So, right now we are not in a position to purchase any scanners. We have scanners on the Port that belong to the Port, but it is an old scanner. It is functioning, but it is old. We need, in order for us to do any bit of scanning in the proper manner, updated equipment with new technology. In terms of our human resources, right now we are at a capacity of 60 per cent of our staff. We have done training. Training was initiated for persons to operate the scanners, but ever so often they are rotated. So we need ongoing training for our staff.

**Madam Chairman:** I am sure the Minister of Finance is listening to your cries, and maybe something will happen. Mr. Scotland, I recognize your hand up.

**Mr. Scotland:** Chairman, I have two questions. It is the same question I have asked the Port Authority. There is a cry, and maybe I am getting it wrong, but the complaints that I receive from business persons, especially since March 2020, is that there is a backlog and backup, and a slowness of getting goods cleared. Sometimes it may be essential items. What is Customs doing along with the other stakeholders? I have only asked who are here, the Port Authority. What is Customs doing to clear that backlog and to ease that process so that we do business in a more efficient way? That is the first question.

**Ms. Marcial:** Thank you, Sir. Thank you for that question. At present there are no backlog of containerized cargo at the Port. However, the non-commercial cargo, that is done on an appointment system by the Port. So the Port, I cannot speak for Ms. Conlon, but they have an appointment system, and that is the system that the Customs would work with on how much people they will attend to for a day. As it relates to emergency cargo, we have in place put officers round the clock to attend to all emergency cargo that comes in at the airport.

**Mr. Scotland:** Chairman, I do not wish – well, Chairman, maybe then we are getting something wrong, because that has not been my experience and my, well, relative to the instructions given, but I have no reason to doubt the Acting Comptroller or the Port Authority. From what they have said, Chairman, there is no backlog.

**Mr. Ramsubhag:** Through the, Chair. Mr. Scotland, there is a backlog and there was a backlog at the Shed 10-barrel shop. That is where the backlogs are occurring. This is where we serve the public and we have to entertain the public. Due to COVID distancing measures we were forced to implement an appointment system. Initially we were doing 40, we moved up to 70 customers a day and then to 100. We implemented overtime measures during the week where we worked four days until 7.00 o'clock and on Saturday in order to try and handle the backlog. The appointments are done in conjunction with the Customs who are there at the Port. They dictate to us.

Yesterday we had a meeting with Customs, and they are also citing that they have security concerns which would require heightened inspections, and they are asking us to go down to 40 customers a day. An average container has 100 customers' goods inside. Over the period November to January we handled over 133 containers, so that would be 1,300 customers. We have to handle each customer sometimes having multiple packages to go through, and that is where the backlog is in trying to meet the COVID protocol

and the Customs requirement to do the 100 per cent inspection. We are working with Customs. As I said, we met with Customs up to yesterday, I met with the OC there, and we are trying to find out how we can improve that throughput while meeting their security requirements.

**Mr. Scotland:** I do not want any – Madam Chair, through you always.

**Madam Chairman:** Yes, Sir.

**Mr. Scotland:** I do not want anyone to get on the defensive, but I want to ask these questions. We have been doing this since March 2020. Is it an issue of resources? Is it an issue of will? Is it an issue of innovativeness? Why can we not solve this within a shorter period?

**Mr. Ramsubhag:** Mr. Scotland, as the Comptroller just mentioned, they are operating at 60 per cent. Most of the times that we request additional customs officers they are unable to supply, and that is one of the main reasons we were not able to have the throughput we desired.

**Madam Chairman:** I have a short question, and I know I should not ask that because one should not look at the cost in the mouth. But out of curiosity, how did it come about that when COVID – that there was a time when you could not calculate taxes at all, and people were being allowed to pick up their goods with no taxes being paid. How did that arise? Comptroller?

**Ms. Marcial:** Madam Chair, I do not know of what you speak.

**Madam Chairman:** You do not know of what I speak?

**Ms. Marcial:** Taxes are levied. If you are speaking of non-commercial, taxes are levied upon examination. Right? But the only time you get free, you come and you take your goods is if there is a concession that you are granted by the Government for a particular good.

**Madam Chairman:** I am speaking to a situation, when people in a FedEx office went to collect their packages and they were being told, you are asking how much do you have to pay, and you are being told, “Customs did not calculate no taxes, you know. Go with your goods.” You do not know of that?

**Ms. Marcial:** Well, I will have to find out about that one. I will really have to find out about that.

**Madam Chairman:** All right. Well, maybe you could respond in writing. Thank you very much. I am afraid that –

**Mr. Scotland:** Madam –

**Madam Chairman:** Yes.

**Mr. Scotland:** Madam Chair, the second question that I asked, and it is a very short question directed to the Acting Comptroller. Madam Chair, you and several members on this Committee would know that part of the ease of doing business is security of tenure and people being in positions that are secured. It did not escape me that the Head of Customs now is the Acting Comptroller. I have heard it time in another incarnation, where there is the acting and not someone appointed in the substantive post. Why is this such a perennial problem?

**Ms. Marcial:** Madam Chair, if I may? Mr. Scotland, the appointed Comptroller is presently on vacation leave for three months. I am acting for the appointed Comptroller for three months.

**Mr. Scotland:** I am listening.

**Ms. Marcial:** But positions have, there are positions, the Service Commissions has promoted people recently.

**Mr. Scotland:** Understood.

**Ms. Marcial:** Right, December 2020 we have gotten promotions, and the posts are being filled.

**Mr. Scotland:** Excellent.

**Madam Chairman:** A question from the public: Given the number of Ministries and agencies responsible for the country's ease of doing business ranking. Is there an Inter-Ministerial Committee to drive this process? Is it Planning and Development? Do I hear you respond?

**Mr. Ali:** Madam Chair, thank you very much for the question. The short answer to the question is no, there is not an Inter-Ministerial Committee at this time, but that is what I have been hinting to, I do not want to use the word “gentle”, but that is what I have been hinging to in my responses before, in that that is a recommendation that the Ministry of Planning and Development intends to make in the very near future.

**Madam Chairman:** But you know, hinting does not work in this country.

**Mr. Ali:** I apologize.

**Madam Chairman:** You have to come out and say boldly what you want, otherwise you do not get it, and you have to say it not once, twice, trice.

**Ms. Lutchmedial:** Chair, I know we are out of time and my colleagues have to attend a sitting of the House. Can I just ask the representative from Inland Revenue if they could provide us in writing with some information about enforcements with respect to the collection of taxes both administrative sanctions and criminal? I know they have the CTIU, and we also, I think there was an amendment to section 4 of the Income Tax Act that allowed them to do the information sharing, whether or not they have done so? And they had started doing that information sharing, and whether or not criminal charges have been actually brought, and how many have been brought against persons for tax evasion, and how it has helped the tax collection drive that they are on? That is a long answer, so perhaps in writing they can send it to us please.

**Madam Chairman:** As far as Inland Revenue is concerned, is there a proposal or is there a system where officials at Inland Revenue, a procedure or anything, for reporting, and to whom, if such a report has been made that you have been offered a bribe? A member of staff is being offered a bribe, and it is being offered to someone of integrity, and that person takes great exception to being offered a bribe, what can that person do? And would it be welcomed if they do what I think they should do?

**Ms. Neemacharan:** Within the operations of Inland Revenue, I am not aware of any mechanism. We as employees can make an official complaint or representation of – [*Technical difficulties*]

**Madam Chairman:** You are breaking up at a crucial moment there.

**Ms. Neemacharan:** Outside of going beyond the direct Commissioner. Other than make anonymous complaints, if you wish to go through the Compliance Unit to the TTI, and lodge a complaint or a notice that this has happened. But, I do not know that it is the actual practice that takes place.

**Madam Chairman:** So you do not know, you have never had any reports coming to you that some person has offered a bribe to facilitate a process to defer, you know, certain action being taken, some audit not happening.

**Ms. Neemacharan:** I am not aware of any official representation being made.

**Madam Chairman:** You are not aware of any?

**Ms. Neemacharan:** Or an official mechanism for that to take place –

**Madam Chairman:** Sorry?

**Ms. Neemacharan:** – outside of an officer – for that to take place, I am not aware that there is an official mechanism in place for that outside of the officer going directly to their Commissioner or line supervisor and making that representation or that complaint that this has happened.

**Madam Chairman:** If there is a conflict of interest between the officer's duties and the officer's private business, what do you do? You are aware that there are some officials who may be working Inland Revenue and they may be doing – or a close member of the family may be engaged in some activity that conflicts with the operations of the Authority, so what happens? You have had those instances, have you not?

**Ms. Neemacharan:** I am not aware. I can only speak to what I have heard, but at the board level they may be more aware. They may be more aware of that and what they are doing, but I cannot speak to what takes place. But we have heard.

**Madam Chairman:** You have heard, so have I. Are you satisfied that the members of the staff of the Inland Revenue are happy in their employment? Do you have situations where, because you see, people are going to be performing well when they are happy where they work, and are you aware that there may be staff who have not received increments for years? Is that an annual thing that happens, getting increments?

**Ms. Neemacharan:** That is, as far as I am aware, a normal situation throughout the public service where promotions are long in coming, approvals for acting and allowances are long in coming. So, yes, that person is very unhappy to come to work to perform at their best when in their personal lives, this may be an issue because of not receiving their due salary and allowances. So, I would say that is a situation across the public service.



12.35 p.m.

**Madam Chairman:** Are you satisfied that the internal processes that you can discipline employees, you know, under your command within the—you know, somebody who is habitually late coming to work, things like that, do you feel within the organization those things are being properly handled? Because we are talking all the time about the culture of an organization and trying to change the culture of the organization and trying to change, since Gordon Draper days, you know, what has been happening in the public service. Do you see that you can do anything or do you feel helpless in the situation with people always in dereliction of duty in an important arm of the Ministry like that?

**Ms. Burkett:** Well, based on the regulations that do exist, there are actions that can be taken by supervisors and managers. However, the entire process is a long drawn process. And so disciplining is very tedious and not really very effective, because there is no real consequence and then new persons coming to supervisory positions may not be aware of the actions that they can take as supervisors and managers. These things have limited impact on staff and discipline. Because I know the board has attempted to send out reminders on ethical behaviour and working hours, and all the rest that we are supposed to be adhering to but it really has not been a real impact. And if managers do follow the regulations as required then at the end of the day, the staff is more—has more advantage because you did not do what you are required to do based on the regulations. So that is what it is.

**Mr. Gonzales:** Hi, Madam Chair—

**Madam Chairman:** As an administrator, I know your job is not an easy one. It is very difficult to change the culture. But unless we have people doing what they are supposed to, when they supposed to do it and how they are supposed to do, then Trinidad is not going to move forward very much, you know. And those who are doing well, we have to find a system of reward for them because there are many good workers but you have many who should be somewhere else.

So I wish all of you well in your endeavour and your willingness to serve Trinidad and Tobago as a public servant. And unless we get it right, I am afraid, you know, that we are just not going to be any higher on the ease of doing business index. You must have proper employees. So let us have our brief closing remarks before I let you go for what I am sure will not be a virtual lunch. You have worked very hard and you deserve the best. So let us have the team lead, just say a few words and we will let you—

**Mr. Gonzales:** Madam Chair, MP Scotland and myself, we have a sitting in a very short while.

**Madam Chairman:** Yes.

**Mr. Gonzales:** Is it possible that we can be excused at this point?

**Madam Chairman:** Yes. I will certainly do so. I understand. You are about the people's business.

**Mr. Gonzales:** I thank you very much—

**Madam Chairman:** I am always sorry to see you go but you will take the—and you will catch it later on television, the remarks that you missed.

**Mr. Gonzales:** Thank you very much for your understanding, Madam Chair. And I want to thank all the Ministries that have been represented and to thank all members of the Committee for this very insightful morning and deliberations.

**Mr. Scotland:** Madam Chair, can I take it that I am relieved also?

**Madam Chairman:** I did not say that. *[Laughter]*

**Mr. Scotland:** I am seeking your leave, please, Madam Chair. I must be elsewhere in a short while.

**Madam Chairman:** You always like to piggyback but go ahead, you may leave. *[Laughter]*

**Mr. Scotland:** Thank you, Madam Chair.

**Mr. Gonzales:** Thank you very much, Madam Chair. I appreciate it.

**Mr. Scotland:** Thank you, Madam.

**Madam Chairman:** So just have the closing remarks, please.

**Ms. Neemacharan:** Good afternoon.

**Madam Chairman:** Good afternoon, again.

**Ms. Neemacharan:** Ministry of Finance is very pleased to be a part of the session. We recognize that there is a lot of work to be done and we give our commitment to assist, as a major stakeholder, in the ease of

doing business. Also, Madam Chair, there is one comment I would like to make with respect to your second to last question so if I may? And it has to do with the staffing at the various divisions of the Ministry of Finance. We recognize that—we have taken a very active role in changing how we treat with our human resources and we hope that the effects will be seen shortly in terms of having employees where they are supposed to be. Thank you.

**Mr. Ali:** Good afternoon, Madam Chair—

**Madam Chairman:** Mr. Ali, sorry.

**Mr. Ali:** Sure. Good afternoon and thank you, Madam Chair, to you and your esteemed panel for the opportunity to participate in today's enquiry. I hope that the Ministry of Planning and Development's contribution has assisted in the identification of critical issues and potential solutions towards improving the ease of doing business in Trinidad and Tobago and of course, the Ministry of Planning and Development we commit to continuing our effort to promoting and ensuring that the approach adopted is a whole-of-government approach. And just very briefly for the benefit of member Lutchmedial, I would like to inform her that the TTConnect and the TTBizLink in 2021 have allowed the members of the public to do their registration totally online without having to go to the—notwithstanding your experience. But in 2021 they have upgraded and what that means is that the Town and Country Planning Division, when responding to our public stakeholders, we do offer that help desk facility to assist our public members in registration through the TTBizLink and the TTConnect, in order to facilitate them access to DevelopTT. So again to the Committee, thank you very much and have a pleasant afternoon.

**Madam Chairman:** Thank you, Mr. Ali. Mrs. Trudy Gill-Conlon?

**Mrs. Gill-Conlon:** Thank you for all the questions, all the healthy discussions. The Port Authority will continue to do what we can within our remit to ensure that we provide the level of customer service and efficiency to our stakeholders and we are also willing and ready to work with all stakeholders to ensure that there is a seamless ease of doing business from start to finish throughout the entire logistics chain. And so, we thank you once again for inviting us and have a great day.

**Madam Chairman:** So we thank you, all the officials for their free and frank discussion. You have assisted us tremendously. I must thank my Committee members, those present still and those in absentia who have been here and who have assisted at this virtual hearing. I thank the staff for their tremendous support before, during and even after the meeting, and I thank the viewing and listening audience. It has been a very enlightening morning and it is not over till it is over. So you may be hearing from us because there are still questions and have a good day, enjoy your lunch and we will see you some other time, either in writing or in person or virtually. **Ms. Lutchmedial:** [*Inaudible*]

**Madam Chairman:** You are muted.

**Ms. Lutchmedial:** Oh, sorry. Thanks everyone for the participation and for the assistance. And Mr. Ali, I certainly hope that—well, I am glad to hear and what you all need to do now—

**Madam Chairman:** Muted again.

**Ms. Lutchmedial:** Oh, right. You all need to get a TTConnect office in San Fernando so San “Fernandians” do not have to go to Princes Town. That is my only other complaint [*Laughter*] that I will have about TTConnect. But thank you everyone—











**Madam Chairman:** Remember your vote, eh.

**Ms. Lutchmedial:**—for your participation.

**Madam Chairman:** Remember your vote. Nothing personal. [*Laughter*] Okay. So, good afternoon everybody. And enjoy—

12.45 p.m.: Meeting adjourned.







**APPENDIX III**  
**TRINIDAD AND TOBAGO'S EODB SCORES RELATIVE TO**  
**THE TOP PERFORMING COUNTRY**

Ease of Doing Business Topic	Trinidad and Tobago Scores <sup>19</sup>	Ease of Doing Business Topic	New Zealand Scores <sup>20</sup>
 <p><b>Starting a business Rank-79</b></p>	Score of starting a business (0-100)- 88.6 Procedures (number)-7 Time (days)-10.5 Cost (number)- 0.7 Pain in minimum capital (% of income per capita)-0.0	 <p><b>Starting a business Rank-1</b></p>	Score of starting a business (0-100)- 100 Procedures (number)-1 Time (days)-0.5 Cost (number)- 0.2 Pain in minimum capital (% of income per capita)-0.0
 <p><b>Dealing with Construction permits Rank- 126</b></p>	Score of dealing with construction permits (0-100)- 64.1 Procedures (number)- 16 Time (days)- 254 Cost (% of warehouse value)-0.1 Building quality control index (0-15)-10.0	 <p><b>Dealing with Construction permits Rank- 7</b></p>	Score of dealing with construction permits (0-100)- 86.5 Procedures (number)- 11 Time (days)- 93 Cost (% of warehouse value)-2.2 Building quality control index (0-15)- 15.0
 <p><b>Getting electricity Rank- 43</b></p>	Score of getting electricity (0-100)-84.3 Procedures (number)- 4 Time (days)- 61 Cost (% of income per capita)-185.3 Reliability of supply and transparency of tariff index (0-8)- 6	 <p><b>Getting electricity Rank- 48</b></p>	Score of getting electricity (0-100)-84.0 Procedures (number)- 5 Time (days)- 58 Cost (% of income per capita)-67.9 Reliability of supply and transparency of tariff index (0-8)- 7
 <p><b>Registering Property Rank- 158</b></p>	Score of registering property (0-100)- 46.7 Procedures (number)- 9 Time (days)- 77 Cost (% of property value) 7.0 Quality of land administration index (0-30)- 11.0	 <p><b>Registering Property Rank- 2</b></p>	Score of registering property (0-100)- 94.6 Procedures (number)- 2 Time (days)- 3.5 Cost (% of property value) 0.1 Quality of land administration index (0-30)- 26.5
 <p><b>Getting credit Rank- 67</b></p>	Score of getting credit (0-100)- 65.0 Strength of legal rights index (0-12)- 7 Depth of credit information index (0-8)-6 Credit registry coverage (% of adults)- 0.0 Credit bureau coverage (% of adults)- 81.0	 <p><b>Getting credit Rank- 1</b></p>	Score of getting credit (0-100)- 100 Strength of legal rights index (0-12)- 12 Depth of credit information index (0-8)- 8 Credit registry coverage (% of adults)- 0.0 Credit bureau coverage (% of adults)- 100

<sup>19</sup> World Bank Group. Economy profile Trinidad and Tobago Doing Business 2020 comparing business regulation in 190 economies. Accessed: January 14, 2021. Available: <https://www.doingbusiness.org/content/dam/doingBusiness/country/t/trinidad-and-tobago/TTO.pdf>

<sup>20</sup> World Bank Group. Economy profile Trinidad and Tobago Doing Business 2020 comparing business regulation in 190 economies. Accessed: January 14, 2021. Available: <https://www.doingbusiness.org/content/dam/doingBusiness/country/n/new-zealand/NZL.pdf>







Ease of Doing Business Topic	Trinidad and Tobago Scores <sup>21</sup>	Ease of Doing Business Topic	New Zealand Scores <sup>22</sup>
 <p><b>Protecting Minority Investors Rank- 57</b></p>	<p>Score of protecting minority investors (0-100)- 64.0 Extent of disclosure index (0-10)- 4.0 Extent of director liability index (0-10)- 9.0 Ease of shareholders suits index (0-10)- 8.0 Extent of shareholders rights index (0-6)- 5.0 Extent of ownership and control index (0-7)- 4.0 Extent of corporate transparency index (0-7)- 2.0</p>	 <p><b>Protecting Minority Investors Rank- 3</b></p>	<p>Score of protecting minority investors (0-100)- 86.0 Extent of disclosure index (0-10)- 10.0 Extent of director liability index (0-10)- 9.0 Ease of shareholders suits index (0-10)- 9.0 Extent of shareholders rights index (0-6)- 5.0 Extent of ownership and control index (0-7)- 5.0 Extent of corporate transparency index (0-7)- 5.0</p>
 <p><b>Paying Taxes Rank- 160</b></p>	<p>Score of paying taxes (0-100)- 53.5 Payments (number per year)- 39 Time (hours per year)- 210 Total tax and contribution rate (% of profit)- 40.5 Postfiling index (0-100)- 19.5</p>	 <p><b>Paying Taxes Rank- 9</b></p>	<p>Score of paying taxes (0-100)- 91.0 Payments (number per year)- 7 Time (hours per year)- 140 Total tax and contribution rate (% of profit)- 34.6 Postfiling index (0-100)- 96.9</p>
 <p><b>Trading across borders Rank- 134</b></p>	<p>Score of trading across borders (0-100)- 62.6 <i>Time to export-</i> Documentary compliance (hours)- 32 Border compliance (hours)- 60 <i>Cost to export-</i> Documentary compliance (USD)- 250 Border compliance (USD)- 499 <i>Time to export-</i> Documentary compliance (hours)- 44 Border compliance (hours)- 78 <i>Cost to export-</i> Documentary compliance (USD)- 250 Border compliance (USD)- 635</p>	 <p><b>Trading across borders Rank- 63</b></p>	<p>Score of trading across borders (0-100)- 84.6 <i>Time to export-</i> Documentary compliance (hours)- 3 Border compliance (hours)- 37 <i>Cost to export-</i> Documentary compliance (USD)- 67 Border compliance (USD)- 337 <i>Time to export-</i> Documentary compliance (hours)- 1 Border compliance (hours)- 25 <i>Cost to export-</i> Documentary compliance (USD)- 80 Border compliance (USD)- 367</p>

<sup>21</sup> World Bank Group. Economy profile Trinidad and Tobago Doing Business 2020 comparing business regulation in 190 economies. Accessed: January 14, 2021. Available: <https://www.doingbusiness.org/content/dam/doingBusiness/country/t/trinidad-and-tobago/TTO.pdf>

<sup>22</sup> World Bank Group. Economy profile Trinidad and Tobago Doing Business 2020 comparing business regulation in 190 economies. Accessed: January 14, 2021. Available: <https://www.doingbusiness.org/content/dam/doingBusiness/country/n/new-zealand/NZL.pdf>



Ease of Doing Business Topic	Trinidad and Tobago Scores <sup>23</sup>	Ease of Doing Business Topic	New Zealand Scores <sup>24</sup>
 <b>Enforcing contracts Rank-174</b>	Score of enforcing contracts (0-100)- 35.6 Time (days)- 1,340 Cost (%of claim value)- 33.5 Quality of judicial processes index (0-18)- 8.0	 <b>Enforcing contracts Rank-23</b>	Score of enforcing contracts (0-100)- 71.5 Time (days)- 216 Cost (%of claim value)- 27.2 Quality of judicial processes index (0-18)- 9.5
 <b>Resolving insolvency Rank-83</b>	Score of resolving insolvency (0-100)- 48.4 Recovery rate (cents on the dollar)- 26.1 Time (years)- 2.5 Cost (% of estate)- 25.0 Outcome (0 as piecemeal sale and 1 as going concern)-0 Strength of insolvency framework index (0-16)- 11.0	 <b>Resolving insolvency Rank- 36</b>	Score of resolving insolvency (0-100)- 69.5 Recovery rate (cents on the dollar)- 79.7 Time (years)- 1.3 Cost (% of estate)- 3.5 Outcome (0 as piecemeal sale and 1 as going concern)-1 Strength of insolvency framework index (0-16)- 8.5

<sup>23</sup> World Bank Group. Economy profile Trinidad and Tobago Doing Business 2020 comparing business regulation in 190 economies. Accessed: January 14, 2021. Available: <https://www.doingbusiness.org/content/dam/doingBusiness/country/t/trinidad-and-tobago/TTO.pdf>

<sup>24</sup> World Bank Group. Economy profile Trinidad and Tobago Doing Business 2020 comparing business regulation in 190 economies. Accessed: January 14, 2021. Available: <https://www.doingbusiness.org/content/dam/doingBusiness/country/n/new-zealand/NZL.pdf>



**APPENDIX IV**  
**MPADT SHORT TO MEDIUM TERM GOALS**

Short term (2022)		Medium Term (2025)		Other Priority Areas
Priority areas	Priority projects	Priority areas	Priority projects	Critical infrastructure
<ul style="list-style-type: none"> <li>▪ <b>Health</b></li> <li>▪ <b>Social Services</b></li> <li>▪ <b>Education</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ Digital skills training and change management for public officer;</li> <li>▪ Digitising of GoRTT records;</li> <li>▪ Promoting internet connectivity and access: <b>TTWifi</b> (free wifi in highly populated areas), <b>Access TT</b> (ICT centres in low income communities), <b>Access to the Universal Fund</b> (provision of 10,000 devices for students, mobile phone subsidy for persons with disabilities and provision of broadband in low income communities)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Digitalising all other Ministries</li> <li>▪ Introduction of a GORTT website for all services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Promoting e-services and training for customers and businesses in the private sector</li> </ul>	<ul style="list-style-type: none"> <li>▪ GovNeTT</li> <li>▪ ttconnect portal</li> <li>▪ security</li> <li>▪ enterprise software</li> </ul>

**APPENDIX V**  
**MTI DIAGNOSTIC REVIEW OF LEGISLATION AND**  
**STAKEHOLDER CONSULTATION**

<b>Areas for Consideration</b>	<b>Gap to be addressed</b>	<b>Status</b>	<b>Key Stakeholders</b>
<b>Amendments to the Data Protection Act</b>	Updating of the Act in line with international standards such as the EU General Data Protection Regulations and full proclamation of the Act. Areas to be covered include breach notifications, data protection officers, international transfer of data, lawfulness of processing and consent. This will increase public confidence and safety when doing business online.	Gap Analysis Report and Draft Legislative Brief containing proposals for amendments completed. Stakeholder consultations scheduled for April 2021.	Office of the Prime Minister Communications
<b>Amendments to the Electronic Transactions Act</b>	Review and updating of legislation underpinning Electronic Transactions in Trinidad and Tobago and the development of regulations to support digital government initiatives. This includes provisions to implement the UNCITRAL Model Law on Electronic Transferable Records (MLETR) to enable the use of electronic transferable records (electronic bills of exchange, promissory notes and warehouse receipts) and smart contracts to pave the way for a fully paperless trade environment. Important sections of this Act are presently un-proclaimed. These include sections dealing with Intermediaries and Telecommunications Service Providers, Contravention and Enforcement and Consumer Protection. Updates are also needed to create a legal environment which fosters innovation and technological development in areas such as FinTech, Distributed Ledger Technologies (including Blockchain) and Artificial Intelligence.	Gap Analysis Report and Draft Legislative Brief containing proposals for amendments to be completed in March 2021.	Ministry of Public Administration and Digital Transformation
<b>Development of consumer protection legislation</b>	Updating of consumer protection legislation to, <i>inter alia</i> , cover services, online selling, stiffer penalties for breaches and increased investigatory powers for the Consumer Affairs Division officers.	Draft Bill prepared in 2020 and under review by the CPC.	Consumer Affairs Division, Ministry of Trade and Industry
<b>Strengthening the Anti-Dumping, Subsidies and Countervailing Measures regime</b>	Updating of Anti-Dumping Legislation to safeguard local industry from unfair foreign trade in conformity with the WTO requirements.	Procurement of consultant in progress.	Fair Trading Unit, Ministry of Trade and Industry
<b>Trade Facilitation Agreement - Enabling Legislative Changes</b>	Development of legislation to implement Trinidad and Tobago commitments under the TFA Agreement including pre-shipment inspection, temporary admission of goods for inward and outward processing, electronic payment for customs clearance, and acceptance of copies for customs procedure.	Procurement of consultant in progress.	Trade Directorate, Ministry of Trade and Industry National Trade Facilitation Committee.

<b>Areas for Consideration</b>	<b>Gap to be addressed</b>	<b>Status</b>	<b>Key Stakeholders</b>
<b>Food and Drugs Act and Quarantine Act</b>	Amendments to facilitate electronic transactions, data sharing, electronic issuance of certificates and full operationalization of the SEW.	To be covered under the electronic transactions act amendments project. Gap Analysis Report and Draft Legislative Brief containing proposals for amendments to be completed in March 2021.	Ministry of Health
<b>Plant Protection Act</b>	Amendments to facilitate electronic transactions, data sharing and full operationalization of the SEW.	To be covered under the electronic transactions act amendments project. Gap Analysis Report and Draft Legislative Brief containing proposals for amendments to be completed in March 2021.	Ministry of Agriculture, Land and Fisheries.
<b>Immigration Act</b>	Amendments to facilitate electronic transactions and full operationalization of the SEW.	To be covered under the electronic transactions act amendments project. Gap Analysis Report and Draft Legislative Brief containing proposals for amendments to be completed in March 2021.	Ministry of National Security
<b>Standards Act and Metrology Act</b>	Updating of the Standards Act and Metrology Act which supports the National Quality Infrastructure of Trinidad and Tobago to address deficiencies and ensure alignment with international treaty obligations and international best practices.	Procurement of consultant in progress.	Trinidad and Tobago Bureau of Standards

Stakeholders engaged

<b>Public Sector</b>	<b>Private Sector</b>
<b>Ministry of Public Administration and Digital Transformation</b>	Law Association of Trinidad and Tobago (LATT)
<b>Ministry of the Attorney General and Legal Affairs</b>	Trinidad and Tobago Chamber of Industry and Commerce (TTCIC)
<b>Office of the Prime Minister (Communications)</b>	American Chamber of Commerce (AMCHAM)
<b>Ministry of Finance</b>	Trinidad and Tobago Coalition of Service Industries (TTCSI)
<b>Ministry of National Security</b>	Copyright Organisation of Trinidad and Tobago
<b>Ministry of Health including Regional Health Authorities</b>	Media Association of Trinidad and Tobago
<b>National Insurance Board</b>	Financial Services Sector (including Banker's Association)
<b>Inland Revenue Division</b>	TTMAG (T&T Multi-stakeholder Advisory Group)
<b>Telecommunications Authority of Trinidad and Tobago</b>	Trinidad and Tobago Transparency Institute (Bernadine Henry)
<b>OPM Freedom of Information Unit</b>	University of the West Indies
<b>Tobago House of Assembly (THA)</b>	M. Hamel Smith and Company
<b>OPM-Government Archivist</b>	Digicel
<b>Judiciary</b>	Equigov Institute Ltd.
<b>Trinidad and Tobago Police Service Cybercrime and Social Media Unit</b>	
<b>Intellectual Property Office</b>	
<b>CARICOM Impacts</b>	



**APPENDIV VI**  
**MPD CONSTRUCTION PERMITTING**  
**PROCESS-STAKEHOLDER AGENCIES**  
**INVOLVED**

*List 1: List of agencies involved in the construction permitting process*

No.	Agencies	Line Ministry	Type of Approval/ Services Facilitated On-line
<b>TRINIDAD</b>			
1.	Town and Country Planning Division	Ministry of Planning and Development	<p><b>Regulatory:</b></p> <ul style="list-style-type: none"> <li>Outline Planning Permission</li> <li>Planning Permission</li> </ul> <p><b>Other Services:</b></p> <ul style="list-style-type: none"> <li>Status of Land Correspondence</li> <li>Stamp Duty Correspondence</li> <li>Liquor Licence Correspondence</li> <li>Complaints against Unauthorised Development</li> <li>Car Rental Correspondence</li> <li>Advertisement Application</li> <li>Customs Bonded Correspondence</li> <li>Variation Request</li> <li>Mining Application</li> <li>Online Public Register</li> </ul>
2.	Environmental Management Authority (EMA)	Ministry of Planning and Development	<p><b>Regulatory:</b></p> <ul style="list-style-type: none"> <li>Certificate of Environmental Clearance</li> </ul>
3.	National Trust of Trinidad and Tobago	Ministry of Planning and Development	<p><b>Advisory:</b></p> <ul style="list-style-type: none"> <li>Guidelines for historic properties</li> </ul> <p><b>Regulatory:</b></p> <ul style="list-style-type: none"> <li>Approvals for modification of listed buildings</li> </ul>
4.	Institute of Marine Affairs (IMA)	Ministry of Planning and Development	<p><b>Advisory:</b></p> <ul style="list-style-type: none"> <li>Recommendations regarding coastal setbacks and development</li> </ul>
5.	14 Municipal Corporations	Ministry of Rural Development and Local Government	<p><b>Regulatory:</b></p> <ul style="list-style-type: none"> <li>Building Permit</li> <li>Provisional Permit for the Laying out of Land into Development Plots (subdivisions)</li> <li>Design Approval</li> <li>Completion Certificate</li> <li>Final Development Permit (subdivisions)</li> </ul>
6.	Government Electrical Inspectorate (GEI)	Ministry of Public Utilities	<p><b>Regulatory:</b></p> <ul style="list-style-type: none"> <li>Inspection Certificate for electrical works in constructed buildings</li> </ul>

No.	Agencies	Line Ministry	Type of Approval/ Services Facilitated On-line
7.	Trinidad and Tobago Electrical Commission (T&TEC)	Ministry of Public Utilities	<b>Advisory:</b> Recommendation on setbacks from high tension wires <b>Regulatory:</b> Electricity connections
8.	Land Reclamation Committee	Ministry of Agriculture, Land and Fisheries	<b>Regulatory:</b> Issue of licenses to reclaim land (processing of applications for land reclamation, costal works and sea bed lease)
9.	Commissioner of State Lands	Ministry of Agriculture, Land and Fisheries	<b>Advisory:</b> Recommendations on proposals for seabed activity <b>Regulatory:</b> Issuing of leases and licenses for the development of State Land
10.	Survey and Mapping Division	Ministry of Agriculture, Land and Fisheries	<b>Advisory:</b> Access to survey plans and cadastral sheets of existing subdivisions
11.	Caroni (1975) Limited	N/A	<b>Advisory:</b> Non-objection to the development of state land
12.	County Medical Officers of Health	Ministry of Health	<b>Regulatory:</b> Public Health Approval Building Area/ Subdivision Approval Building Plan Approval
13.	Petroleum Operations Management Division	Ministry of Energy and Energy Industries	<b>Advisory:</b> Pipeline Setbacks <b>Regulatory:</b> LPG and Diesel Storage Approval
14.	Trinidad and Tobago Fire Service- Water and Essential Services	Ministry of National Security	<b>Regulatory:</b> Preliminary Approval Certificate Final Approval Certificate
15.	Trinidad and Tobago Fire Services- Fire Prevention Administration	Ministry of National Security	<b>Regulatory</b> Initial Approval Final Inspection Approval
16.	Occupational Safety and Health Authority and Agency (OSHA)	Ministry of Labour and Small Enterprises	<b>Regulatory:</b> Approval of building plan for factory or warehouse
17.	Trinidad and Tobago Housing Development Corporation (HDC)	Ministry of Housing and Urban Development	<b>Advisory:</b> Non objection to the development of land within HDC Developments

No.	Agencies	Line Ministry	Type of Approval/ Services Facilitated On-line
18.	Trinidad and Tobago Civil Aviation Authority (TTCAA)	Ministry of Works and Transport	<p><b>Advisory:</b> Advises on land use near airports and maximum building heights</p> <p><b>Regulatory:</b> Approval regarding development within proximity to telecommunication's towers</p>
19.	Ministry of Works and Transport - Drainage Division	Ministry of Works and Transport	<p><b>Advisory:</b> Recommendations regarding flood prone areas, bridging of watercourses, river setbacks, natural water courses</p> <p><b>Regulatory:</b> Drainage Designs Approval Final Approval</p>
20.	Ministry of Works and Transport - Construction Division	Ministry of Works and Transport	<p><b>Regulatory:</b> Approval of structural designs of complex structures and public buildings</p>
21.	Ministry of Works and Transport - Highways Division	Ministry of Works and Transport	<p><b>Advisory:</b> Recommendation on highways and highway controlled road setbacks, access and egress from highways and highway controlled roads</p> <p><b>Regulatory:</b> Outline and Final Approval for Road Access Approval for Road Access Workflow</p>
22.	Ministry of Works and Transport - Traffic Management Branch	Ministry of Works and Transport	<p><b>Advisory:</b> Recommendation on vehicle circulation, Traffic Impact Studies</p> <p><b>Regulatory:</b> Traffic Management Designs</p>
23.	Ministry of Works and Transport - Construction Division, Historical Restoration Unit	Ministry of Works and Transport	<p><b>Advisory:</b> Recommendation on historical nature of buildings</p> <p><b>Regulatory:</b> Restoration, Design, Construction and Rehabilitation use of Historical sites</p>
<b>TOBAGO</b>			
24.	Office of the Chief Secretary- Planning Department	Tobago House of Assembly	<p><i>(Similar to the Municipal Corps)</i> <b>Regulatory:</b> Building Permit Subdivision Permit Design Approval Completion Certificate Signatory Approval for permission to subdivide or develop land</p>

No.	Agencies	Line Ministry	Type of Approval/ Services Facilitated On-line
25.	Office of the Chief Secretary- Land Management Department		( <i>Similar to the COSL</i> ) <b>Regulatory:</b> Approval for the development of state land Compilation and conversion of spatial data for lands under THA purview
26.	Division of Settlements, Urban Renewal and Public Utilities		( <i>Similar to the HDC</i> ) <b>Advisory:</b> Non objection to the development of land within state owned developments
27.	Department of Environment		( <i>Similar to the EMA</i> ) <b>Regulatory:</b> Certificate of Environmental Clearance
28.	Division of Health, Wellness and Family Development		( <i>Similar to the CMOH and Municipal Corporations</i> ) <b>Regulatory:</b> Public Health Approval Building Area Approval Building Plan Approval
29.	Division of Infrastructure, Quarries and the Environment		( <i>Similar to the OGAs under the Ministry of Works and Transport</i> ) Approvals regarding roads, bridges, drainage, traffic management

**APPENDIX VII**  
**CUSTOMS AND EXCISE DIVISION RISK MANAGEMENT**  
**APPROACH TO PHYSICAL INSPECTIONS**

*List 2: List of process in the CED risk management process*

<b>Risk Management Policy- Risk based approaches</b>
<b>Targeted repeat offenders-breaches on AW</b>
<b>Targeted repeat offenders- valuation on AW</b>
<b>Frequently misclassified HS Codes on AW</b>
<b>Companies listed in the high risk selectivity list on AW</b>
<b>High risk countries of origin or export</b>
<b>Random selection of companies currently in low and medium risk selectivity based on risk profiles</b>
<b>Results of monitoring advance cargo manifests on AW</b>
<b>High duty commodities- alcohol, cigarettes, motor vehicles</b>
<b>Selection based on intelligence reports</b>
<b>Nonalcoholic beverages</b>
<b>Results of random review of inspection reports against the criteria set in the AW system</b>



**APPENDIX VIII**  
**MTI 24 MONTH WORK PROGRAMME AND ASSOCIATED**  
**COSTS FOR IMPROVING TRADING ACROSS BORDERS**

Name of Executing Agency- Ministry of Trade and Industry Strengthening of the Single Electronic Window

IDB Loan Contract Number- 3575 OC/TT

Project No: 48/09/003/11/R/016

Actual expenditure as at 30<sup>th</sup> September 2020- TT\$ 55,387,200.00 (US 8,166,854.00)

Fiscal 2021- TT\$ 30,000,000 (US\$ 4,424,779.00)

Fiscal 2022- TT\$ 60, 383,800 (US\$ 8,908,367.00)

Breakdown of Work Programme and Cost (TT\$)		
Details	Fiscal 2021	Fiscal 2022
<b>Component 1: Enhancing and Expanding the services of the Single Electronic Window</b>		
Develop and Implement an Automated Construction Permit System (ACPS)	5,366,020.00	4,380,384.00
Selection of a Cloud Service Provider to Provide Cloud Services	6,288,864.00	8,097,468.00
Information and Communication Technology (ICT) for the Town and Country Planning Division, Automated Construction Permitting System	565,409.00	-
Digitization of Key Records for Town and Country Planning Division to Assist the Construction Permit System	965,340.00	-
TTBIZLink Application Enhancement	4,952,255.00	22,526,889.00
Develop and Implement a Trade and Business Information Portal	517,956.00	5,999,706.00
Implement a Business Intelligence & Analytical Solution for the Ministry of Trade and Industry	1,017,000.00	678,000.00
Supply and Build out of an Enterprise Geometric Information System (GIS) for Town and Country Planning Division and Supply & Implementation of Integration Services for the Automated Construction Permit System and ArcGIS Enterprise	36,000	36,000
Modernisation of Trade License Unit	749,990.00	1,284,010.00
<b>Component 2: Enhancing the Interoperability of TTBizLink</b>		
Hardware and equipment for Trade Unit of Central Statistical Office / National Statistical Institute	163,471.00	-
Advisory Services to assist in the implementation of a Port Community System Solution	-	292,896.00
Implementation of a Port Community System Solution	1,975,353.00	12,996,207.00
<b>Component 3: Modernizing the Governance of SEW and the Institutional Framework</b>		
Training Activities	23,600.00	23,600.00
Consultancy to Develop and Implement and Change Management	1,523,738.00	-

<b>Breakdown of Work Programme and Cost (TT\$)</b>		
<b>Details</b>	<b>Fiscal 2021</b>	<b>Fiscal 2022</b>
<b>Advisory to Develop a Quality Management Systems at Maritime Services Division</b>	418,389.00	-
<b>Advisory Services to Develop Consumer Protection Legislation</b>	239,781.00	-
<b>Advisory Services to Amend Data Protection Legislation</b>	335,705.00	-
<b>Advisory Services to Modernise the Legal Framework for Electronic Transactions</b>	432,206.00	-
<b>Advisory Services- Anti- Dumping Legislation</b>	244,080.00	244,080.00
<b>Advisory Services - Trinidad and Tobago Bureau of Standards Legislation</b>	244,080.00	244,080.00
<b>Advisory Services- Trade Facilitation</b>	244,080.00	244,080.00
<b>Development of a Maritime Policy and Strategy for Trinidad and Tobago</b>	862,375.00	-
<b>Component 4: Project Administration</b>		
<b>Project Implementation Unit</b>	2,321,250.00	3,049,800.00
<b>Mid Term Evaluation</b>	304,581.00	-
<b>Stakeholder Meetings; Administration; Audit Fees; Office and Communication Equipment</b>	208,477.00	285,600.00
<b>Total</b>	30,000,000.00	60,382,800.00

**APPENDIX IX**  
**MTI CONSULTANCIES EFFECTED AND TARGET**  
**INDICATORS**

*List 3: MTI list of consultancies effected*

<b>Consultancy</b>	<b>Contract Duration</b>	<b>Contract Start Date</b>	<b>Contract End Date</b>
<b>Advisory services for the development of a Port Community System</b>	91 non-consecutive days	21 October 2019	20 February 2021
<b>Consultancy to design and implement an enhanced TTBizLink application software for the Ministry of Trade and Industry</b>	54 months	14 September 2020	13 March 2025
<b>Undertake Business Process Reengineering</b>	14 months	26 February 2018	25 April 2019
<b>Advisory services for a quality maritime system</b>	9 months	24 August 2020	05 May 2021

*List 4: MTI List of Target indicators*

<b>Outcome Indicator</b>	<b>Baseline</b>	<b>Target</b>
<b>Number of days for document preparation and customs clearance (export)</b>	6	4
<b>Number of days for document preparation and customs clearance (import)</b>	9	6
<b>Percentage of manifest data that will be electronically shared between the Customs and Excise Division and the Port Authorities through TTBizLink</b>	0%	100%
<b>Percentage of customs releases that will be electronically shared between the Customs and Excise Division and the Port Authorities through TTBizLink</b>	0%	100%
<b>Type of documents electronically shared with a foreign single window system</b>	0	1

**APPENDIX X**  
**MTI LIST OF STAKEHOLDER CONSULTATIONS**

Consultations regarding the strengthening of the SEW held with the following public sector entities:

- MTI- TTBizLink, Trinidad and Tobago Bureau of Standards;
- Ministry of Finance- Customs and Excise Division;
- Ministry of Agriculture, Land and Fisheries- Fisheries division, plant quarantine service, animal production;
- Ministry of Health- Drug inspectorate, pesticide and toxic chemicals inspectorate, chemistry food and drugs directorate
- Ministry of Works and Transport- Maritime services division;
- Port Authority- Port of Port of Spain;
- Ministry of National Security- Coast Guard Trinidad and Tobago Defence Force;
- Airports Authority;
- University of Trinidad and Tobago- Port & Logistics Department.

Consultations regarding the strengthening of the SEW held with the following private sector entities:

- Trinidad and Tobago Chamber of Industry and Commerce;
- Shipping Association of Trinidad & Tobago;
- Pt. Lisas Industrial Port Development Cooperation;
- Haulers Association of Trinidad & Tobago;
- Customs Brokers' Association;
- Trinidad and Tobago Pilots Association;
- Courier Association of Trinidad and Tobago;
- American Chamber of Commerce;
- Cargo Consolidators Limited; and
- Swissport International Limited.

Consultations held with the private sector:

- Trinidad and Tobago Chamber of Industry and Commerce
- American Chamber of Commerce
- Bankers Association of Trinidad and Tobago
- Shipping Association of Trinidad and Tobago
- Customs Clerks and Brokers Association
- Trinidad and Tobago Coalition of Service Industries

MTI Cabinet appointed Steering Committee and consultations held in relation to the Secured Transactions Regime

- Office of the Attorney General and Ministry of Legal Affairs (RGD and CPC);
- Ministry of Finance
- Ministry of Planning and Development
- Central Bank of Trinidad and Tobago
- Bankers Association of Trinidad and Tobago
- Credit Union League of Trinidad and Tobago
- Law Association of Trinidad and Tobago



**APPENDIX XI**  
**MTI'S FILM PERMIT SYSTEM**

<b>Film TT</b>	
<b>Film Production</b>	<p>The MTI is aiming to expand on Trinidad and Tobago as a destination for film production. In order to develop a system of protocols for potential film producers the following measures are being proposed:</p>
<b>Film permit:</b>	<p>The MTI has developed a proposal for the introduction of a Film Production Permit would allow FilmTT, the lead authority, both to grant companies' approvals to conduct filming activities and to attract nominal amounts of foreign exchange through the levying of fees related to the facilitation of film production. This permit would allow holders to access government services and incentives, such as the Production Expenditure Rebate Programme offered by FilmTT. Currently, Letters of Support or Letters of Recognition presented on behalf of producers are used in lieu of a permit system.</p> <p>FilmTT's data service platform MovieSite is in the process of finalising the Permit applications specific to FilmTT and by extension Trinidad and Tobago. The submission of applications will be online and accessed via a link on FilmTT's website, when a filmmaker meets the necessary requirements, a permit will be generated and approved.</p> <p>A marketing plan is earmarked to implement and operationalise the system upon approval.</p>
<b>Film Friendly Network:</b>	<p>The aim of this stakeholder network is to partner with key local and international organisations to minimize disruptions in the film production process. Members would benefit from being able to identify their role within the larger framework and to dialogue with partner organisations in a bid to creating uniformity in the film production process. FilmTT will be spearheaded by Creative TT alongside the guidance of the MTI. The current complement of local stakeholders includes: the Ministry of National Security, Ministry of Finance, Trinidad Tourism Limited, Chaguaramas Development Authority, Trinidad and Tobago Civil Aviation Authority, Port Authority of</p>

	<p>Trinidad and Tobago, Airports Authority of Trinidad and Tobago, Tobago House of Assembly Division of Culture, the Port of Spain City Corporation.</p>
<p><i>Implementation of ATA Carnet:</i></p>	<p>This is an international customs and temporary export-import document. Carnets facilitate temporary imports into foreign countries and re-importation into the US. One is allowed duty free and import tax-free entry into a carnet country for up to one year.</p>

**APPENDIX XII**  
**MTI'S KPI'S- ENHANCEMENTS TO TTBIZLINK**

*List 5: MTI list of KPIs- Enhancements to TTBizLink*

<b>MTI's KPIs related to Enhancements to TTBizLink</b>
<b>Expansion of the permits and licence module to include 5 new services</b>
<b>Implementation of online payments for all services on TTBizLink</b>
<b>Adoption of automatic approvals by 50% of agencies</b>
<b>Sharing of approved permits and licence data with Customs</b>
<b>Improved service standards for e-service delivery</b>
<b>Reduced incorrect and incomplete submissions and queries</b>
<b>Trained persons to maintain the system independent of the vendor at the end of the project</b>
<b>Exchange of electronic documents with a foreign single window system and a blockchain connectivity and internet of things proof of concept.</b>

**APPENDIX XIII**  
**TIMELINE FOR THE IMPLEMENTATION OF REFORMS AT**  
**THE RGD**

Year	Measure	Details
2014	Institutional Capacity Strengthening	<p>Step 1- Digitisation of all non-digitised records, training of staff in archiving and document restoration, design and implementation of re-engineered, streamlined business processes, including automation of registration procedures, as well as enhancement of existing digital records format to include UPIN, PIN and other relevant data required by other stakeholders in the property registration process; re-design of RGD workspace to better design work functions and customer service, knowledge exchange activities with global best practices property registries to form policy dialogue and formation on property registration matters and implementation of a communications campaign to reach out to and obtain feedback from stakeholders on Project activities.</p> <p>Step 2- Including parcel and person identification numbers on all property registration documents. Individuals will receive assistance to register their names onto their birth certificates in order to link their names with their PINs. Also accompanying this initiative will be:</p> <ul style="list-style-type: none"> <li>• A dedicated registration space;</li> <li>• A communications campaign</li> <li>• A study to strengthen the existing the parcel identification numbering protocol in order to include U-PIN in all property registration documents.</li> </ul>



<b>Year</b>	<b>Measure</b>	<b>Details</b>
<b>2017</b>	Digitisation of the National Land Registry Records	The MoAGLA and the UWI entered into a contract to digitize the National Land Registry Records in the RGD post 1970 with a view to streamlining the Business Property Registration System. The contract ended in 2020.
<b>2018</b>	Implementation of Property Business Registration System	A contract was established between the MoAGLA, Ingeierie Geographique Numberique Francaise L'International (IGN FI), GEOFIT, and the UWI to design and implement a Property Business Registration System. A joint venture was entered between the IGN FI, GEOFIT and the UWI to undertake the project with IGN FI acting on behalf of the three entities. The project consisted of three phases: Phase A- Ended October 26, 2020 with a partial Go Live Phase B- On going with a proposed end date of February 28, 2021 Phase C- will commence at the end of Phase B
<b>2019</b>	Contract with Axiell ALM Canada Inc	The AGLA entered a contract with Axiell ALM Canada Inc. for the development, configuration and installation of a new information technology system for the Companies Registry of the Registrar General's Department
<b>2020</b>	Online access to services and payment	The Civil Registry, Companies Registry and Intellectual Property Office launched online access to services and payment for various applications.

**APPENDIX XIV**

**FULL DETAILS OF THE PROCESSES AND  
COSTS OF THE CONSTRUCTION PERMITTING  
PROCESS**

### Automation of the Construction Permit Process

DevelopTT is the digital platform for processing applications for Construction permitting. It begins with the TCPD's online submission of applications for all services offered to the Municipal Corporation and to other government agencies within this sector. DevelopTT includes the following processes:

Simultaneous electronic submissions to multiple agencies
Increased transparency as applicants are able to monitor the progress of their submissions
TCPD's planning permission approval is issued electronically and is immediately available to both the applicant and other relevant agencies
Single submissions of data is shared to multiple agencies
Agencies are able to communicate with applicants and each other via the system
Provides a forum for the TCPD to request advice and input from other agencies prior to processing an application
Record management is improved as all documents attached by both the applicant and approving agencies are stored on the platform
Applicants are able to access all the guidelines and instructions from multiple agencies in one place
Site location features allows applicants to easily plot the site for proposed development via a geographic information system. This tool also allows applicants to easily plot the site for proposed development via a geographic information system. This tool also allows the applicant to determine the land policies and boundaries applicable to their proposed site
Agencies can schedule, conduct and record inspections via the DevelopTT inspection app
All data are submitted to, or created by the system is archived and creates a valuable resource on information on development approvals and related issues
The system will have a comprehensive and extensible reporting facility that will allow the collation of statistics and the generation of reports

Cost of E-Services by related land and building agencies	
Agency/Application	Fees
<b>Non-objection to the development of State Lands (Processing Fee)</b>	
<b>Municipal Corporation</b>	
<b>Building Permit</b>	TT\$ 500-2000 dependent on use
<b>Subdivision Approval</b>	TT\$ 100-2000 per plot dependent on the land use
<b>Completion Certificate</b>	TT\$ 500-2000 dependent on the land use (* no cost at some corporations and THA)
<b>Water and Sewerage Authority</b>	
<b>Building (water supply application)</b>	TT\$ 200
<b>Buildings (connection fee)</b>	TT\$ 687-\$738
<b>Outline approval (supervision fee)</b>	TT\$ 345
<b>Water Services (connection fee)</b>	TT\$ 187.50 per lot
<b>Swimming Pool</b>	TT\$ 500-\$1000
<b>Wastewater</b>	TT\$ 150-\$500 (dependent on land use)
<b>Sewer Connection Fee</b>	TT\$ 1200-\$2000 (dependent on land use)
<b>Environmental Management Authority</b>	
<b>Certificate of Environmental Clearance</b>	TT\$ 500

<b>Cost of E-Services by related land and building agencies</b>	
<b>Agency/Application</b>	<b>Fees</b>
<b>Environmental Impact Assessment</b>	TT\$ 5000-\$600,000
<b>Fire Prevention Administration (Fire Services)</b>	
<b>Final inspection</b>	TT\$ 200
<b>Final approval</b>	TT\$ 200
<b>Government Electrical Inspectorate</b>	
<b>Preliminary inspection</b>	TT\$ 40-\$50
<b>Final inspection</b>	TT\$ 100-\$300 small buildings TT\$ 2000-3000 commercial buildings with a generator

**APPENDIX XV**  
**TCPD TOTAL NUMBER OF OUTLINE AND PLANNING**  
**PERMISSION APPLICATIONS**

*Table 8: Total number of TCPD Outline and Planning Permissions received for the period 2018-2020.*

<b>Regional Office</b>	<b>Number of Outline Applications</b>	<b>Number of Planning Permission Applications</b>	<b>Total</b>
<b>North</b>	<b>1344</b>	<b>4927</b>	<b>6271</b>
2018	542	1759	2301
2019	436	1775	2211
2020	366	1393	1759
<b>South</b>	<b>1883</b>	<b>5390</b>	<b>7273</b>
2018	674	1954	2628
2019	730	1897	2627
2020	479	1539	2018
<b>East</b>	<b>1205</b>	<b>3945</b>	<b>5150</b>
2018	475	1292	1767
2019	430	1527	1957
2020	300	1126	1426
<b>Tobago</b>	<b>283</b>	<b>1451</b>	<b>1734</b>
2018	95	526	621
2019	99	520	619
2020	89	405	494
<i>Overall Total</i>	<b>4,715</b>	<b>15, 713</b>	<b>20, 428</b>

## APPENDIX XVI

### MPD REFORM PROJECTS AND ASSOCIATED KPIs



List 6: List of MPD EODB reform projects and associated KPIs

MPD Project	KPI
<i>Improvement of service delivery infrastructure at TCPD</i>	<ul style="list-style-type: none"> <li>▪ Quality of service as a means of assessing customer satisfaction;</li> <li>▪ Time taken to process applications.</li> </ul>
<i>Automation of the Construction Permit Process</i>	<p><i>Staff Performance</i></p> <ul style="list-style-type: none"> <li>▪ Percent applications processed within SLA timeframes</li> <li>▪ Time taken to complete tasks (SLA by role)</li> </ul> <p><i>System Support Arrangements</i></p> <ul style="list-style-type: none"> <li>▪ Number of requests fielded through different channels</li> <li>▪ Type of feedback given</li> <li>▪ Number of successfully resolved complaints</li> <li>▪ Number of staff issues identified</li> </ul> <p><i>Test and refine Customer Support and Agency Support</i></p> <ul style="list-style-type: none"> <li>▪ Number of complaints received</li> <li>▪ Quality of service provided</li> <li>▪ Knowledge of system</li> <li>▪ Customer satisfaction rate with support received</li> <li>▪ Average satisfaction rate with support received</li> <li>▪ Percent incidents resolved within SLA timeframe</li> </ul> <p><i>Coordination between agencies</i></p> <ul style="list-style-type: none"> <li>▪ Number of change requests received</li> <li>▪ Number of requests and feedback from agencies to customer support team</li> </ul> <p><i>System and Process Efficiency</i></p> <ul style="list-style-type: none"> <li>▪ Time taken to process applications</li> <li>▪ Number of approved applications</li> <li>▪ Ability to track applications throughout the system</li> <li>▪ Time taken to complete transactions</li> <li>▪ Quality of application submissions received by agencies</li> </ul> <p><i>Change/decrease in the time taken to process applications by the TCP</i></p> <p><i>Change/decrease in the time taken to process applications at the Municipal Corporations</i></p> <p><i>Indicators used in the EODB for construction permitting</i></p> <ul style="list-style-type: none"> <li>▪ No of procedures- the total number of procedures required to build a warehouse;</li> <li>▪ Time- the total number of days required to build a warehouse</li> <li>▪ Cost (% of warehouse value)- cost is recorded as a percentage of the warehouse value</li> <li>▪ Building quality control index (0-15)- the building quality control index is based on six other indices- the quality of building regulations, quality control during construction, quality control after construction, liability and insurance regimes and professional certifications indices.</li> </ul>
<i>Implementation of the Automated Workflow Process</i>	<ul style="list-style-type: none"> <li>▪ Time-application processing times- with specific reference to research times which factor into decision making;</li> <li>▪ Trips-physical vault visits by staff to access paper records or requests made to vault attendants for paper applications;</li> <li>▪ Staff utilization- logs of staff with user profiles against frequency of use on a weekly basis</li> </ul>

## APPENDIX XVII

### MoF STATUS OF VACANT POSITIONS

<b>Positions</b>	<b>No of Positions</b>	<b>Posts Filled</b>	<b>Vacant posts</b>	<b>Remarks</b>
Customs and Excise Officer I	164	55	109	61 Acting/Temporary C & E Officers I recommendation for appointment submitted to MoF June 2020 submission to SCD
Customs and Excise Officer II	169	104	65	54 C & E Officers I acting as C & E Officer II
Customs and Excise Officer III	80	30	50	24 C & E Officers II recommended for promotion as C & E Officer III submitted to MoF July 01, 2020 for submission to SCD
Assistant Comptroller of Customs and Excise	6	3	3	Recommendations for the filling of the 3 posts are presently awaiting Budget Division approval to fill vacant post
Deputy Comptroller of Customs and Excise	3	1	2	Recommendations for the filling of the 2 posts are presently awaiting Budget Division approval to fill vacant post

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