

**HOUSE OF REPRESENTATIVES***Friday, March 09, 2018*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, Mr. Prakash Ramadhar, MP, Member for St. Augustine has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

**PAPERS LAID**

1. Administration of Justice (Deoxyribonucleic Acid) Regulations, 2018. [*The Attorney General (Hon. Faris Al-Rawi)*]
2. Audited Financial Statements of ExportTT Limited for the financial year ended September 30, 2016. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]  
*Paper 2 to be referred to the Public Accounts (Enterprises) Committee.*
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Princes Town Regional Corporation for the year ended September 30, 2012. [*Hon. C. Robinson-Regis*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Princes Town Regional Corporation for the year ended September 30, 2013. [*Hon. C. Robinson-Regis*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Agricultural Marketing and Development Corporation for the year ended September 30, 2009. [*Hon. C. Robinson-Regis*]

**UNREVISED**

*Papers 3 to 5 to be referred to the Public Accounts Committee.*

6. Administrative Report of the Trinidad and Tobago Creative Industries Company Limited for the year ended September 30, 2014. [*Hon. C. Robinson-Regis*]
7. Administrative Report of the Trinidad and Tobago Fair Trading Commission for the financial year ended September 30, 2014. [*Hon. C. Robinson-Regis*]
8. Administrative Report of the Trinidad and Tobago Fair Trading Commission for the financial year ended September 30, 2015. [*Hon. C. Robinson-Regis*]
9. Administrative Report of the Trinidad and Tobago Fair Trading Commission for the financial year ended September 30, 2016. [*Hon. C. Robinson-Regis*]
10. Administrative Report of the Trinidad and Tobago Free Zones Company Limited for the year ended December 31, 2016. [*Hon. C. Robinson-Regis*]
11. Ministerial Response of the Ministry of Rural Development and Local Government to the Eleventh Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Land Settlement Agency for the financial years 2008 and 2009. [*Hon. C. Robinson-Regis*]
12. Children's Community Residences (Children's Homes) Regulations, 2018. [*The Minister in the Office of the Prime Minister (Hon. Ayanna Webster-Roy)*]
13. Children's Community Residences (Rehabilitation Centres) Regulations, 2018. [*Hon. A. Webster-Roy*]
14. National Policy on Sport 2017-2027. [*The Minister of Sport and Youth Affairs (Hon. Darryl Smith)*]
15. Green Paper on the National Policy on Gender and Development. [*Hon. A. Webster-Roy*]

**JOINT SELECT COMMITTEE REPORT**  
**(Presentation) Land and Physical Infrastructure**  
**Diversification of Local Agricultural Commodities**

**Mr. Rushton Paray** (*Mayaro*): Madam Speaker, I have the honour to present the following report:

Third Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Strategies for diversifying the type and number of agricultural commodities produced locally.

**PRIME MINISTER'S QUESTIONS**

**Sealease Limited**

**(Re: Purchase of Galleons Passage)**

**Dr. Fuad Khan** (*Barataria/San Juan*): Prime Minister. Could the Prime Minister explain the relationship between his Government and Sealease Ltd. with regard to the purchase of the *Galleons Passage*?

**The Prime Minister (Hon. Dr. Keith Rowley)**: [*Desk thumping*] Madam Speaker, I am unaware of any basis on which any person would assume that there is a relationship between Sealease Limited and the Government of Trinidad and Tobago. What has been made public by the relevant spokesperson for the Government is that Sealease Limited is a vendor who sold a vessel to the Government, through NIDCO, to the Government of Trinidad and Tobago. [*Desk thumping*]

**Dr. Khan**: Hon. Prime Minister, could you answer who is the registered owner of the Sealease—the *Galleons Passage*?

**Hon. Dr. K. Rowley**: Madam Speaker, I am not aware of the details of the company Sealease Limited as to who the owners, and shareholders, and beneficiaries are. What I do know is that the Minister of Finance advised this

Prime Minister's Questions (cont'd)  
Hon. Dr. K. Rowley (cont'd)

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country that in searching for a vessel, one was obtained, and the owner of that vessel was Sealease Limited. [*Desk thumping*]

**Dr. Khan:** Prime Minister, could you indicate whether NIDCO is the owner of most of the sea bridge vessels or the manager?

**Madam Speaker:** Member, you could add some clarification to that question that you have asked?

**Dr. Khan:** Clarification, Madam Speaker. I just want to know whether NIDCO is the owner and manager of the other sea bridge vessels?

**Hon. Dr. K. Rowley:** Madam Speaker, as far as I am aware, the vessel—the water taxis are owned by the Government of Trinidad and Tobago and operated by NIDCO and a similar arrangement will exist with respect to the *Galleons Passage*.

**Dr. Moonilal:** Thank you very much. Mr. Prime Minister, just for absolute clarity here, on this day March 9th, 2018, is the Government of Trinidad and Tobago the owner of the *Galleons Passage*?

**Hon. Dr. K. Rowley:** Effectively, Madam Speaker, with respect to the documentation which was passed, the Government of Trinidad and Tobago is the owner as far as I am aware, because I have been advised by the relevant authorities that the documentation was passed which allows us to claim ownership. [*Desk thumping*]

### **Stated Demand by Sandals**

#### **(Re: Concessions and Incentives Provided)**

**Mr. Rodney Charles** (*Naparima*): Thank you, Madam Speaker. To the Prime Minister: Does the Prime Minister accept to the stated demand by Sandals that all concessions and incentives provided to that organization by his administration must be adhered to by all successive Governments?

**The Prime Minister (Hon. Dr. Keith Rowley):** Insofar as that referred to any contractual obligations, as far as I am aware, the Government of Trinidad and Tobago will honour any contract entered into that is not a corrupt one.

**Mr. Charles:** Prime Minister, would you agree that a clause is necessary to allow for renegotiation in the light of changing circumstances?

**Hon. Dr. K. Rowley:** Madam Speaker, I am not aware that such a clause is a requirement for entering into a contract. But if the circumstances warrant such a clause then there is no problem. But I am not aware that that is a condition for the arrangement.

**Mr. Charles:** I take it that the Prime Minister is saying that a successive government will have the capacity to renegotiate the contract, yes or no?

**Hon. Dr. K. Rowley:** Madam Speaker, the law of contract is very clear, and if the Member would like to have a course in the law of contract I would advise him to go to the law school. If there is a contract, all the terms applying to a contract between parties under the laws of Trinidad and Tobago will apply, including renegotiation.

**Mr. Charles:** Madam Speaker, there is precedent in the supplemental petroleum tax—

**Madam Speaker:** Question! Question!

**Mr. Charles:**—so the question is, there is precedence for changes in the contract in the light of new circumstances, and would this be incorporated in your negotiations?

**Madam Speaker:** I would not allow that. I think that has been answered already.

**Dr. Tewarie:** Is there in fact a contract between any agency of the State and Sandals?

**Hon. Dr. K. Rowley:** Madam Speaker, I will be better able to answer this question if I understand what is this obsession with Sandals on the other side? Every time I come here—the last position of the Government of Trinidad and Tobago is that we have signed a memorandum of understanding to undertake a project. [*Desk thumping*] And when I answer you appropriately you all will get vex because you all are trying to give the impression that we are going to “wine” out of contract if we enter it, and now—you do not want Sandals, you do not want contracts, you want contracts to be re-negotiated. If your party wants to say that you would cancel the contract, if God forbid you come back into Government, say so, but do not tell me what to say about the Government's contract. [*Desk thumping*] We have not entered into any contract! And as we enter into a contract, as we will, for the conditions of that project, it will be done on top the table, honestly and with the integrity of the people of Trinidad and Tobago. [*Desk thumping*]

**Mrs. Gayadeen-Gopeesingh:** Hon. Prime Minister, you have just stated there is a memorandum of understanding, is there a variation clause in that memoranda of understanding?

**Hon. Dr. K. Rowley:** Madam Speaker, I have no idea what she is talking about.

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

**Mr. Charles:** I did not ask.

**Mr. Indarsingh:** You had said supplemental.

**Mr. Charles:** No. [*Crosstalk*] I did not ask.

**Madam Speaker:** Question No. 3, Member for Oropouche West.

### **Intended Two-day Shutdown of Tobago**

#### **(Government's Plan to Address)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): To the Prime Minister. In light of recent reports indicating growing support for the President of the Inter-

Island Truckers Association Horace Amede's motion for a two day shutdown of Tobago can the Prime Minister indicate what his government's plan to address this situation is?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, I am not aware that there is any growing support for any shut down in Tobago, and insofar as the Member is referring to the business or businesses associated with Mr. Amede or any other person, the Government's position is that it would advise the people of Tobago that if you have a business, it is better kept open to do business. [*Desk thumping*]

### **Onerous Tax Measures**

#### **(Removal and/or Reduction of)**

**Mr. Rodney Charles (Naparima):** Thank you, Madam Speaker. To the Prime Minister: In light of favourable energy prices and increased gas production as a result of Juniper and other gas related projects, could the Prime Minister provide citizens with a specific time frame for the removal and/or reduction of several onerous tax measures imposed on this population by his government over the past two and a half years?

**Madam Speaker:** Prime Minister, just before I call upon you. Member for Naparima, I have observed that there has always been, when you speak, a slight deviation from the questions as approved. I would ask you to stick to the questions as approved. So that the question is, what is there on question 4. Please!

**Hon. Member:** Read it over. Read the real thing.

**Madam Speaker:** The Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the premise of the question is that the Government has imposed onerous taxes on the people of Trinidad and Tobago, we have done no such thing. [*Desk thumping*]

**Mr. Charles:** Would the Prime Minister indicate whether he intends to change the tax regime in any way because of the better financial circumstances as a result of increased energy prices?

**Hon. Dr. K. Rowley:** Thank you, Madam Speaker. There was a time in Trinidad and Tobago where the fortunes of this country were linked very directly to the movement of oil and gas prices. Unfortunately, at this particular time we are not in a position to benefit in the same way as we would have earlier, largely because of two reasons: One, we are producing far less oil than we used to and therefore the volume which is affected by the increased price is small.

Secondly, Petrotrin, which produces about 60 or 70 per cent of the oil is not in a position to pay royalty and petroleum profit taxes to the Exchequer. So even though the price has been going up, it does not reflect itself, at this time, in any significant increase to the Exchequer. With respect to the gas price, there has not been much movement in gas prices. Gas prices have been pretty much stable and has not been moving up in step with oil prices as such. And, of course, with the purchase of one multi-national—

**Madam Speaker:** Prime Minister, your time is now spent.

### **MV Galleons Passage**

#### **(Repairs to)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you, Madam Speaker. To the Prime Minister: Could the Prime Minister inform this House of the full list of repairs which the *MV Galleons Passage* will undergo in Santiago, Cuba and the associated costs of same?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, my colleagues on the other side continue to generate misinformation and spread fake news, and this is part of it. I am not aware that the vessel is scheduled to undergo any repairs.



None whatsoever at this point in time! What is happening is that as new owner we are making some minor upgrades and improvements. And they are, Madam Speaker:

- A canopy on the vehicle deck; A full canopy over the sun deck; and
- We are installing additional—a second female washroom on the sun deck and remodelling some rails in the passenger area.

These are not repairs, Madam Speaker. These are improvements for the comfort of the people of Trinidad and Tobago who will be using this vessel on a very regular basis. [*Desk thumping*]

**Mr. Indarsingh:** Madam Speaker, the Prime Minister is still to tell this House the cost of such—

**Madam Speaker:** Question.

**Mr. Indarsingh:**—and additionally, when the agreement was executed on behalf of the Government of Trinidad and Tobago —

**Madam Speaker:** Member! Member for Couva South, you have 15 seconds to ask a question, could you kindly ask the question.

**Mr. Indarsingh:** Madam Speaker, when the inter-ministerial committee executed the agreement on behalf of the Government of Trinidad and Tobago, were they aware of the repairs and alteration to be done to this boat?

**Hon. Dr. K. Rowley:** Madam Speaker, my understanding as stated by the chairman of the Cabinet sub-committee, was that at the time when we agreed to purchase the vessel as is, where is, there were some items identified for improvement by us, the prospective owners, and there was an agreement between the seller and the buyer as to who will cover the cost of A, or B, or C, or D, and there was a package of things to be done by the seller, and that is still so, and a package to be done by the new owner, and that is still so.

**Mr. Lee:** Thank you, Madam Speaker. To the Prime Minister: Based on your response, why is it necessary to do these improvements at sea and at Santiago Shipyard in Cuba and not in Trinidad and Tobago?

**Hon. Dr. K. Rowley:** Because the seller has a relationship with a shipyard in Cuba, where I think I understand it is Damen shipyard. And because it was their responsibility to do those things it was for them to determine where they do them.

**Mr. Charles:** Thank you. Mr. Prime Minister, why in purchasing the vessel were these improvements not part of the purchase specs?

**Hon. Dr. K. Rowley:** Madam Speaker, for the benefit of the listening public in Trinidad and Tobago, I just said we bought a vessel as is, where is. And you may recall, Madam Speaker, we did not go out to buy a vessel with any spec, we were out there looking for a vessel for lease, and the broker brought to our attention that a better arrangement might be available because this vessel was available for sale. Because the owner who ordered it could not make the payments and we stepped into those shoes and that is how we ended up buying that vessel. So there is no question of us having a vessel that did not meet our specs and so on and so on. This is just misinformation, confusion, fake news.

**Mr. Indarsingh:** Thank you, Madam Speaker. Could the Prime Minister inform this House of the cost of the repairs, alterations, and who will bear—

**Madam Speaker:** Question!

**Mr. Indarsingh:**—the cost?

**Hon. Dr. K. Rowley:** TT \$2.3 million.

### **Value of Separation Packages**

#### **(Re: Departure from Operations of Petrotrin)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you, Madam Speaker. Could the Prime Minister inform this House of the value of the separation packages

involving the departure of the Vice Presidents of Exploration and Production, Refinery and Marketing, Human Resources and Corporate Services and Senior Advisor to the Office of the President from the operations of Petrotrin?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, these details are being worked out by the board of Petrotrin, and on completion such information would be transmitted to the relevant Minister of Energy and Energy Industries, and at that time if the Member is still interested, that information could be available under the appropriate Standing Order.

**Madam Speaker:** Could the Prime Minister advise this House whether these office holders were retrenched or did they resign from the operations of Petrotrin?

**Hon. Dr. K. Rowley:** Madam Speaker, to the best of my knowledge there were mutual arrangements between the employer and the employees.

**Dr. Moonilal:** Thank you very much. Is the Prime Minister telling the country that three vice-presidents, top managers at Petrotrin, demitted office by some mutual arrangement without finalizing at all the terms of their separation?

**Hon. Dr. K. Rowley:** Madam Speaker, I did not say that it was not done. I am saying, the board will transmit it—when the board is satisfied, and it is complete, the board will transmit it to the Minister, and the Member could get the information under the appropriate Standing Order.

**Mrs. Gayadeen-Gopeesingh:** Hon. Prime Minister, is it true that the Executive is now doing the function of the board of Petrotrin?

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

**Mr. Indarsingh:** Madam Speaker, in light of the restructuring that is taking place at Petrotrin, could the Prime Minister advise this House who has the responsibility of handling IR and human resource issues at Petrotrin?

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

**Sale of Natural Gas from EOG to NGC****(Final Price Arrived)**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Could the Prime Minister inform this House of the final price arrived at for the sale of natural gas from EOG to NGC during the recent negotiations between officials of the EOG and the Prime Minister of Trinidad and Tobago in Huston, Texas?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, for the nth time, I want to make it clear that the negotiations for gas prices is done between NGC and the buyers. Anyway, this matter of publicizing our gas price in various contracts since time immemorial is a trade secret matter that has far-reaching consequences. These Members who are asking this question, they have been in Government, they were responsible for the NGC, they have been involved with gas prices. They know that when there are negotiations taking place with respect to gas prices that gas prices are confidential because to make it public at this time when so many aspects of negotiations are taking place, to make it public in this way will prejudice the position of the people of Trinidad and Tobago. And, Madam Speaker, as such, I have no more to say about gas price today. [*Desk thumping*]

**Dr. Tewarie**: Without disclosing the sums involved, are the gas prices for EOG and bp Trinidad and Tobago the same, or are they different? That is all.

**Hon. Dr. K. Rowley**: Madam Speaker, I am not prepared to answer that question, because it is meant to prejudice the ongoing negotiations.

**Energy Sector Negotiations****(Time Frame Required)**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Could the Prime Minister indicate what are the outstanding matters that remain to be resolved through negotiations in

the energy sector and what time frame the Prime Minister is required to conclude same?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the energy sector is very large, very wide, and very deep, and I have no idea what the Member is talking about. But if the Member is able to be specific as to any particular contract where the Government is involved, then I might be able to assist with the appropriate notice.

**Dr. Tewarie:** Prime Minister, I think you have indicated to this House that—well, I imagine the Speaker will stop “meh” but the question I will ask is this, there are negotiations having to do with the down streamers ongoing, there are negotiations having to do with transfer pricing, there are contractual negotiations to be concluded with different entities, can the Prime Minister appraise this House as to what remain the outstanding matters? I know from your own statement what has been concluded.

**Madam Speaker:** Fifteen seconds, your time has been spent.

**Hon. Dr. K. Rowley:** Madam Speaker, as the Member himself has just outlined, there are series of contracts in the energy sector, including contracts about Train 1, Train 4, Train 2, the down streamers. There is no single contract for the down streamers. Virtually every down streamer has a separate contract in one company. There may be more than one contract within the same company. So, there are a series of supply contracts. So what I can tell you is that we are in a season of negotiations at this point in time, because about this time some of our major contracts either would have come to an end, are coming to an end, or new contracts are being negotiated. So it is difficult for me to tell you what the contract is in terms of what date, without telling me which contract you are talking about. To ask me for the contract in the energy sector, with the best will I can simply say to you

is that a number of contracts are under way; some are advanced to conclusion and others are in the process of being negotiated.

**Prime Minister's Meeting with Muslim Groups  
(Details of)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Thank you, Madam Speaker. Hon. Prime Minister, in relation to your meeting with the leaders of the Muslim groups in Trinidad and Tobago, could the Prime Minister indicate if all Muslim groups were represented at this meeting?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, while I know a large cross-section of the people of Trinidad and Tobago, I would not be so bold as to undertake to say that I know all Muslim groups in Trinidad and Tobago. What I do know is that I did try to speak with as many persons as possible at the responsible side of the Muslim community. I sent out invitations and I am pleased to report, Madam Speaker, that virtually all persons who were invited made it their business to attend and we had a very successful meeting. And I am told, Madam Speaker, that a gathering of such leadership with a prime minister of Trinidad and Tobago was a unique event. [*Desk thumping*]

**Mr. Karim**: Thank you very much, Madam Speaker. Hon. Prime Minister, might you be able to advise us—the question is—what was the nature or the purpose of this meeting, and if there were any assurances given to the members of the Muslim community who were in attendance?

**Hon. Dr. K. Rowley**: The purpose of the meeting, Madam Speaker, was largely to deal with dissatisfaction and misinformation which was being peddled in response to the security services having picked up persons who were of interest to the police. Persons were beginning to encourage members of the national community to accept or behave as though something specific had happened to them because of

their religious persuasion. I took it upon myself as Prime Minister of Trinidad and Tobago to address that issue immediately, so that persons could be given the assurance that no person in Trinidad and Tobago is being persecuted or will be persecuted because of their religious persuasion. But, to also give the assurance that our national law enforcement and security agencies will not shy away from enforcing the law of Trinidad and Tobago against any citizen as a result of that person's religion, ethnic or otherwise. [*Desk thumping*]

**2.00 p.m.**

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

**Mr. Karim:** Thank you very much, Madam Speaker. Given the answer you just enunciated to us, hon. Prime Minister, can you say, in view of the discussions, were any of those persons who were picked up by the law enforcement agencies, arising out of this meeting, are you aware if any of them were charged?

**Hon. Dr. K. Rowley:** I am not sure what—who you are talking about.

**Mr. Karim:** Hon. Prime Minister, you indicated that in the discussions, you were aware that there were some—[*Interruption*—the Muslim, yeah.

**Hon. Dr. K. Rowley:** I am not aware about the Muslim leaders who were invited and who attended—I am not aware if any of them were charged with any offence.

**Mr. Karim:** Not the leaders, hon. Prime Minister. You indicated that there were some persons who were under the radar of the law enforcement agencies who were recently, a couple of weeks ago, interrogated and detained and I am asking whether any of those were charged.

**Madam Speaker:** I will not allow that arising out of the question that was asked.

**Chief Justice's Performance****(Investigation of)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): Prime Minister, in light of the recent judgment indicating that the Law Association of Trinidad and Tobago does not have the authority to investigate the Chief Justice after expressing its discomfort with the Chief Justice's performance, does the Prime Minister intend to heed the calls from the Association and members of the citizenry to intervene?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, the only assurance I can give the Member is that as Prime Minister of Trinidad and Tobago, I will ensure that the responsibilities of the Office of Prime Minister operate under the provisions of the Constitution of Trinidad and Tobago and not to calls being made by persons who may or may not understand the role of the Prime Minister and the provisions of the Constitution. [*Desk thumping*]

**Reappointment of Marlene Mc Donald****(Integrity Commission Investigation)**

**Mr. Barry Padarath** (*Princes Town*): In light of the Prime Minister's reappointment of Marlene Mc Donald as a Minister, could the Prime Minister say whether he has received information from the Integrity Commission and/or the Fraud Squad that Miss McDonald is no longer the subject of an investigation and has been cleared of all alleged wrongdoing and misconduct?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, the last time I checked, the responsibility for appointing any person to the Cabinet of Trinidad and Tobago lies with the Prime Minister and I am not aware that it is circumscribed by any correspondence to or from the Integrity Commission. [*Desk thumping*]



**MP Maxie Cuffie****(Continuation of Payment of Salary)**

**Mr. Barry Padarath** (*Princes Town*): Could the Prime Minister indicate whether MP Maxie Cuffie continues to receive the salary of a Cabinet Minister indefinitely seeing that there is no date of return to his ministerial portfolio?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, it is common knowledge that Minister Maxie Cuffie is currently undertaking medical attention. As the person who appointed him to the Cabinet, I have taken no action as of this day to change the terms and conditions of a Minister of Government. [*Desk thumping*]

**Madam Speaker**: Supplemental, Member for Princes Town.

**Mr. Padarath**: Thank you, Madam. To the hon. Prime Minister: Would the Prime Minister not agree that it is unethical and/or unlawful for Mr. Cuffie to continue receiving a salary and perks of over \$40,000 monthly, indefinitely, for work not being done?

**Hon. Dr. K. Rowley**: Madam Speaker, I will let that by. [*Desk thumping*]

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

**Dr. Moonilal**: Could the Prime Minister confirm that in his opinion the Minister can remain indefinitely away from his job and continue to draw a salary as a Minister?

**Hon. Dr. K. Rowley**: Madam Speaker, I have said no such thing.

**Madam Speaker**: Supplemental, Member for Barataria/San Juan.

**Dr. Khan**: Thank you. Hon. Prime Minister, could you indicate, is Minister Cuffie really being denied assistance for his final medical expenses?

**Hon. Dr. K. Rowley**: Could the Member repeat the question, please? I did not hear. You muffled the last piece.

**Dr. Khan:** Hon. Prime Minister, is it true that Minister Cuffie is being denied assistance for his final medical expenses?

**Hon. Dr. K. Rowley:** I am not aware of any denial. I do not know what he is talking about. But what I can reaffirm is that having been informed of Minister Cuffie's circumstances, a decision was taken to provide assistance and that assistance was identified to a certain limit. So I do not know about any denial and I do not know how the expenditure has gone to date, but there is a provision with a limit. [*Desk thumping*]

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

**Dr. Moonilal:** Could the Prime Minister indicate whether it is the intention of the party he leads to help Minister Cuffie rather than the taxpayers. [*Desk thumping*]

**Madam Speaker:** Prime Minister. [*Crosstalk*] Prime Minister. [*Crosstalk*] Prime Minister. [*Crosstalk*] Prime Minister.

**Hon. Dr. K. Rowley:** Madam Speaker, if my colleague from Oropouche East wants to talk about party elites, I will meet him outside on the pavement. [*Crosstalk*]

**Hon. Members:** Whey! [*Crosstalk*] [*Dr. Moonilal stands*]

**Madam Speaker:** Member for Princes Town. [*Crosstalk*] Members, I am on my legs. Member for Princes Town, are you vacating question 13?

**Mr. Padarath:** Madam, question 13 to the Prime Minister.

**Madam Speaker:** Member for Princes Town, unfortunately the time for Prime Minister's Questions is now spent.

**URGENT QUESTION****St. Benedict's College, La Romain****(Sewer Issues)**

**Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*): To the Minister of Education: Given the Minister's statement that the prevailing sewer issues at schools may be the result of sabotage, could the Minister indicate whether or not this is the case at the St. Benedict's College, La Romain, which has been closed since February 19, 2018?

**The Minister of Education (Hon. Anthony Garcia)**: Thank you very much, Madam Speaker. Madam Speaker, recently I had cause to make a statement with respect to sewer issues at, at least three of our primary schools. In the last school that I mentioned it was based on concrete evidence that was provided to me by the contractor and it was on that basis that I made that statement.

In the case of the St. Benedict's College, I have no such evidence and as a result I am not in a position to state whether it is sabotage or not. Thank you very much. [*Desk thumping*]

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

**Mrs. Gayadeen-Gopeesingh**: Hon. Minister, when would this school be reopened to the students?

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

**ANSWERS TO QUESTIONS**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis)**: Thank you very much, Madam Speaker. Madam Speaker, there are 20 questions on notice for Oral Answer. We will be answering 15 of those 20 questions. We are therefore asking for a deferral, a two-week deferral for Questions Nos. 123, 126, 129, 132 and 133. Thank you very kindly, Ma'am.

There are two Written Answers. We will be answering Question No. 103 and we are asking for a deferral of Question No. 100.

**WRITTEN ANSWER TO QUESTION**

**Money Owed by WASA Customers**

**(Details of)**

**103. Mr. Ganga Singh** (*Chaguanas West*) asked the hon. Minister of Public Utilities:

Could the Minister provide a breakdown of the \$600 million owed by WASA customers in each constituency in the categories of residential customers, commercial customers and state agencies?

*Vide end of sitting for written answer.*

**ORAL ANSWERS TO QUESTIONS**

*The following questions stood on the Order Paper:*

**Carlsen Field Rice Mill**

**(Details of Sale)**

**123.** Could the hon. Minister of Agriculture, Land and Fisheries state:

With respect to the recent sale of the Carlsen Field Rice Mill, could the Minister indicate:

- a) the name of the buyer;
- b) whether the sale was made via public/open tender;
- c) the number of offers received;
- d) the names of the bidders;
- e) the final sale price; and
- f) the name of the person or entity that had ownership and control of the mill, prior to its sale? [*Mr. R. Paray*]

**Private Construction Companies**

**(Total Amount Owed to)**

- 126.** Could the hon. Minister of Finance inform this House the total amount owed to private construction companies? [*Mr. R. Indarsingh*]

**Programmes Offered by Foreign Governments**

**(Details of)**

- 129.** Could the hon. Minister of Foreign and Caricom Affairs state:
- a) the number of full scholarships, training and staff exchange programmes offered by foreign Governments and multilateral organizations since September 2015;
  - b) the number of these offers that were not accepted;
  - c) the areas of training involved; and
  - d) the reasons for not accepting the offers in part (b)? [*Mr. R. Charles*]

**Major Landslides in T&T**

**(Plans for Immediate Works)**

- 132.** Could the hon. Minister of Works and Transport outline the major landslides in Trinidad and Tobago as at January 31, 2018 and the Ministry's plans for immediate works? [*Mrs. C. Newallo-Hosein*]

**Schedule for Repaving**

**(Major Roads and Highways)**

- 133.** Could the hon. Minister of Works and Transport provide a list of the major roads and highways that are scheduled for repaving? [*Mrs. C. Newallo-Hosein*]

*Questions, by leave, deferred.*

**Completion of Autopsies  
(Forensic Science Centre)**

**97. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of National Security:

Could the Minister indicate the actions taken to ensure autopsies are completed in a timely manner at the Forensic Science Centre?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. Madam Speaker, there are four contract positions of pathologists at the Trinidad and Tobago Forensic Science Centre. However, following the official resignation of Valery Alexandrov on January 01, 2018, only two positions are currently filled. Notwithstanding the shortage of pathologists at the centre, the two pathologists on staff continue to manage the influx of requests in a timely manner.

It may be of interest to note that there were no pending autopsies to be completed for the month of January 2018. Dr. Hughvon des Vignes continues to conduct autopsies in Trinidad on a full time basis, while Dr. Eastlyn McDonald-Boris continues to perform autopsies mainly in Tobago. She is required also to render assistance when needed in Trinidad.

The Ministry of National Security in December 2017 advertised the position of pathologist when official correspondence was received from Dr. Alexandrov of his pending resignation. While one application was received, the applicant has not completed his programme of study and therefore was not considered. Also, Madam Speaker, the Ministry is currently in discussions with the United Nations Development Programme, the United Nations Volunteers, with respect to sourcing additional forensic pathologists to augment the pathology staff at the Forensic Science Centre.

In further efforts, to alleviate the workload at the centre, the Ministry of National Security has commenced discussion with the Ministry of Health with respect to that Ministry treating with the non-forensic pathology cases. At present, Madam Speaker, most bodies are sent to Forensic Science Centre by the District Medical Officer, regardless of the cause of death. In addition to the shortage of pathologists, the centre is also faced with the shortage of mortuary attendants. The number of mortuary attendants on the establishment of the centre is four; only two positions, however, are currently filled.

Given the rate of homicides, Madam Speaker, the manpower at the centre is heavily burdened at this time. The Service Commissions Department indicated that the list of applicants to fill the position of Mortuary Attendant had been exhausted, and as such, the positions could not have been readily filled. The Ministry of National Security has approached the Service Commissions Department to advertise the position for Mortuary Attendant. However, to reduce the expanded workload at the centre, the Ministry of National Security has in fact engaged three mortuary attendants during the month of January 2018 on a short-term basis.

### **Pathologist at Forensic Science Centre**

#### **(Workload Details)**

**98. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of National Security:

In light of the increased workload of the pathologist at the Forensic Science Centre due to the number of murders for January 2018, could the Minister indicate:

- a) whether each pathologist is expected to complete a prescribed number of autopsies each month and if so, what is this number; and

- b) the number of autopsies conducted for the period January 1<sup>st</sup> to 31<sup>st</sup>, 2018?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. Madam Speaker, while there are international guidelines which suggest that the pathologist should work on an average of 250 to 300 cases per year; these are just guidelines and not regulations. It is to be noted, in the context of Trinidad and Tobago, there are no specific laws or regulations to determine the prescribed number of autopsies a pathologist should be assigned. Therefore, there are no prescribed number of autopsies that a pathologist is expected to complete on a monthly basis.

During the period January 1<sup>st</sup> to 31<sup>st</sup>, the Forensic Science Centre received requests for 113 autopsies. All autopsies were completed by the pathologists assigned to Trinidad and Tobago Forensic Science Centre, and there are no pending autopsies yet to be completed for the month of January 2018.

The Ministry of National Security has commenced, as mentioned a while ago, in discussion with the Ministry of Health, with respect to the Ministry of Health treating with non-forensic pathology as this would reduce the workload at the Forensic Science Centre. At present, most cadavers are sent to the Forensic Science Centre by a District Medical Officer regardless of the cause of death, Madam Speaker.

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

**Dr. Rambachan:** Thank you, Madam Speaker. Mr. Minister, given you said that the average is 250 to 300 per year, the 100-plus autopsies which were done in January, was it done by one person or was it done by more than one person?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, while there is one pathologist assigned to Trinidad and Tobago, Dr. Boris also comes to Trinidad from Tobago as



need requires. So it could be that both of them would have performed autopsies under—so both of them cooperated.

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

**Dr. Rambachan:** Madam Speaker, is the Minister satisfied that the person doing an average of four autopsies per day, given the international standard, could be doing the quality of work that will provide substantial evidence that can stand up in a court of law?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, I mentioned a while ago of measures that we are taking to reduce the workload on the pathologist, because as it stands right now, almost every case of death, the DMO sends the body to the Forensic Science Centre. While in the past, one can recall that those were sent to the hospital and we are trying to, again, return to that where non-forensic cadavers are sent to the Ministry of Health, to the various hospitals to treat with them. So we are in fact reducing the workloads at this point in time.

### **Trinidad and Tobago Cricket Board**

#### **(Legitimacy of Claims Made)**

**99. Mrs. Vidia Gayadeen-Gopeesingh** (*Oropouche West*) asked the hon. Minister of Sport and Youth Affairs:

Could the Minister indicate:

- a) whether the claim that the Trinidad and Tobago Cricket Board did not receive sufficient funding is legitimate;
- b) if the answer to (a) is in the affirmative, whether the cessation of the team subventions and the payment of tournament prize money were as a result of this insufficiency;

- c) if the answer to (a) is in the negative, what are the reason(s) for the cessation of team subventions and the non-payment of prize money; and
- d) whether any request for additional funding has been made and granted?

**The Minister of Sport and Youth Affairs (Hon. Darryl Smith):** Thank you, Madam Speaker. Madam Speaker, it should be noted that the Sports Company of Trinidad and Tobago Limited, SPORTT serves as the implementation arm of the Ministry of Sport and Youth Affairs, and the Trinidad and Tobago Cricket Board falls under the purview.

Madam Speaker, with regard to part (a) of the question, as advised by the Sports Company of Trinidad and Tobago, the Trinidad and Tobago Cricket Board received in access of \$200,000 in 2017, together with \$197,000 for outstanding electricity bills.

Madam Speaker, with regard to part (b) of the question, as advised by the Sports Company of Trinidad and Tobago, funding to Trinidad and Tobago Cricket Board usually covers administration cost and payment of salaries to the administrators of the Trinidad and Tobago Cricket Board. Prize money would come from Trinidad and Tobago Cricket Board sponsors.

With regard to part (c) of the question, Madam Speaker, as advised by the Sports Company and as indicated above, funds requested are utilized for administrative expenses to pay the salaries of the Trinidad and Tobago Cricket Board administrators.

And finally, Madam Speaker, with regard to part (d) of the question, again as advised from the Sports Company, no request has been received by the Trinidad and Tobago Cricket Board since the first quarter of 2017 and that request was for

administrative expenses and salaries. One request was made to pay the outstanding electricity bill which was due for disconnection and that was paid. Thank you, Madam Speaker.

### **Submission of Strategic Plan**

#### **(WASA)**

**105. Mr. Ganga Singh** (*Chaguanas West*) asked the hon. Minister of Public Utilities:

Could the Minister indicate whether WASA has submitted its strategic plan for the period 2017 to 2020 to the Ministry?

**The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte):** Madam Speaker, the Water and Sewerage Authority has submitted its Draft Strategic Plan, 2017 to 2022 to the Ministry of Public Utilities for final review.

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

**Mr. Singh:** Thank you, Madam Speaker. Could the hon. Minister indicate when it was submitted and when will the review process be completed?

**Sen. The Hon. R. Le Hunte:** Madam Speaker, the plan was submitted somewhere in the middle around May 2017 and the review process is in progress and it should be completed within the next month.

### **Development of WASA Strategic Plan**

#### **(Details Regarding Consultant)**

**106. Mr. Ganga Singh** (*Chaguanas West*) asked the hon. Minister of Public Utilities:

Could the Minister state:

- a) whether WASA hired a consultant to develop a strategic plan for the period 2017—2020; and

- b) the cost of retaining the services of the consultant, if the answer to part (a) is in the affirmative?

**The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte):** The Water and Sewerage Authority did hire a consultant to assist in the preparation of the Strategic Plan 2017-2022 and the cost of this consultancy was \$197,098.19.

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

**Mr. Singh:** Could the hon. Minister indicate who was the consultant hired?

**Sen. The Hon. R. Le Hunte:** The consultant hired was a Dr. Harvey H. Miller.

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

**Dr. Moonilal:** Thank you very much, Madam Speaker. Question No. 112 to the “bad-john”—to the hon. Prime Minister. [*Crosstalk*] Please, I withdraw that. I withdraw that. [*Crosstalk*]

[*Madam Speaker stands*]

**Hon. Member:** Apologize. [*Crosstalk*]

**Madam Speaker:** Hon. Member for Oropouche East, I would not tolerate that. Could you stand up, properly withdraw it so that it would be given the same force with—

**Dr. Moonilal:** Madam Speaker, I properly withdraw that comment.

**Madam Speaker:** Could you therefore, please, readdress your question in a proper manner?

**Dr. Moonilal:** Yes, of course, Ma’am. Question No. 112 addressed to the Prime Minister.

### **National Security Council Meeting**

#### **(Details of)**

**112. Dr. Roodal Moonilal (Oropouche East)** asked the hon. Prime Minister:

Could the Prime Minister indicate the members of the National Security Council in attendance at a meeting held on November 24, 2017 and the venue of this meeting?

**The Minister in the Office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much—

**Dr. Moonilal:** Well, I was relevant.

**Hon. S. Young:** Thank you very much, Madam Speaker. I apologize to the members in the public for the immaturity that we are seeing displayed here this afternoon. [*Desk thumping*]

Madam Speaker, the answer to the Member for Oropouche East is the attendance at and venues of—

**Dr. Moonilal:** Madam Speaker, 48(4).

**Hon. S. Young:**—meetings of the National Security Council—

**Madam Speaker:** Is there a Standing Order being raised?

**Dr. Moonilal:** 48(4), Ma'am. [*Crosstalk*]

**Madam Speaker:** Please proceed.

**Hon. S. Young:** Thank you very much, Madam Speaker. Again, I apologize for the behaviour. The attendance at and venues of meetings of the National Security Council, Madam Speaker, are matters of national security and thus private and confidential.

**Dr. Moonilal:** What!

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

**Dr. Moonilal:** Madam Speaker, is this Member for Port of Spain North/St. Ann's West telling us that he cannot indicate who are the members of the National Security Council present at a meeting which includes Cabinet Members?

**Hon. S. Young:** Thank you very much, Madam Speaker. The answer remains as before. The attendance at meetings of the National Security Council and who attend such meetings are matters of national security and will not be divulged at this time.

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

**Dr. Moonilal:** Is the Member aware that a Cabinet Note creates a National Security Council and that is a public document? [*Desk thumping*]

**Hon. S. Young:** The answer is, yes, we are all aware of how the membership of the National Security Council is composed and comprised at the discretion of the Chairman, the hon. Prime Minister. But his question, lest he try to continue misleading the public is, who are the members that attended a very specific meeting, on a specific date, who attended?—and as I said before, that is an issue of national security and will not be divulged.

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

**Dr. Moonilal:** Not wanting to tell us who attended, could you tell us the venue of the meeting?

**Hon. Member:** What! No.

**Hon. S. Young:** Madam Speaker, the answer is no.

**Mr. Imbert:** You want to set a bomb or something?

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

**Dr. Moonilal:** Am I understanding the Member as saying that it is a secret where the meeting was held, who attended this meeting and every single thing about a National Security Council is a secret by this Government?

**Madam Speaker:** Member. Minister.

**Hon. S. Young:** Thank you very much. Madam Speaker, I believe the Member for Oropouche East at one time was a member of a National Security Council and he

would be very aware that every document that is delivered to a member of the National Security Council, the precaution is taken and stamped in red that it is a secret document. Every decision or every deliberation is not secret. It is what the National Security Council decides to release to the public will not remain secret. And what he is trying to do here is putting national security issues at risk and we will not participate with him in his little run around and foray.

### **Sea Trials for *Galleons Passage***

#### **(Details of)**

**113. Dr. Roodal Moonilal** (*Oropouche East*) asked the hon. Minister of Works and Transport:

Could the Minister indicate the names of the local technical teams or agencies who participated in the sea trials of the brand-new vessel *Galleons Passage* (formerly called the Doña Mercedes)?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. The following technical experts from the Maritime Campus of the University of Trinidad and Tobago visited the vessel and participated in sea trials over the period December 17 to December 20, 2017. Mr. Isikeli Waqa who graduated with an MSc in Maritime Education and Training from the World Maritime University in Sweden; has a Bachelor of Engineering degree in Ocean Engineering from the Australian Maritime College and completed the Chief and Second Engineers Programme at the Sydney Institute in Australia. He began his career as a cadet engineer leading up to chief engineer on vessels operating in the specific islands on international waters since 1985. He has over 31 years' experience in the maritime field serving as ship's engineer officer, port manager, senior instructor of the marine engineering programmes, delivery of courses in BSc maritime operations programme and lead instructor for engine rooms stimulation, et cetera, et cetera.

In addition, Mr. Captain Suchit Singh also participated in the sea trials. Captain Suchit Singh of India, a master mariner with experience of 21 years in the shipping industry and maritime sector. Madam Speaker, his list of qualifications is so long that I will just read a few of his qualifications. He is an unlimited master mariner from the Ministry of Surface and Transport, Government of India with dangerous cargo endorsement at the management level. He has a postgraduate Diploma in Maritime Energy Management from the World Maritime University. He has a Master's Degree in International Management of Oil and Gas from the University of Liverpool. He has certificates in large-vessel handling, winter and heavy weather manoeuvring, environment offer training, bridge team management, ship manoeuvring, radar, specialized training programme on oil tanker operations and numerous other qualifications. These are the two experts who are lecturers at the University of Trinidad and Tobago who visited and attended the sea trials on behalf of Trinidad and Tobago in China over the period December 17 to December 20, 2017.

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

**Dr. Moonilal:** Thank you very much for the information, Minister. Are you saying that this brilliant technical team did not detect that the boat needed seats, toilets and a tarpaulin? [*Laughter and desk thumping*] If you are not answering, I will ask—

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

**Dr. Moonilal:** Could I also ask the Member, given that the Member had, I think by tweet, indicated that the boat would leave on February 9<sup>th</sup>, at that time was the Member aware that the boat needed to be outfitted further with the toilets and the seats and the tarpaulin to cover cars and people?

**Hon. C. Imbert:** Madam Speaker, as the Member would be well aware, the



National Infrastructure Development Company Limited of Trinidad and Tobago which is the registered owner of the vessel since the 8<sup>th</sup> of February, 2018—

**Hon. Member:** Nooo.

**Hon. C. Imbert:** Yes, since the 8<sup>th</sup> of February, 2018, has been sending out regular press releases with respect to this matter, including one as recently as yesterday. And the point being made is that as indicated by the hon. Prime Minister earlier, these are upgrades. There are numerous washroom facilities on the vessel. There are 696 seats on the vessel and these are owner-required enhancements. The vessel was designed for operation in Venezuela, between the mainland and the island of Margarita, and it was equipped with a sundeck for tourist travel and we have decided that we would make modifications and enhancements to the sundeck for the comfort and safety of Trinidad and Tobago citizens. Thank you, Madam Speaker.

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

**Dr. Moonilal:** Minister, without incurring your anger, could you indicate to us whether the enhancements you propose—I think you are putting in enhancements to cover vehicle and people and so on—those things themselves have satisfied international standards so that they do not go on the boat and then between Trinidad and Scarborough tarpaulin fall apart, seats fall down, whatever?

**Hon. C. Imbert:** Madam Speaker, the vessel has been certified by Lloyds, Class A1100, as a coastal vessel to the highest international [*Desk thumping*] standards.

### **Government Aided Self-Help Housing Programme**

#### **(Details of Lands Allocated)**

**115. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of Housing and Urban Development:

Could the Minister state whether the lands distributed for the Government Aided Self-Help Housing Programme are lands allocated for the former Caroni workers?

**The Minister of Housing and Urban Development (Hon. Randall Mitchell):**

Thank you, Madam Speaker. Madam Speaker, the answer is no. Lands that were allocated under the Government Aided Self-Help Housing Programme are not the lands allocated for the former Caroni workers. These lots are from sites that were approved for distribution under the former Land for the Landless Policy, Residential Lots Programme.

**Madam Speaker:** Supplemental, Member for Couva North.

**Miss Ramdial:** Thank you, Madam Speaker. Minister, can you identify the lands to be distributed for the Government Aided Self-Help Housing Programme?

**Hon. R. Mitchell:** Madam Speaker, state lands consist of three sites in Corinth; one in Cashew Gardens; Picton Diamond; Glenroy in Princes Town; Golconda; La Philippine, Grand Couva; Allambie Street in San Fernando; Arena II in Freeport; Roopsingh Road, Korea Village; and Madam Speaker, from the EMBD, Balmain; Beaucarro; Factory Road I; Orange Field II; Waterloo I and Felicity.

**2.30 p.m.**

### **Water and Electricity Rates**

#### **(Plans to Increase)**

**116. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of Public Utilities:

Could the Minister state whether there are plans to increase both water and electricity rates in 2018?

**The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte):** Madam

Speaker, the authority for the establishment of rates for water and electricity services in Trinidad and Tobago is the sole remit of the Regulated Industries Commission (RIC), which is an independent regulator with a mandate to ensure the promotion of the highest quality of utility services at fair and reasonable rates. In September 2017, the RIC publicly announced, via news release in the daily newspapers, that it had commenced the price review process for both T&TEC and WASA. The process entails, inter alia, submission of business plans by service providers, T&TEC and WASA; development of revenue and cost service models; public consultation; final determination and publication of tariffs.

The RIC has indicated that the rate review exercise is expected to be completed in July and October 2018 for T&TEC and WASA respectively. The RIC is also responsible for the development of quality of service standards for both T&TEC and WASA, for which public consultations have been completed. The standards will be made public and gazetted.

**Madam Speaker:** Supplemental, Member for Couva North.

**Miss Ramdial:** Thank you very much. Minister, can you say exactly when these findings will be made public?

**Sen. The Hon. R. Le Hunte:** Madam Speaker, based on the statement that I said before, what the RIC had indicated, they spoke about July and October for T&TEC and WASA respectively. However, that decision is solely in the purview of the RIC and when they complete their work they will follow the procedures to make them public.

**Murder Rate in T&T**  
**(New National Security Measures)**

**119. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of National Security:

Could the Minister state if any new national security measures are being implemented to address the high murder rate in Trinidad and Tobago?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. Madam Speaker, the plan to reduce the projected annual murder rate involves a coordinated and targeted approach. The current murder rate in the country is, of course, indeed, cause for concern for all of us. It should be noted, however, that this situation did not arise overnight and, consequently, measures geared to addressing this situation are not expected to yield overnight success.

Nevertheless, Madam Speaker, several measures have been implemented by the Ministry of National Security, in particular, the Trinidad and Tobago Police Service which is the lead agency with respect to crime and criminality in Trinidad and Tobago. The mitigating strategy involves a coordinated multi-faceted approach, involving the collaboration of all arms of national security. The Trinidad and Tobago Police Service is pursuing greater collaboration among the Judiciary as well, as with other divisions within the Ministry of National Security, such as the Trinidad and Tobago Defence Force, the Immigration Division, the Trinidad and Tobago Prison Service, the Strategic Services Agency, and within recent times we have also included as part of the agency's thrust, the Customs and Excise Division, in particular the preventative branch, especially with respect to border control and issues pertinent to our

borders.

Further, the Ministry has increased its focus on violent criminal offenders across all locations in Trinidad and Tobago, placing particular focus on the assessment of violent crime hotspots. At present, the Trinidad and Tobago Police Service is utilizing all available human and other resources with a clear purpose of ensuring that violent crimes, especially murders, are effectively reduced. There is also a greater focus on crime detection with a greater use of technology in the prevention and detection of crime. You would have seen within times the police have started to use unmanned aerial vehicles, or drones as we call them, in terms of their operations; also utilizing technology with respect to close circuit television cameras, and so on.

Madam Speaker, firearm-related matters are of high priority as most murders are committed with weapons which are, in fact, the weapon of choice. As a result, there is an increased focus on firearm offenders with a high emphasis on prosecuting which leads to conviction. Moreover, the Trinidad and Tobago Police Service will continue to intensify its efforts to remove illegal arms, ammunitions and narcotics off the streets of Trinidad and Tobago. The Trinidad and Tobago Police Service is also pursuing high quality patrols with a special focus on preventing firearm violence.

Some other key measures that have been instituted by the Ministry of National Security to address the high murder rate, include the following: the development of a scientific investigations strategy which will increase collaboration with operational, investigative integration between frontline police officers, crime scene investigators, detectives, the Forensic Science Centre and the Strategic Services Agency working together in collaboration to deal with

crime and criminality. We continue to implement the joint patrols with the Trinidad and Tobago Police Service, the Trinidad and Tobago Defence Force, and as I said, we also included in that mix, the preventative branch of the Customs and Excise Divisions.

Madam Speaker, another new initiative that is being launched right now and has also had stakeholder consultation, is a national crime prevention programme which involves empowering communities. It treats with the 14 municipalities and the Tobago House of Assembly, where, at those levels, they would be initiating community crime-prevention councils. The communities will then identify the issues germane to their respective communities and based on the measures to treat with them, will then be bumped up to an inter-ministerial committee. So that to bear on those issues would be the various Ministries, depending on the issues that have been, or will be identified by the various communities.

Madam Speaker, we continue to build on capacities through our DNA regulations, through our DNA database and our DNA custodians. We continue to deal with a number of initiatives, because one has to remember that in dealing with crime and criminality and violence, there cannot be one remedy to treat with it, because crime and criminality is a multi-dimensional aspect. It is multi-dimension in scope, and therefore there are a number of initiatives that are being treated to bear with this issue of crime, criminality and violence in Trinidad and Tobago.

**Madam Speaker:** Supplemental, Member for Princes Town.

**Mr. Padarath:** Madam Speaker, to the hon. Minister of National Security. As part of the Government's anti-crime measures with respect to homicides and

murders and gang violence, the hon. Prime Minister had indicated on his return from Mexico that the Mexican authorities would have been providing technical assistance and cooperation with respect to assisting in these areas. Can the hon. Minister give us an indication of what has happened since with respect to this assistance from Mexico?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, I want to thank the hon. Prime Minister for his initiative in meeting with the Mexican authorities. I have met with the Mexican Ambassador to further the discussion and discussions are ongoing with respect to assistance, not only from Mexico, I also had discussions with the Ambassador of Colombia to Trinidad and Tobago. And so there are a number of different initiatives that are being led through our Foreign Affairs Ministry to treat with issues that we feel that are germane to not only us, because again, crime is really international. Things that affect us in Trinidad and Tobago also affect other countries within the hemisphere, and therefore, we can learn from them as they can learn from us. So we continue to expand and to learn from one other, exchange ideas, exchange intelligence and so on, in the areas that we feel are particularly important in our thrust, in our fight against crime, criminality and violence in Trinidad and Tobago.

**Madam Speaker:** Supplemental, Member for Princes Town.

**Mr. Padarath:** Thank you, Madam Speaker. To the hon. Minister: I was happy to hear the hon. Minister indicate, well we can learn from the Mexican authorities. Could the hon. Minister indicate what the Government's position is with respect to one of the anti-crime measures and anti-gang measures with respect to Mexico having implemented the use of their soldiers giving them policing powers?

**Madam Speaker:** I am not going to allow that, arising out of the question that was initially asked and the answer. Member for Couva North.

**Miss Ramdial:** Thank you, Madam Speaker. Minister, based on that mouthful of answer you just gave, do you predict a lower murder rate for the year 2018?

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, one cannot predict in terms of murder rate and so on—

**Hon. Member:** Why?

**Hon. Maj. Gen. E. Dillon:** There are so many factors that contribute to murder in Trinidad and any jurisdiction in the world. I mean, you can be sitting down right here and one cannot understand what is happening between a husband and a wife, or some—we cannot predict that. To do that would be—I “doh” know if you have a seer ball or something like that, but I can tell you that I do not have that. I do not have that penchant to predict, Madam Speaker. I cannot.

**Madam Speaker:** Supplemental, Member for Couva North.

**Miss Ramdial:** Thank you, Madam Speaker. So, Minister, are you saying you have no confidence in your own crime-fighting strategies? [*Desk thumping*]

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, let me address the issue quite squarely because you see, you can sit down on one side and talk about the murder rate, and you had a chance to deal with it also. We have put together the various agencies of national security to treat with crime and criminality in Trinidad and Tobago, and we are developing the capacity so to do. We will tackle all the issues, whether it is murder—and you have seen—in fact, you have seen a reduction in serious crimes throughout Trinidad and Tobago. And we are tackling the murder rate head-on with all agencies of national security, and we hope, we hope, we hope—one of the predictions that I have is that the



Opposition will support us in the fight against crime and criminality in Trinidad and Tobago. [*Desk thumping*] That is a prediction I would like to make.

**Madam Speaker:** Member for Naparima.

**SSA Director and Deputy Directors**

**(Details of Employment)**

**121. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Could the Minister indicate the salary of the Director and Deputy Directors of the Strategic Services Agency as well as their terms and conditions of employment?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. Madam Speaker, the remuneration package for the Director of the Strategic Services Agency is \$43,600; for the Deputy Director, National Intelligence, is \$42,245. That is same for all deputy directors.

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

**Mr. Charles:** Could the Minister tell us whether those are contract positions? If so, for how long and who sets the salary?

**Madam Speaker:** Member, one question at a time, please. We will take the first question, if they are contract positions.

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, the answer is yes, that are all contracted positions and the salary is checked by the Chief Personnel Officer. All three are contracted positions.

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

**Mr. Lee:** Thank you, Madam Speaker. Minister, you answered only—one part of the question is the salary. You did not answer the terms and conditions of

employment.

**Hon. Maj. Gen. E. Dillon:** Madam Speaker, the terms and conditions of employment, they are about seven to 10-page documents. I can make them available, because time will not permit me to read all of this in this forum. But I can make the terms and conditions available to the Member.

**Madam Speaker:** Member for Naparima.

### **Galleons Passage**

#### **(Details of Procurement)**

**122. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Works and Transport:

With respect to the procurement of Galleons Passage, could the Minister state:

- a) the procurement policies used for the acquisition of the US \$17.4 million catamaran Galleons Passage (formerly called the Doña Mercedes); and
- b) whether the newly appointed Procurement Regulator was part of this procurement process?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. With respect to part (a) of the question, with respect to the procurement policies used for the acquisition of the *Galleons Passage*, the Cabinet appointed a subcommittee and gave that committee the responsibility to identify a suitable vessel for lease and servicing of the sea-bridge by conducting a market survey. The market survey was done by making contact with a number of internationally reputable ship brokers, ship managers, ship charterers and owners and requesting assistance from the governments of Australia, Canada,

Italy and Japan, through their representatives in Trinidad and Tobago. As a result of this process, a company by the name of Sealease Limited advised that a vessel meeting the requirements of the Government of Trinidad and Tobago had been previously built for a client in Venezuela who could not complete the sale. An offer for sale of the vessel was thereupon made to the Government.

The offer was reviewed and all necessary due diligence conducted. The vessel was visited and inspected by both foreign and local experts, who concluded that the vessel was suitable for use on the Trinidad and Tobago sea-bridge. The National Infrastructure Development Company was apprised of the process and satisfied itself that the necessary due diligence had been conducted. Nidco also satisfied itself that the vessel was suitable for use on the sea-bridge. And as a consequence, Nidco executed the purchase of the vessel. Arising from this, a memorandum of agreement was prepared and executed between Nidco and the seller on the 12<sup>th</sup> of January, 2018.

With respect to part (b) of the question, the procurement regulator was not part of this process.

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

**Mr. Lee:** Thank you, Madam Speaker, to the Minister of Finance: Could the Minister state what waters the original—this vessel was supposed to have originally been traversing as the formal name of Doña Mercedes, and what waters and what country?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. As I indicated earlier, the vessel is classified as a special service craft, certified to operate within 150 miles of refuge. I believe the distance between Trinidad and Tobago is less than 150

miles. Therefore, this vessel is eminently suitable to travel from Trinidad to Tobago. [*Desk thumping*]

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

**Mr. Charles:** Thank you. Minister, were there any other vessels considered alongside the Doña Mercedes in this procurement process?

**Hon. C. Imbert:** Madam Speaker, during the process numerous vessels were identified and offered to the Government of Trinidad and Tobago. None of these vessels came anywhere even remotely close to this vessel which was valued by two internationally reputable ship valuing firms at a figure way in excess of the purchase price. That is a brand new vessel, and as I have indicated previously, it was happenstance that during the search for this vessel we came upon a brand new vessel at a bargain price.

**Madam Speaker:** Supplemental question, Member for Naparima.

**Mr. Charles:** Can the Minister make available to the public the report which indicated the other vessels that were examined in the context of this procurement?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Madam Speaker, as I indicated, the Cabinet appointed a subcommittee who did a market survey and contacted ship brokers, ship managers, ship charterers and the representatives of the governments of Canada, Italy, Japan and a fourth country.

**Hon. Member:** Australia.

**Hon. C. Imbert:** Australia. And arising from that market survey this vessel was identified.

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

**Mr. Charles:** Could the Minister make this report available to members of the public so we can see that transparency was carried out in the process?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Madam Speaker, there is no report. A market survey was done and numerous old and ancient vessels—unsuitable vessels, mystery vessels, phantom vessels—were identified and then this brand new bargain vessel was identified.

### **National Insurance Appeals Tribunal Board**

#### **(Details of Appointment)**

**124. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Finance:

Could the Minister inform this House when the Board of the National Insurance Appeals Tribunal would be appointed?

**The Minister of Finance (Hon. Colm Imbert):** Just one second, Madam Speaker. Madam Speaker, the Chairman of the National Insurance Appeals Tribunal, Miss Stacy Cummings, was sworn in by His Excellency the President, Anthony Carmona, President of the Republic of Trinidad and Tobago, on the 2<sup>nd</sup> of March, 2018, in accordance with section 60(1)(a) of the National Insurance Act, Chap. 31:01. Instruments of appointment are currently being prepared for the other members of the Tribunal.

**Madam Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Given the tripartite nature of the board, Minister, could you inform this House when the other instruments of appointment, or the other members will be appointed?

**Madam Speaker:** Minister of Finance.

**Hon. C. Imbert:** Madam Speaker, the instruments are being prepared as we speak. These instruments are to be executed by His Excellency the President of the Republic of Trinidad and Tobago.

**Madam Speaker:** Supplemental, Member for Couva South.

**Mr. Indarsingh:** Thank you, Madam Speaker. Could the Minister inform this House how many appeals are currently before the said Tribunal?

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

### **Signed Collective Agreements**

#### **(Number of)**

**125. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Labour and Small Enterprise Development:

Could the Minister inform this House of the number of collective agreements signed with the recognised majority trade union in the public sector and state enterprises since September 2015?

**The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus):** [*Desk thumping*] Thank you, Madam Speaker, for the opportunity to respond to my good friend from Couva South. Madam Speaker, the Government of Trinidad and Tobago is deeply committed to the principles of freedom of association and free and fair collective bargaining. This is evident from the ratification of both International Labour Organization Convention No. 87, on the Freedom of Association and Protection of the Right to Organize, Convention 19 of 1948 and No. 98, Right to Organize and Collective Bargaining Convention of 1949.

Madam Speaker, according to our records, 32 collective agreements relating to public sector entities and state enterprises have been signed and

submitted to the Ministry of Labour and Small Enterprise Development from September 2015 to the present time. This is in accordance with section 44(2) of the Industrial Relations Act, Chap. 88:01, where collective agreements upon execution, are to be transferred to the Minister with responsibility for labour, together with a request by the parties for the registration of the agreement by the Industrial Court.

Madam Speaker, of the 32 collective agreements signed and submitted to the Ministry of Labour and Small Enterprise Development, four were signed or executed in 2015, 17 in 2016 and 11 in 2017. To date, we have not received any collective agreements relating to public sector entities and state enterprises which have been signed in 2018. These collective agreements cover key public sector entities and state enterprises, such as Metal Industries Company Limited, National Insurance Property Development Company Limited, Trinidad and Tobago Electricity Commission, the Water and Sewerage Authority, Point Lisas Industrial Port Development Corporation Limited, Port Authority of Trinidad and Tobago and the Cipriani College of Labour and Cooperative Studies.

In its official policy framework, the Government committed to the timely settlement of all outstanding public sector wages and salary negotiations. The Government will continue its thrust to encourage the negotiating of collective agreements in the period in which they are due, as well as to promote proper industrial relations practices and to ensure a stable and harmonious industrial relations climate in Trinidad and Tobago.

I thank you, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Hon. Members, the time for questions for oral answers is now spent.

*Question time having expired, the following question was not dealt with:*

**Road or Gas Tax**

**(Status of)**

**131.** Could the hon. Minister of Finance indicate:

- a) whether the Ministry is in receipt of a road or gas tax by motorists filling-up at gas stations; and
- b) the status of this form of taxation, if the answer to part (a) is in the negative? [*Mrs. Newallo-Hosein*]

**DEFINITE URGENT MATTERS**

**(LEAVE)**

**Petrotrin**

**(State of)**

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker. Madam Speaker, I hereby seek your leave to move the Adjournment of the House today under Standing Order 17 for the purpose of discussing a definite matter of urgent public importance, namely the ongoing and increasing uncertainty and confusion at State-owned Petrotrin which is now managed by a transition team without legal or corporate validity to exercise executive authority.

The matter is definite because it pertains explicitly to a very serious state of the leading, but now headless, flagship debt-ridden oil company which is expected to drive our energy revenues during difficult economic circumstances. The matter is urgent because Petrotrin provides, apart from revenues, employment to thousands of citizens and maintain supply-chain businesses with countless service contractors and providers of goods.

**UNREVISED**



The matter is of public importance because this corporate breakdown comes at a time when Petrotrin has an immediate debt repayment demand and an urgent investment requirement for approximately \$10billion. I so move.

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies under the Standing Order. I advise that the Member pursues this matter under Standing Order 16.

### **Office of Chief Justice**

#### **(Current Controversy)**

**Mr. Ganga Singh** (*Chaguanas East*): Thank you, Madam Speaker. In accordance with Standing Order 17 of the House of Representatives, I wish to request your leave to raise a definite matter of urgent public importance, namely the controversy involving the office of the Chief Justice and its officeholder.

The matter is definite because it deals with the continuing and current controversy associated with the office of the head of the Judiciary and its officeholder, namely the Chief Justice.

The matter is urgent because the current impasse threatens the rule of law and undermines the trust and confidence citizens have in the Judiciary.

The matter is of public importance because the rule of law is a sacred pillar in the architecture of our State and society. Trust and confidence in the Judiciary are vital elements in the implementation of the rule of law. I so move, Madam Speaker.

**Madam Speaker:** Hon. Members, I am not satisfied that this matter qualifies under the Standing Order. I advise that the Member pursues this matter under Standing Order 16.

**STATEMENTS BY MINISTERS****National Policy on Gender and Development**

**The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):** [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, I have been authorized by the Cabinet to make the following statement on Government's National Policy on Gender and Development, a Green Paper. It is indeed a pleasure for me to stand before this honourable House to lay this document, a policy document which has been in the making for approximately 18 years, a document born out of years of activism and consultation.

This National Policy on Gender and Development is for the people of this nation. It is a document which will guide the quality of life for every man, woman, boy and girl in Trinidad and Tobago, as there is an inextricable link between gender and development. The development and implementation of this National Policy on Gender and Development is an initiative currently led by the Office of the Prime Minister, Gender and Child Affairs, and several aspects of this policy received prior approval and are currently being implemented. However, there remains a lot to be accomplished and we must commence those strategies which are urgent and important.

It is for this reason that the Government has given the Office of the Prime Minister the approval for the immediate use of the policy to guide gender and development in this country. While the Office of the Prime Minister is building out the administrative and other mechanisms to support the development and implementation of the policy, it is being laid in this honourable House for public scrutiny and comment. This will afford stakeholders the opportunity to measure best practices and discuss the impact of its implementation.

The overall goal of this National Policy for Gender and Development is to promote social justice and sustainable development in Trinidad and Tobago by underpinning all of Government's policies with principles of equality, equity and human rights. The vision of the National Policy on Gender and Development is to create a gender-just society which is free from discrimination on the basis of sex, a society in which woman and men, and boys and girls at all stages of the life cycle, at all levels and in all spheres of life, can develop their full potential.

It is envisaged that gender equality and equity will be achieved by the year 2030 which is in keeping with the Government's National Development Strategy, our Vision 2030 Framework, and the United Nations Sustainable Development Goals. The policy is designed with strategies and actions that are needed to strengthen the capacity of policy makers, planners and implementers to meet societal commitments to eliminating all forms of gender discrimination and respond to harmful gender disparities consistent with the intention of the Constitution and international human right obligations.

The action plan, communications strategy and other mechanisms designed to drive the policy will seek to transform inequitable gender relations, influence state policy in all areas and identify strategies to facilitate new and equitable relations between women and men, boys and girls. The strategy objectives outlined in the policy aim to:

- incorporate gender and development measures in all policies, programmes and projects within Government and the wider society;
- strengthen institutional capacity to reduce vulnerabilities from

gender gaps in society and foster improved gender relations in all spheres;

- foster networking and collaboration with local, regional and international agencies to advance gender equality;
- foster public awareness and sensitization for positive individual and societal changes in attitude and behaviour to advance gender equality at all levels;
- promote legislative review and reform to encourage equitable advancement of men and women, boys and girls and prevent, punish and eradicate gender-based violence.

The National Policy on Gender and Development of Trinidad and Tobago has been developed through extensive consultation and research spanning some 18 years. The thematic areas selected and policy measures presented are supported by robust research and analyses, evidence-based data gathered through national and regional information-gathering exercises; consultations with a wide range of stakeholders, sector studies, interviews and existing documents.

### **3.00 p.m.**

The process revealed differences which are addressed by specific measures in the policy in areas of:

- Transformational leadership and governance
- Macro-economics and trade
- Labour and employment
- Unwaged economic activities, domestic and family life

- Poverty alleviation and social protection
- Agriculture and food sovereignty
- Climate change and natural resource management
- Gender-based violence and human security
- Education and human capital development
- Health and well-being
- Gender and special interest groups

This Government firmly believes that development strategies are clearly more equitable when they consider the different needs, constraints, opportunities, and priorities of men and women. Compelling evidence suggests that such inclusive strategies are always far more effective and sustainable. This gender policy provides the framework for inclusion of gender perspectives in all activities of Government and civil society, thereby promoting the full and equal participation of men and women in the development process of Trinidad and Tobago, and so it is consistent with Government's overall strategy. The policy provides the platform on which gender-aware approaches can be included in the development planning. Such proposed initiatives will, without doubt, enhance the possibility of sustainable outcomes, achievement of our national goals and strategic alignment with international development policies.

In developing the policy measures, consideration was given to the data analysis of the differential impact of trade and industrial development on men and women. The current approach to economic planning sometimes assumes that economics is a value-neutral objective science where society exists outside the economy which is seen as a self-equilibrated entity. This value-neutral approach to economic development has produced a gender-neutral policy framework which is

Statements by Ministers (cont'd)  
Hon. A. Webster-Roy (cont'd)

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indifferent to the reality of the situation of men and women in Trinidad and Tobago. In pursuing gender-sensitive economic strategies therefore, the Government of Trinidad and Tobago recognizes that new conceptions of development are required which are not limited to economic growth.

Gender will be used as an integral tool of analysis in national budgetary and planning processes. Gender responsive budgeting and gender audits refer to fiscal measures, which when designed and implemented, will assist both the financial and budgetary allocations for those who are designated as disadvantaged in a society. The gender responsive budgeting measures will allow women and men to hold Government accountable for fiscal expenditure on issues pivotal to equality and equity. This aspect of gender responsive budgeting will be implemented nationally. The successful implementation of the policy will be pursued through establishing various structures, mechanisms and processes. Policy implementation will be underpinned by gender mainstreaming in all Government Ministries and agencies and recognizing the importance of building partnerships. The Government will form partnerships with the private sector, labour and civil society organizations to advance gender equality and equity.

Madam Speaker, as I close, permit me to recognize those who contributed to this historic moment. I thank all Ministers before me who would have advanced the work on gender development and of the gender policy, and I thank the hon. Prime Minister and the Cabinet for embracing what I consider to be the most reasonable compromised position. I salute the civil society activists who never grew weary in the advocacy for policy. Today is their day, Madam Speaker. I acknowledge the presence of the Permanent Secretary and staff of the Office of the Prime Minister, particularly those of the Gender and Child Affairs Division, and I

Statements by Ministers (cont'd)  
Hon. A. Webster-Roy (cont'd)

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wish to publicly thank the staff for the commitment, dedication and hard work. [*Desk thumping*] I thank all individuals, organizations, who would have contributed to the development of this policy. This policy would advance our movement towards a nation where men and women, boys and girls, can develop with equity and equality within the framework of sustainable development.

I thank you. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I have been informed that pursuant to Standing Order 126, there is an agreement that the time be extended to 17 minutes for the hon. Prime Minister to complete his statement. [*Desk thumping*] Prime Minister.

### **Internal Self-Government for Tobago**

**The Prime Minister (Hon. Dr. Keith Rowley):** Thank you very much, Madam Speaker. Madam Speaker, I have been authorized by the Cabinet to make the following statement as I lay the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018.

Madam Speaker, I have asked for this extension as I lay this Bill because this Bill is so important and I just would like to put its laying in some historical perspective. The period up the end of the 18<sup>th</sup> Century was one of uncertainty in the history of Tobago. The island changed hands frequently between various European claimants. After 1763, the main combatants were the French/British but Tobago remained a British possession after 1803. When Tobago became a British possession in 1763, it was administered under a British colonial constitution by the Government of Grenada which, in addition to Tobago, administered the Grenadines, Dominica and St. Vincent, with each island having its own Assembly for the good governance of the people under the Council Act.

As the 19<sup>th</sup> Century closed, Tobago was still producing muscovado sugar,

which was almost worthless for export by the latter 1880s. Land values crashed, estates could be bought for next to nothing. By 1894, sugar exports were a pathetic 599 tons, and the value of Tobago's exports of sugar, rum and molasses was only £15,000. Revenues fell steeply, public works employees went unpaid, public services were cut back. Tobago exports and the sugar industry lacking capital and immigrant labour, faced with drastic falling prices for crude sugar was going under, and the island was virtually bankrupt.

In June 1876, Madam Speaker, Tobago became a Crown Colony and, like Trinidad, would have a solely nominated Legislative Council. Thus, Tobago remained a separate colony with its own Legislative Council and responsibility for its bureaucracy. In 1886, the Secretary of State announced plans to unite the two islands of Trinidad and Tobago. There were protests in Tobago and possibly in Trinidad. In 1888, there was an Order in Council which established the joint colony of Trinidad and Tobago effective January 1<sup>st</sup>, 1889. Tobago was just united to Trinidad with one Governor, one Judiciary and a single code of laws. Tobago retained its own financial board and separate Treasury, administered by the resident commissioner who was ex officio member of the Trinidad Legislative Council. There was an acceptance that Tobago is a distinct community with a history and life of its own and must not be regarded as a mere appendage of Trinidad.

In 1977, former Member of Parliament Mr. Arthur Napoleon Raymond Robinson, then political leader of the Democratic Action Congress and Member of Parliament for Tobago East, presented a motion in this House which call for internal self-government for Tobago. This Motion was endorsed by the other Member of Parliament, Dr. Winston Murray, who emphasized that the Motion



called not for secession, but for internal self-government. Mr. Robinson's Motion was eventually adopted, albeit with amendments.

The 1980 Act also enabled the THA to make by-laws for the proper management of facilities operated by it, and provided for a Finance and General Purposes Committee and other committees of the Tobago House of Assembly. A Tobago House of Assembly fund was also established. Overall, the 1980 Act was at complete variance with the internal self-government anticipated by Mr. Robinson and Dr. Murray in a 1977 parliamentary motion. In 1996, the Tobago House of Assembly and the Tobago House of Assembly Fund were enshrined in the Constitution, Chapter 11A in sections 141A and 141D.

In addition to the Constitution amendments, the 1980 Act was repealed and replaced by the Tobago House of Assembly Act, 1996. The arrangements of this change and those of the 1996 Act, which are currently in formulation and implementation of policy in relation to matters assigned to the THA in the Fifth Schedule of the 1996 Act remain, however, subject to the general direction and control of the Cabinet by virtue of section 75(1) of the Constitution. The 33 matters listed under the Fifth Schedule of the 1996 Act include inter alia: infrastructure, the environment, customs and excise, health services, education including curriculum, and such other matters as the President may assign to the THA.

The THA is empowered to propose and adopt Bills which would then be transferred to Cabinet with a request for them to be enacted by Parliament. However, these Bills must not be inconsistent with any written law of Trinidad and Tobago. When enacted, the Bills would be known as assembly laws. However, no such laws have ever been made. The current arrangements, therefore, fall short of internal self-government for Tobago, even as it was envisaged more than 30 years

ago in the Seemungal Bill.

In April 2005, the Tobago House of Assembly adopted a resolution and called on the Government to pursue as a matter of urgency, legislative and/or constitution reform to afford the people of Tobago democratic internal self-government inter alia. The THA then appointed a select committee to study the matter. The committee reported in November 2005 with several recommendations, among them that the people of Tobago should be consulted in a structured way and that a standing committee should be established with “the responsibility to continue the review of the Tobago House of Assembly Act”.

In August 2006, the then Prime Minister, Patrick Manning, laid before Parliament the draft, prepared by the late Sir Ellis Clarke, of a new Tobago Constitution. Meetings were held in Tobago in November 2006, but the draft was missing certain significant components. With the inadequacies of the 1996 Act, and the failure of the Clarke draft Constitution to effectively address Tobago matters, private citizens on the island mobilized and sought to ascertain the view of Tobagonians on reform of the Constitution on governance and other issues.

In October 2007, the THA appointed a seven-man committee chaired by Dr. John Prince, which had among its terms of reference a review of both the 1996 Act and the Constitution of Trinidad and Tobago, with special reference to a Tobago position on reform of the Constitution. The Prince Committee published a status report on the working committee dealings and it progressed up to September 30, 2008. A Green Paper was produced in February 2012, and that Green Paper was out for public consultation on internal self-government for Tobago. The Bill sought to repeal and replace Chapter 11A of the Constitution to enhance certain parts of the THA Act, with a view to promoting internal self-government for Tobago, and

Statements by Ministers (cont'd)  
Hon. Dr. K. Rowley (cont'd)

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established a legislature of Tobago comprising the President and the Tobago House of Assembly.

Madam Speaker, the Green Paper on Internal Self-Government of 2013, informed the preparation of the amendment to the Constitution Bill, 2013. During the Tobago House of Assembly election of 2013, a Bill was laid in the House on the 7<sup>th</sup> of January 2013, was abandoned and lapsed on 10 July, 2013. This Bill sought to amend the Constitution to enhance the legislative and executive powers of the Tobago House of Assembly, with a view of promoting the internal self-government of Tobago. The Bill also sought to alter entrenched sections of the Constitution. Subsequently, the process was restarted and attempts were made to do things differently.

In Tobago there was an establishment of something called a forum of political leaders. This included the hon. Orville London, Chief Secretary of the Tobago House of Assembly; Mr. Hochoy Charles, former Chief Secretary; Mr. Ashworth Jack, former leader of the minority at the time, and Mr. Jack subsequently withdrew from the gathering but the process continued. Madam Speaker, during this process a number of issues were identified as fundamental to the equitable relationship between the two islands in the sovereign democratic nation of Trinidad and Tobago, and it is mainly that the responsibility of the Tobago administration to formulate and implement policies on all matters affecting the lives of residents in Tobago for something to be worked towards.

There was a convention and a comprehensive report was submitted to a secretariat which was established and comprised persons who were not directly involved in the political cut and thrust. This secretariat produced a working document at a forum in 2013 and this document reflects the desires of the residents

of Tobago. Subsequent to the general election of 2015, the PNM in its manifesto identified Tobago's desires and needs circulated nationally its manifesto, and it also identified on page 71 the position of the Government which forms the administration today.

Shortly after the general election held in September 2015, as the newly elected Prime Minister of the Trinidad and Tobago, I made an announcement on the 23<sup>rd</sup> of October, 2015, during a visit to my alma mater, Bishop's High School in Mt. Marie, Tobago, that the Government will be considering proposals from the Tobago House of Assembly for self-government on the island. This commitment from the new Prime Minister in October 2015 led to an agreement that the people of Tobago will produce a Bill on their own and that Bill would be the basis for discussions going forward. The journey towards autonomy and self-government in Tobago has since continued.

A brief document entitled "Tobago's position on its right to self-determination" was despatched to me as the new Prime Minister in January 2016. The services of Mr. Gilbert Peterson SC and Ingrid Melville, attorney at law, as well as Deborah Moore-Miggins were enlisted, and after further extensive consultations with the law association, the trade unions, the political leaders and many others, a document representing a consensus of what the people of Tobago want was presented at a convention held at the Lambeau Multipurpose Complex in 2016.

The forum proceeded to draft legislation to accomplish the deliverables outlined in the resolution at the convention of September 2014. This exercise involved the holding of 27 meetings among members of the forum, including three all days sessions from January 2015 to October 2016. These discussions resulted in

Statements by Ministers (cont'd)  
Hon. Dr. K. Rowley (cont'd)

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the creation of a draft document called the Tobago Self-Government Bill, 2016, a document crafted to reflect the wishes of the people of Tobago. During these talks, a number of other issues were presented which were given life in another document. Consequently, two draft Bills named Bill A and Bill B were prepared for presentation and discussion with the public.

After such extensive consultations, Madam Speaker, and the achievement of some kind of consensus, the Chief Secretary of the Tobago House of Assembly the hon. Orville London, piloted a Bill entitled “An Act to amend the Constitution of the Republic of Trinidad and Tobago to accord self-government to the people of Tobago and for matters incidental thereto” at the 48<sup>th</sup> Sitting of the Tobago House of Assembly in the 2013-2017 Session held on October 27, 2017. This Bill was unanimously passed in the Tobago House of Assembly and became Bill No. 1 of 2016. By letter dated 01 November, 2016, the Chief Secretary forwarded this Bill to the Secretary of the Cabinet in accordance with section 29 of the Tobago House of Assembly Act.

By letter dated 30 November, 2016, the Chief Secretary also wrote to the Prime Minister enclosing a copy of the Bill which was submitted to the Cabinet Secretariat in accordance with section 29(2) of the Tobago House of Assembly Act of 1996. The Bill was reviewed by the Chief Parliamentary Counsel, and having done so, a list of issues arising from the Bill was submitted to the Tobago team for further clarification. These matters were addressed.

The current status, Madam Speaker, as I conclude. The Constitution (Amdt.) (Tobago Self-Government) Bill, 2018, has been developed after a very long and transparent process of research, extensive public consultations and a genuine desire to advance and improve the process of granting further autonomy to the island of

Statements by Ministers (cont'd)  
Hon. Dr. K. Rowley (cont'd)

2018.03.09

Tobago within the context of the sovereign democratic state of Trinidad and Tobago. The Bill was submitted to Cabinet and is hereby presented to the Parliament of the Republic of Trinidad and Tobago, this honourable House, as the aspiration of the people of Tobago.

Madam Speaker, 120 years after the union of Trinidad and Tobago, it is opportune that the basis for advancement of the sovereign democratic state is reformatted. The amendment of the Republican Constitution which establishes the present foundation is necessary to provide the autonomy which Tobago requires and deserves. This will allow Tobago to play a meaningful role in the fulfilment of the sustainable development goals as well as to advance and align Tobago's development towards the attainment of Vision 2030. Accordingly, this document has been developed as a policy document for the enactment of legislation to advance the process of self-government and autonomy for Tobago.

The Government humbly submits this Bill for the fullest participation through a joint select committee of this honourable House and the other place, and trusts that it will be received and advanced to the satisfaction of all the people of our beloved Republic of Trinidad and Tobago, particularly the people of Tobago.

Madam Speaker, I thank you. [*Desk thumping*]

**Madam Speaker:** The Attorney General.

### **SUSPENSION OF STANDING ORDER 78**

#### **(ANTI-GANG BILL, 2018)**

**The Attorney General (Hon. Faris Al-Rawi):** Madam Speaker, in accordance with Standing Order 122(1), I beg to move for the suspension of Standing Order 78 to permit the introduction of the Anti-Gang Bill, 2018.

*Question put.*

Suspend of Standing Order 78 (cont'd)

2018.03.09

**Mr. Lee:** Division.

*The House voted:* Ayes 34

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Mc Donald, Hon. M.

Jennings-Smith, Mrs. G.

Olivierre, Miss N.

Antoine, Brig. Gen. A.

Leonce, A.

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Suspend of Standing Order 78 (cont'd)

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Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Khan, Dr. F.

Padarath, B.

Bodoe, Dr. L.

Paray, A.

Ramdial, Miss R.

Singh, G.

*Question agreed to.***ANTI-GANG BILL, 2018**

Bill to make provision for the maintenance of public safety and order through discouraging membership of criminal gangs and the suppression of criminal gang activity and for other related matters [*The Attorney General*]; read the first time.

*Motion made:* That the next stage be taken later in the proceedings. [*Hon. F. Al-Rawi*]

*Question put and agreed to.***CONSTITUTION (AMDT.) (TOBAGO SELF-GOVERNMENT)****BILL, 2018**

Bill to amend the Constitution of the Republic of Trinidad and Tobago to accord self-government to Tobago, to repeal the Tobago House of Assembly Act, Chap.25:03 and for related matters [*The Prime Minister*]; read the first time.

**UNREVISED**



**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, in accordance with 64(1)(c), I beg to move that the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018, be referred to a joint select committee to be established for its consideration and report by July 31, 2018.

*Question put and agreed to.*

**CRIMINAL DIVISION AND DISTRICT CRIMINAL AND TRAFFIC  
COURTS BILL, 2018**

Bill to make jurisdiction for criminal matters exercisable in a division of the High Court to be known as “the Criminal Division” and to make jurisdiction for criminal and traffic matters exercisable in a division of Summary Courts to be known as “the District Criminal and Traffic Courts” and to make provision for matters connected therewith [*The Attorney General*]; read the first time.

**3.30 p.m.**

**REGISTRATION OF TITLES TO LAND  
(AMENDMENT) (NO. 2) BILL, 2017**

*Order for second reading read.*

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

That a Bill to amend the Registration of Titles to Land Act, 2000, be now read a second time.

Madam Speaker, it gives me great pleasure, following upon the statement of the hon. Prime Minister a short while ago, to pilot the amendments to this piece of law. Madam Speaker, land is a very scarce resource in Trinidad and Tobago. After all, we are two small islands in the Caribbean Sea. Our land is valuable. Our land constitutes wealth. Our land constitutes history. Our land also represents the future

for many.

Trinidad and Tobago has, through the importation of laws, as a colony and certainly as a republic, we have seen the operation of a number of laws to treat with land in our country, and it is in particular in reference to the land in Tobago that this Bill forms a very useful point of reference. I am confident that my learned colleagues will develop upon this point as we proceed in this debate. But it is incumbent upon me to give a bit of clarification as to where this law is seated and how this Bill is to be considered for us to make meaningful contribution today.

Before us, Madam Speaker, we have the Registration of Titles to Land (Amdt.) (No. 2) Bill, 2017. It is a short Bill, it is only 23 clauses long, but it proposes an amendment to laws of Trinidad and Tobago that have stood on our books since the year 2000 but which have not yet been proclaimed. So we stand 18 years later from the introduction of this parent law and we are in fact amending law today which has not been proclaimed. It therefore jumps out for an immediate question and an immediate answer as to why we seek to do this. Indeed, Madam Speaker, we have seen the phenomenon of two similar-type Bills, not in exact terms but bearing similar title, being brought by my learned colleagues opposite, in particular the Member for St. Augustine, the hon. Prakash Ramadhar, when he sat as the Minister of Legal Affairs, laid into the Parliament, firstly, on the 11<sup>th</sup> of March, 2011, the Registration of Titles to Land (Amdt.) Bill, 2011 and then on the 7<sup>th</sup> of November, 2012, he laid the Registration of Titles to Land (Amdt.) (No. 2) Bill, 2012. Both Bills, unfortunately, were allowed to lapse.

The location of these two Bills is of significance to us because they demonstrate that there has been a continuity of successive administrations, certainly from the year 2000 straight up to the year 2018. In fact, the work product

for the parent Bill began in the year 1995 and therefore, we, as a country, have seen somewhat close to 23 to 24 years, 25 years of experimentation with our land laws. So permit me to take a step back, Madam Speaker.

Land laws in Trinidad and Tobago are complicated. The current law which prevails is, in fact, a mixture of two essential systems of law. Firstly, we have what we refer to as the common law and secondly, we have what we refer to as the Real Property Ordinance or Real Property Act type of registration. Land ownership is to be found by way of two distinct systems. The receipt of laws in Trinidad and Tobago saw us, in fact, adopting, under the common law system, way back when we became a colony of the United Kingdom, we inherited laws which are really anchored in the 11<sup>th</sup> Century, around the manoeuvres in law which developed with Norman the Conqueror. In fact, that was in the year 1066 when England, in establishing a feudal system of laws, saw the development of a system whereby all land belonged to the Crown. All land belonged to the Emperor, to the King or to the Queen, who were, in fact, described to be descendants of Norman the Conqueror, all land. This is to be distinguished from something called the allodial type of system which civil law countries have, which has a pure ownership concept.

In the feudal system of laws, as we have inherited from England, the State has the power in its fiduciary capacity to protect the interests and to give interests to tenants, and those interests were met by a payback and the payback was taxation, mining rights, exploitation, but the land was never truly owned. In fact, the closest thing to absolute ownership in our laws is something referred to as fee simple absolute—“fee” in reference to the feudal system; “simple absolute” meaning that you could come closest to owning land but the State always has the

right to take that land back from you by way of formal land acquisition, by way of levying taxes, property taxes for instance, by way of taking exploitation of rights to mines and minerals that exist under the land.

In Trinidad and Tobago, the registration of deeds came about to be the manner in which the common law system evidenced ownership and that registration of deed system was, in fact, an ordinance brought about in 1885. In 1885, we had a system where any transfer or transaction involving land was to be the subject of a registration process. There had to be certain formalities. You must have met with the formalities of a particular size of paper; who the parties were; the fact that it had to be witnessed; the fact that an attorney-at-law conveyancer in those days, had to prepare it. But registration of deeds is not evidence of ownership. All that a registered deed does is demonstrate the parties to the transaction and what that transaction was about.

Coming along to the understanding of the inefficiencies of the old law or deed system, Trinidad and Tobago saw introduced the Real Property Ordinance in the year 1892 and in 1892, this Ordinance was a reflection of what, in fact, existed elsewhere in the Commonwealth in Australia. Back then, it was a reflection which brought about something which is referred to as the Torrens system of law. In the Torrens system, Lord Torrens, in Australia, developed something which was called a certificate of titling system. In that certificate of titling system, there was intended to be a manner and a representation, not only for the existence of the transactions that happened but for one unitary record referred to as a Certificate of Title which had endorsed upon it, memorials which evidenced every transaction.

And in that memorial system, that certificate of title system, we saw, in fact, a representation of a simple way of identifying who the true owner was and how

the system of transactions operated, whether it was leased; whether it was a gift; whether it was passed on by way of succession; whether it was mortgaged. All of these memoranda of transactions, memoranda of lease, memoranda of mortgage, were endorsed upon two versions of titles. One kept at the Registry called the Certificate of Title and a duplicate or counterpart's Certificate of Title which the owner to the land actually held on to. That system was a system of what we referred to as first registration. It allowed for the owner to come under the provisions of the Real Property Ordinance which later on became the Real Property Act. The Real Property Act is, in fact, now Chap. 56:02. But that system, even though it gave a reflection of true ownership, even though it provided for a simpler way of determining title, even though it was much cheaper in terms of how future transactions, once established, happened, it was limited insofar as it was confined to a voluntary system of first registration, and that voluntary system of first registration, in existence since 1892, having worked its way into the laws of Trinidad and Tobago, now stands with only a 15 per cent user; 15 per cent of land ownership in Trinidad and Tobago, 15 per cent, is on the RPO system or RPA system and the other 85 per cent is done by way of deeds.

These two systems have run side by side largely because to bring lands under the Real Property Act, one has to bring evidence to treat with two things. The settling of title allows any person in Trinidad and Tobago, even a foreigner, to take lands which are under the registration of deeds system or the Conveyancing and Law of Property Ordinance, to bring those lands under the provisions of the Real Property Act. But to do that, you have to have survey plans; you have to have evidence for generational discounting of those lands; you must, if you are treating with lands that were historical in nature, you must bring people who are

contemporaneous with the transaction; if there were four siblings involved in inheriting land and you were bringing it under, you had to speak for the other three siblings. They had to swear affidavits, you had to file in court, they had to go and get the Director of Surveys to do a plan, you had to then get a search on title, you had to advertise in the newspapers and that system has resulted in a very expensive exercise where the individual must make the expenditure for bringing the lands under the Real Property Ordinance, Real Property Act.

And in Tobago in particular, that has been an absolute disaster [*Desk thumping*] and it has been so because of the manner in which land title in Tobago evolved. Land title in Tobago was originally owned by the overseers and by the landowners and the estate and plantation owners. Eventually, they were parcelled out and given by way of estate interest to people. But in Tobago, what we saw was landowners keeping their title documents elsewhere, usually in a church or a trusted place, and people would die, and wills would be left but people never in fact perfected the ownership of title, and the vast majority of land title in Tobago is, in fact, non-existent. Everybody in Tobago knows who the owner is, there is anecdotal information, there is village information for generations. If you want to know a lot about Tobago title, you need only ask the Prime Minister. And the fact is that people from Tobago understand this position. My learned colleague from Tobago East, my learned colleague from Tobago West, they can tell you of the plight of Tobagonians.

What came about in Trinidad and Tobago next, Madam Speaker, was an acknowledgment that this system needed to be improved and in 1981, Trinidad and Tobago engaged in an exercise of reform. Those of us who were at law school had to deal with the mixes of when law would become reality or not, in fact, reflected

upon the excellent work done by Professor Wiley. There was a little Bluebook which he produced which we all had to go through at law school, and the Wiley package of reforms involved: the Land Registration Act, 1981; the Land Law and Conveyancing Act, 1981; the Landlord and Tenant Act, 1981; the Condominium Act, 1981, the Limitation Act, 1981; the Trustee Act, 1981, and the Succession Act, 1981 before we abolished succession. Seven pieces of law.

**Mrs. Persad-Bissessar SC:** None proclaimed.

**Hon. F. Al-Rawi:** None of which were proclaimed. They were, in fact, modelled upon the Guyanese model but the legal profession in Trinidad and Tobago, there was so much resistance to change, complained that there will be litigation, that we would be turning the system upside down on its head. Notwithstanding the merit of the package of laws, what happened was there was resistance by the users, in particular the law society then. The legal fraternity, they revolted against the laws and so the laws were parked in abeyance and these two systems of law, the Real Property Act and also the Registration of Deeds Act and the Conveyancing and Law of Property Act which were associated with that, continued.

Madam Speaker, in the period 1995—2005, there was another significant exercise and in the year 2000, God rest his soul, that excellent, now late Mr. Justice Guya Persad, was hired to conduct a review of the laws of Trinidad and Tobago. The honourable judge, Mr. Guya Persad, came up with a package of laws referred to as the land package. In fact, it was Attorney General Ramesh Lawrence Maharaj who piloted those Bills in the year 2000. It is those Bills which stand on the Order Paper right now, and it is one of those Bills which we are, in fact, amending today which was passed in the year 2000. The Bills that we are looking at, of course, are: the Land Adjudication Act, the Registration of Titles to Land Act and the Land

Tribunal Act. I will not be anticipatory to debate the other two Bills as we are just debating one today

But the Registration of Titles to Land Act, which we have on deck, in fact became a feature of our laws in the year 2000 and they were intended to take avail of what the Caricom experience boasted as a very good experience in law. The laws in Belize came into reflection; those in the Turks and Caicos, in particular, passed in the year 1967; in the British Virgin Islands, passed in 1970; in Antigua, passed in 1972; in the Cayman Islands in 1973; and in Montserrat in 1976, came into reflection. Those laws came in, again the laws were built upon a very interesting formula of simplification but they sought to take account of why the Real Property Act did not work. And the essence of the failure of the Real Property Act, the reason why we only have 15 per cent buy-in is because it was voluntary.

So these laws, this Registration of Deeds Act, which we are now treating with, are built upon a system of compulsory registration but that compulsory registration is done in a process where the State takes the obligation and the State pays essentially for the registration of title. I will not touch on it yet, we will deal with it with the two other Bills for the Land Tribunal and the Land Adjudication. But suffice it to say, this Act, which we are amending today by this Bill, deals with compulsory registration of title.

After these Bills became law in the Acts that were passed in 2000, the Government of Trinidad and Tobago under the People's National Movement then, in the year 2000, established a committee for the implementation of these laws. The implementation was largely a matter of concern because regulations needed to be passed to make sure that these laws could work.

**Mrs. Persad-Bissessar SC:** What year?



**Hon. F. Al-Rawi:** 2003. In the period 2004 to 2005, there were widespread consultations and on April 04, 2015, a report was produced and the regulations were settled. Very importantly in the year 2005, understanding that this law had to be operationalized by the Government, understanding that it was going to be a compulsory registration exercise, a simplification of title, the Government then approached the IDB and went and asked for funding. In the period 2005 to 2008, the PNM Government approached the IDB and settled upon an IDB loan and in 2008, September 27, 2008, the IDB granted Trinidad and Tobago US \$7 million for the island of Tobago and US \$100 million for the island of Trinidad to effect this land registration on a compulsory basis exercise. That also saw an exercise begin in the Lands and Surveys Division where we were treating with a cadastral management information system. Unfortunately, with the elections having been called in the period 2010 prematurely, the PNM's work was then interrupted and these Bills fell into abeyance. Because the IDB reflected that there were certain amendments that needed to be done in particular to the package of laws which we have but as it relates to this Bill, to the Registration of Titles Bill.

Madam Speaker, what we saw then happened was unfortunately the start and stop. As I have reflected upon, the hon. Member for St. Augustine piloted in—well, laid in 2011 and in 2012, two Bills essentially to treat with this but it did not seem to be of high priority to the Government then. This Government, however, takes a very different approach and the approach that we take is one where we say that land is something that must be settled, not only because of the sincerity to the people of Trinidad and Tobago but because it relates to ease of doing business.

More importantly, the proceeds of crime—money laundering, corruption, criminality—are only invested in a few areas: one, cash; two, businesses; three,

land. And if you do not have a grip of your land bank and your land management, if you do not have a transparent system of registration, you cannot follow the money. And therefore, these Bills became essentially important Bills, the reform to the land laws in Trinidad and Tobago become essentially important Bills to this Government as we move on the anti-corruption agenda.

With this in mind, Madam Speaker, we, in fact, began the exercise of computerizing the entire land bank of Trinidad and Tobago. There is, in fact, a current problem which I will come to in a short while which I am aware that Member Moonilal, the hon. Member for Oropouche East, has been brought up to speed with, concerning the IT systems which are temporarily down at the Registrar General's Office but I will come to that in a short while. Madam Speaker, may I ask precisely what time my 45 minutes would expire?

**Madam Speaker:** Your 45 minutes will expire at 4.14.39.

**Hon. F. Al-Rawi:** 4.14.39, thank you very much. So, Madam Speaker, I will come to the land-banking information a little bit later but suffice it to say, the need to make sure that land was certain became an urgent priority and this Government and the Ministry of the Attorney General and Legal Affairs went into high gear to make sure that the IDB project saw the light of day, not only for the people of Tobago but for the people of Trinidad and very importantly, that we could have certainty in land ownership.

Madam Speaker, it takes us now to the particulars of the Bill before I come to the operationalization of these laws. Let me start by saying, Madam Speaker, that the Bill itself is relatively straightforward. The Bill itself allows for improvements observed by the IDB, observed in stakeholder consultation and as it relates to the registration of title, we are treating with 23 clauses in the Bill but we

are amending 21 sections of the Act. If I draw the comparison to make it easier for hon. Members, clause 3 of the Bill relates to section 3; clause 4 to section 5; clause 5 to section 6; clause 6 to section 7; clause 7 to section 9; clause 8 to section 10; clause 9 to section 13; clause 10 to section 14; clause 11 to section 19; clause 12 to sections 24 and 25; clause 13 to section 29; clause 14 to section 30; clause 15 to section 35; clause 16 to section 44; clause 17 to section 61; clause 18 to section 68, clause 19 to section 71; clause 20 to section 73; clause 21 to section 81; and clause 22 to section 84; and I did that and I put it on to the record so that it is easy to track the comparative amendments.

As it relates to this Act, I think it imperative that the objectives of the law are re-ascertained for the benefit of the Parliament. This Act that we now seek to amend by this Bill, the purposes of the Act is to provide and I read from section 2 of the Act:

The—“certainty of ownership of interests in land and to simplify proof of ownership;”

The facilitation of—“...the economic and efficient execution of transactions with respect to interests in land...”

The provision of compensation—“...for persons who sustain loss in circumstances prescribed.”

And very importantly, as I have added but not part of the language of the Act, it is to deal with elimination of fraud which is an implied, if not expressed term that one can add into there.

To carry out the purposes of the Act, we are establishing in the construct of the law a parcelized basis of registration; the use of a Unique Parcel Reference Number; the establishment of a priority for enforcement interests; the

establishment of procedures to manage the land registration process; the maintenance of records; the establishment of procedures for compensating persons who suffer loss; and it is important in contemplating the amendments here that we appreciate that.

When we look, Madam Speaker, to clauses 4, 5, 6, 7 and 8 of the Bill, we are amending sections 5, 6, 7, 9 and 10 of the Act. Now, those sections of the Act which we seek to treat by way of amendment are to be found under Part II of the Act, the parent Act, and what we are doing is we are introducing into the law part of the operational structures which we know will have to go to work. And so we are introducing the concept of who will constitute the persons to operate the law; we are adding in the offices of the Registrar in the various forms that the Registrar will operate; we are putting in the Senior Assistant Registrar in particular as posts to be dealt with. We are ensuring that those posts are covered by the Judicial and Legal Service Commission such that they are public officers in the exercise of their duties. We are making sure that they are encompassed into that matrix and we are ensuring that they are also encompassed into the receipt of ex-officio Commissioner of Affidavits status as well. Madam Speaker, that operational structure at the Registry is critical and I am very pleased to say that the operational structure has been mapped out and the positions can be accomplished and we are on deck to put those into place.

Madam Speaker, when we look to clause 9 of the Bill, which treats with an amendment to section 13 of the Act, clause 9 of the Bill proposes that we clarify the use of folios because there was an unfortunate mix-up in the parent law which spoke to the interest in title being perfected by something then referred to as a Certificate of Title. What we are saying now, we have actually reversed the name,

we have said if you use Certificate of Title, it may confuse you to that which is used under the Real Property Act; instead we are calling it Land Certificate so that there is a distinction in terminology. But what we are doing is we are clarifying that it is the folio that is the root of the interest in terms of first registration or subsequent transactions. We are very importantly identifying the fact that condominiums or individual ownership in multi-owner projects has to be factored into the law and so clause 9 treats with that. We reflect, again, upon the fact that you may have state ownership, private ownership and that ownership may either be absolute or provisional until it is made absolute.

When we treat with clause 10 of the Bill, we are dealing with the clarification for first registration squarely and we are removing the anomaly, the potential for mischief in the reference to the Certificate of Title, now Land Certificate, and we are squaring it down to the fact that it is the folio which has the representative interest and to which one looks to ensure that there is a proof of ownership and a certification of title position.

Madam Speaker, clause 11 which treats with section 19, again, we are deleting the references which were superfluous in that clause. We are eliminating the words “folio or”.

Clause 12 where we treat with sections 24 and 25. We are dealing with the Certificate of Title, changing it instead to Land Certificate so that one can appreciate what happens in the transitional section which we treat with at the end of the Bill, because we recognize that the implementation of this law is to be on a phased basis such that there will, in fact, be three systems of registration: Registration of Titles as this Act will become operationalized; the Real Property Act as it exists in its 1896/1892 formula and then, of course, the Registration of

Deeds, Conveyancing and Law of Property route which is the third system of law or the old law, common-law system of law.

Madam speaker, when we treat with clause 13, we are looking to section 29. We are dealing with Part IV and we are dealing with instruments and dealings with land. And very importantly, what we are dealing with is the effect and we are describing with certainty when one achieves first registration and subsequent registration, again, tied into previous clauses, again, with reference to the folio and not the certificate of land.

Madam Speaker, clause 14 of the Bill which treats with section 30, we are dealing with rectification by the Registrar. In the law as it stands in the parent Act, there was a limited rectification capability for the Registrar and that rectification capability did not deal with the normal roots for rectification which essentially and in summary include: error, consent, mistake and lastly by way of operation of the tribunal or court and we felt it important to enlarge the opportunity for rectification by the Registrar in those four specific circumstances.

Madam Speaker, when we deal with clause 15, this is a very important clause. It relates to section 35 and also section 34 of the Act. Now, it is important to put out that we are treating with the concept of indefeasible title and in treating with an indefeasible title, we are taking the best of the Real Property Act, we are taking us away from the real property common-law scenario where we dealt with registration of deeds, we are going close to what is perceived to be a title guarantee and in dealing with that title guarantee, we are recognizing by way of an amendment to section 35 of the Act, that section 35 is subject to section 34(2). Section 34(2) recognizes the conditionalities of title and therefore, continues an obligation to ensure that there is a search on title. The search on title is tied into

section 33 of the Act and section 73 of the Act which treat with caveating system and which also treat with the manner in which title is suspended or transactions are suspended when searches are afoot for the transfer of lands or the investigation of lands.

**4.00 p.m.**

Madam Speaker, therefore the conditionality of that concept of an indefeasible title falls into sharp focus in the amendments made by clause 15 to section 35.

Madam Speaker, I refer you to clause 16 of the Bill. Clause 16 of the Bill which treats with an amendment of section 44 of the Act, treats with the concept of caveat as opposed to a restriction. And a caveat is a very important concept in land law because a caveat is the system by which—in section 33 of the Act, section 73, sections 74, 75, 76 and 78 of the parent Act—where we actually allow for an objection to a title, an objection to a transaction by the filing of caveat, with certain precautions as to process, with certain precautions as to duplication, with certain precautions as to the Registrar's ability to strike out a caveat, all in tow. But it is important that we treat with the concept of caveat and not with restriction as the parent law provides.

Madam Speaker, when we treat with clause 17, which treats with section 61 of the Act, we are treating with an omission where minerals were not included, alongside with mines and so we are improving the concept of the substrata and again you are getting back to the feudal ownership of land, et cetera, for mines and minerals.

Madam Speaker, when we deal with clause 18, we are looking to an amendment to section 68. Section 68 of the parent Act falls under Part 7, which is

the assurance fund and compensation. It is a cross-reference correction that we are effecting there. When we look to section 71, which is treated with clause 19, we are again making sure that the certificate of title versus folio for first registration anomalies clarified in that clause.

I take you next to clause 20, which treats with an amendment to section 73 of the Act. Clause 20 is the inspection, searches and copies. And what we are doing here is very important, Madam Speaker. Clause 20 introduces very important distinctions between members of the public searching, members searching via their attorneys-at-law, how one can order certification and enquiry into title, what is available, how it is available; and in the construct that we are now providing, we are saying to the population, attorneys-at-law can cause the investigation of title, attorneys-at-law can have the abstracts produced out. We are separating out members of the public and we are allowing them to do the investigations by way of the electronic platform. We are allowing for members of the public to have priorities included. Priorities are important because the construct of the parent law is that, where under section 73, you are asking for an inspection, a search or a copy, there is a freezing of that parcel of land.

Let me explain that: if you order a search on the property of Faris Al-Rawi, for example, at X location, all transactions concerning that property are put on hold, there is a freeze for 14 days—*[Interruption]*—by example, thank you Prime Minister. And that freeze is necessary, so we have in fact a position that the title can be certified. So when the search comes out you know that it is at X date, the 15 days prior, the 15<sup>th</sup> day prior, that you would actually have a certification of title. However, the clause constructs for us what is already in operation, which is the prioritization of the receipt of other instruments in the period of the stay.



So people are conducting business in normal course, they file documents, it is on stay, it is on hold, the minute that stay is over they then cascade an order of priority because the Registry has a system for the receipt of documents, by time stamp as to when they are received and by whom they are received at the Registry.

Madam Speaker, very importantly—we have a minor clause before I get to the very important—we modified the language, taking us away from the commission of an offence as it is described instead, from the provision that “you are guilty of an offence” into the modern language of “the commission of an offence”.

The last clause, clause 22, relates to the new section 85 which we propose to be inserted, and this is critically important because the law did not contemplate transition. The law simply involved that when the law was proclaimed, the other laws would disappear. And because this is a phased transactional approach, it is important to have a transition position. Because I will state it now, the Government’s intention to bring immediate relief to the people of Trinidad and Tobago starts in Tobago. And the intention is that we will declare Tobago under other provisions of the law which we will debate later, have it as a geographical area and commence the registration of title process for first registration, cleaning Tobago from bad title, allowing the people of Tobago relief after umpteen years, spanning back to when Tobago became a colony in 1889—if Prime Minister corrects my date if I am wrong. But the point is that Tobago is meant to be the first destination, the IDB loan is already set, the US \$7 million is set, and this transitional provision makes it clear; the other laws continue whilst this law is introduced and we work our way through Tobago and then Trinidad in its structures.

Now, I left the last point, in terms of the operationalization of this law, to speak at this point. Let me put on the record, that I wish to express my profound gratitude to the multiple users: the banking sector, the attorneys-at-law, the search clerks, both government search clerks and private search clerks for enduring a system which has erupted in Trinidad and Tobago and that is in reference to the Land Registry.

The Land Registry is the benefit of two forms of operation: there is an electronic platform where one can search under the property information management system or PIM system and you can do a lot of your searching on an online basis of the Registry. That was an exercise that began in the year 2000 and it was better than completed, largely under the current Member for Arouca/Maloney, when she sat as the Minister of Legal Affairs in those days.

But that PIM management system, in fact, is currently on a stop, there is a limited searching capability on the electronic platform. There is in fact a full manual system which is available, but it has had a very significant effect, the ripple effect from the dropping of the IT system has been that searches go from one day to now approximately five working days.

Madam Speaker, in the consultations that I have had with the numerous members there and in particular the search clerks themselves, as they have now organized themselves into an association, have demonstrated—and I wish to put on to the record now because I was warned that they were conversations that may come into this debate, so let me “take front” now.

The fact is the system was 15 years old. The IT system which has had challenges and which IBM is fixing now is one which was installed in the year 2000. It deals with something called FileNet, the FileNet is built upon something

called Windows XP. Windows XP is now 13 years out of date. But in anticipation of some of the contributions of my learned colleagues, let me put on record now. The licence for the operating software expired July 13, 2010. The Massy contract for maintenance for the system expired in 2014, and when I came in as Attorney General and Minister of Legal Affairs, and I inherited a situation which was allowed to rot for five years, rot for one year. We went to work on a very significant effort. We took avail of the IDB funding and we put in place something called the Property Business Registration System which is to replace the PIM system and thank God Almighty that the Minister of Finance and the Prime Minister saw it fit to fund the project, together with the IDB, by allowing us to do all the data back-up, all the data management so that we were not caught sleeping.

Madam Speaker, and thank God, we have reengaged the IBM provider and the Massy provider to deal with this FileNet system which regrettably I inherited in a state of disarray and non-licensing position.

Madam Speaker, I can tell you, as my learned colleagues opposite claim “hallelujah and amen”—[*Crosstalk*]

**Hon. Member:** Is that the same Massy you just purchased?

**Hon. F. Al-Rawi:** No, it is not the same Massy we have purchased. We can say—as I recognize, even though I am not supposed to, most distinguished Dr. Fry, who is here with us from the Parliament of Canada, [*Desk thumping*] an MP of 25 years standing but no less a sister, a daughter of the soil of Trinidad and Tobago, in whom we are extremely proud and we welcome to the Parliament, thank you. And I recognize, Her Excellency the High Commissioner of Canada, of course; permit me that indulgence as I know I am not supposed to do that. [*Desk thumping*]

But, Madam Speaker, suffice it to say this law is extremely important. This

law is rooted in the follow-the-money campaign, this law is rooted in ensuring that there is an ease of doing business, this law is rooted in the elimination of fraud in land transactions this law intends to eliminate the difficulties that the people of Tobago have suffered for such a long time. The debate of this particular Bill is very timely in so far as the hon. Prime Minister has brought, finally as a Prime Minister of Trinidad and Tobago, a Tobago governance arrangement for consideration of this Parliament, fulfilling a campaign promise of this Government and a commitment to the people of Trinidad and Tobago. And Madam Speaker, I ask hon. Members to consider the glorious opportunity we have now to put in place laws to operationalize laws which began some 18 years ago in the year 2000 and I beg to move.

*Question proposed.*

**Dr. Roodal Moonilal** (*Oropouche East*): [*Desk thumping*] Thank you very much, Madam Speaker. It is with a degree of trepidation I rise to speak at this time, in mortal fear that my contribution may anger those opposite and I may be invited to attend on the pavement of Wrightson Road or Debe, where I am more at home.

Madam Speaker, it is on a rare occasion that I wish the Attorney General had more time to talk. But, today is really a rare occasion because the Attorney General really ran out of time, and I am sure he had much, much more to say on this matter. And in closing, it is another phenomenal approach; normally when we raise questions and issues, they blame the former administration. Today they blame the former administration before we raise the question, before we raise the problem. So they are anticipating now the issues we raise and immediately blaming us before raising the issue. So, it is reaching a stage where they are more comfortable—but that I understand has been the hallmark of the today's sitting,

poor examples by those who ought to know better. [*Desk thumping*]

It is not one case, Madam Speaker, I understand there is another case. The matters before us now, as the Attorney General rightly said, had been matters that have been on the table in the Parliament in this House, and I believe in the other place, for several years. They are rooted in our system of land law and the management of property and the information management of property in this country, given our mixed colonial heritage and our British legacy in law.

Madam Speaker, I do not want to again repeat the Attorney General's run-up, but to indicate that this has been a matter that engaged the attention strongly of the first UNC administration 1995 and 2001. And the Member for Siparia can well claim some ownership [*Desk thumping*] since the Member served at a very critical juncture in relation to this matter as the Minister of Legal Affairs at that time, and pioneered some of the work that was to go into the laws that were passed in the period 1999-2000. So the UNC has a very strong claim.

**4.15 p.m.**

Prior to that, I believe, the first wave of modernization and reform came in 1981 or thereabout. So it was 1981 or thereabout, and then that jumped to the period 1995 to 2001, when the most significant work to be ever done on the reform of the land laws of Trinidad and Tobago and the Parliament was done by a UNC administration. The Attorney General recognizes that. So the Member for Siparia will have much more to say on this matter.

But, Madam Speaker, in this debate, it is clear that the Government intends to continue on the work built and done by the former People's Partnership administration by way of giving effect to a revolution in the management of labour law, the management of information on land. Madam Speaker, it is no doubt that

we have our constitutional rights. Our first right is the right to life. That right is undermined. It is being eroded every hour in this country [*Desk thumping*] with a murder rate of 102 and counting.

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

**Dr. R. Moonilal:** I am on the constitutional right coming to property.

**Madam Speaker:** Please continue.

**Dr. R. Moonilal:** Thank you very much, Madam Speaker, and I knew this. [*Desk thumping*] I predicted this. So, Madam Speaker, the right to life is our right. But when we finish with life, assuming we are alive, unlike 102 people so far, then we get to liberty, and that is linked to life. But, Madam Speaker, a fundamental right is the right to property and the enjoyment of property, and it means little to you if you are in possession of property, but you do not have title, you do not have ownership [*Desk thumping*] because property satisfies many needs. In some cases, it satisfies a cultural need. In some cases, it satisfies a need of labour. You have farm labour and so on—you have labour, you need land. You need land to produce your goods and so on.

But, Madam Speaker, to the individual, land is a precious, sacred commodity; [*Desk thumping*] and nations in the world they fight, they spill blood, they go to war for years and decades. They are still fighting today. When I was born they were fighting. They are still fighting today, and they are fighting over disputed territory of land. It is one of the most emotional, you know—good—that you could ever dream of, this thing called land. They fight over it, like sometimes they fight over 10 votes in a marginal seat. But it is emotional and there are places on earth today that have been engaged in war for decades over land, and we are trying to bring some certainty and predictability to land and the ownership of land,

the title to land and, therefore, your access to economic goods and services.

Because, in a simple case, if you have land and you have good title—legal right to land with title—you can use that to get a mortgage. You can use that to do banking and financial business. You can use that as certainty for the loan as collateral. You can invest in your property because it is yours. Sometimes people do not want to fix a fence, they do not want to dig a drain because they say this is not mine. “This is not mine, I not doing that.” You may want to invest in your property, but you do not because you do not have title, you do not have the ownership, you do not have in law the right. So this is a very important Bill because it deals with registration and certainty with ownership, and it contributes to economic development. [*Desk thumping*]

Madam Speaker, the last issue the Attorney General raised, I will now deal with it quickly because he anticipated me somewhat, but he tried his very best to paper over the problem. Madam Speaker, there is a citizen of Trinidad and Tobago today, she is in need of heart surgery costing hundreds and thousands of dollars, and this citizen of this country would like to get a loan from the bank to go and do her surgery. She is not begging the Government for money they will not give. She “doh to sell barbecue ticket” to raise money. She has property. She wants to get a loan from the bank. What has happened now is that the Land Registry system has collapsed on this Government. [*Desk thumping*] The economy, there is a shutdown of the economy. [*Desk thumping*] The banking and financial institutions have shut down doing business that involves land because, Madam Speaker, they have collapsed, the Ministry.

And when we deal with this matter, I want to tell the Attorney General it is in the taste of the pudding. It is your actions that will tell us whether you are

sincere, whether you will bring change. It is not your words, it is your actions. [*Desk thumping*] And today, Madam Speaker, shamelessly as we are speaking today, they admit—because he had to admit because he knows I had the information—the Registry is shut down. You cannot get a search done. There is only one computer working. They do not have proper staff in place. Madam Speaker, the Registry has frozen, even without this legislation. [*Crosstalk*]

Madam Speaker, I met this week with a group called the Title Abstractors Association of Trinidad and Tobago involved in search title—they are now formalized into an organization—and I was shocked by the information they gave that as of February 23<sup>rd</sup> or thereabout, after midday, they were told that the Registrar General's Department that the entire digitized system would be shut down as of Monday coming. So to this day it is shut down and they have to revert to an old manual record title abstract search which has inherent problems with missing records.

So in this country today with all the talk we talk about modernization—we want to chase the money, follow the money, we want to deal with corruption, we want to deal with all of that—Madam Speaker, the Land Registry has collapsed. [*Desk thumping*] Lawyers cannot conduct their business. The search clerks cannot get root title. They cannot go to the registry and trace property, but they want to talk about following the money, but follow the deed first, follow the Land Registry and organize yourself. This is a state of emergency when people cannot do transactions with banks and financial institutions. This is chaos existing now. To buy a second-hand car, you require tracing and you require documents and so on from different departments of Government—[*Interruption*]—yeah, Bill of Sale.

So that I am being told, Madam Speaker, that this shutdown, there is no sign



on the horizon of when this matter will be resolved. A meeting with the Attorney General came up as of today with no resolution, none. In fact, the Attorney General, today, highlighted this problem only because, through some means of intelligence or tapping my phone or following me around the place, they discovered that I was in the know—[*Crosstalk*]

**Mr. Deyalsingh:** Madam Speaker, Standing Order 48(6).

**Dr. R. Moonilal:** I am not accusing anybody of anything. [*Crosstalk*]

**Madam Speaker:** Hon. Member for Oropouche East, I am sure you will withdraw and you are seasoned enough to say what you wish to say in another way, a parliamentary way. Please.

**Dr. R. Moonilal:** Madam Speaker, I withdraw that and I am very sorry if my friend opposite, the Member for San Fernando West, felt he was being reflected upon. Madam Speaker, let me put it—

**Mr. Deyalsingh:** Madam Speaker, 48(6). He clearly said the Attorney General was tapping his phone. It was not a reflection, it was a statement. [*Crosstalk*]

**Madam Speaker:** Hon. Member for Oropouche East, I would wish when you withdraw, you go on to your other point. So withdraw unconditionally and please proceed.

**Dr. R. Moonilal:** Unconditionally.

**Madam Speaker:** Please.

**Dr. R. Moonilal:** So, Madam Speaker, having anticipated what I may come here today to say, the Attorney General made a very brief statement, but in that statement at no time did the Attorney General tell the legal fraternity, tell the banks, tell the financial institutions, all of these agencies that have how ceased work on all property transactions, did not tell them when this matter is to be

resolved. [*Desk thumping*] So, as it is, Madam Speaker, proper title report cannot be had. Transactions have stopped.

In fact, lawyers have been calling us indicating to us even their business, they have ceased to operate as a business because they depend on search clerks to bring reports, and based on those reports they conduct transactions. So there is an economic shutdown and the Government cannot tell us when and how this will be resolved. [*Desk thumping*] So, Madam Speaker, they are aware of it, they are aware of it.

Madam Speaker, the Attorney General spoke about, you know, ease of—and imagine the Attorney General told us about ease of doing business when business has collapsed.

**Mr. Al-Rawi:** You do not have any other points?

**Dr. R. Moonilal:** Now, he is getting angry. [*Crosstalk*]

**Madam Speaker:** Hon. Members, please observe the rule with respect to crosstalk and for Members not speaking while not on their legs. Every Member will be afforded an opportunity to join the debate in the fullness of time. Please continue, Member for Oropouche East.

**Dr. R. Moonilal:** Thank you very much, Madam Speaker. Madam Speaker, and I make this point because the dependence on title abstractors, search clerks and so on, is a critical dependence in the world of business. It is critical. There are about 85 to 100 persons in that association, they play a critical, but almost invisible role. You know, you would see the lawyer and the law firm doing all the transactions, the banks, the financial institutions, but you do not see these people who are sort of craft skills they possessed. There is no formal education in terms of degree, PhD and so on, but they possess what is called trade skill, and they have worked for

many years, and behind the scenes they go and they do their work. It is a very tough piece of work to satisfy the legal requirements for transactions. Madam Speaker, so if that is not dealt with immediately, there are serious risks.

So when we were proud in Government that Trinidad and Tobago was ranked 102 out of 190 economies in the ease of doing business, according to World Bank Annual Ratings Trinidad and Tobago, we are now being told that our position has deteriorated. In 2017, it has deteriorated terribly and, today, it will get worse. It will get worse, Madam Speaker, in terms of the ease of doing business, given this crash at the Land Registry. [*Desk thumping*]

Madam Speaker, the other matter I want to move to concerns the Bill, and as we all know, this is one of several pieces of legislation, but we are dealing with this first. And I very concerned—and to hear the Attorney General talk and cry about Tobago and how bad things are in Tobago, we were proud when we were there that under the Minister of Legal Affairs, the Member for St. Augustine and the Prime Minister who was a former Minister of Legal Affairs, we took giant steps to ensure that that problem in Tobago is resolved. [*Desk thumping*] We even moved the Land Registry throughout the country.

In Tobago, in fact, we were there to open an office in Tobago to bring those transactions closer to the people. In Arima we open, in south we open. So the people from Tobago, at that time, when the boat was operating properly, they did not have to come to Trinidad to conduct business. [*Desk thumping*] Today with the collapse of the sea bridge and the air bridge, they have to come to Trinidad to conduct business and cannot do so.

Madam Speaker, so we were proud of our work, but what catch my attention with this matter is that they are making a change and proposing a change to section

73, and at section 73 in the parent legislation it deals with the right of a person on making an application on a form, paying a fee, to inspect any folio, any sheet of the parcel of land. In fact, to put it simply, to go to the registry and inspect land, an ordinary citizen, a person. That is being amended to say now that lawyers, attorneys-at-law alone can have this right to go and inspect and search. Why are you doing this? Is there some hidden motive to prevent ordinary citizens from going to the Land Registry and searching for titles?

You see, if I had the right to do that, Madam Speaker, I would want to know whether it is a fact or not that a high public official owns piece of land in St. Augustine next to the nurseries where they propose to build houses. [*Desk thumping*] He can check that if he wants. [*Desk thumping*] But if the law is amended then we cannot check that, then we can go and we can check in Fyzabad the ownership of lands that was used for a children's court. We can check that ownership easily. But, Madam Speaker, why this need to block citizens and persons from getting information on ownership of land? Why that need when you are talking about transparency and openness and following the money and anti-corruption strategies? Why do that? And we are hearing stories all over where high public officials own land—whether it is for the interchange in Kay Donna, it is the HDC estate in St. Augustine, is in Fyzabad—there is this now intermingling and incestuous relationship between the ownership of property and government rental. I call today on this Government to ensure that property in St. Augustine and Kay Donna is done by compulsory acquisition, not by negotiating. [*Desk thumping*]

**Madam Speaker:** Hon. Members, it is now 4.30 p.m. and if I could just crave your indulgence. Had the Attorney General not taken the liberty he admitted that he did not have, I would have asked you all to join with me in welcoming and

acknowledging the presence of Her Excellency the High Commissioner of Canada [*Desk thumping*] and the daughter of our soil, who is proudly the longest-standing female Member of Parliament in Canada [*Desk thumping*] but I guess the events which have unfolded, I would be accurate in saying that I, too, join with the Attorney General in acknowledging the presence of Dr. Hedy Fry and also Her Excellency Carla Hogan Rufelds and I welcome them to our Chamber. This House now stands suspended to 5.00 p.m.

**4.31 p.m.:** *Sitting suspended.*

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

[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Deputy Speaker:** I recognize the Member for Oropouche East. You have one minute and 41 seconds of your initial speaking time. Do you care to avail yourself of your additional 15, one time?

**Dr. R. Moonilal:** I should do so, yes.

**Mr. Deputy Speaker:** Proceed. [*Desk thumping*]

**Dr. R. Moonilal:** Mr. Deputy Speaker, it would have been hard to wind up in a minute and 42 seconds. Thank you very much, Mr. Deputy Speaker, and I trust that Members would have refreshed themselves and in a calm state. One of the—apart from property law and the system of land management we inherited from the British, we also inherited the legacy of having a cup of tea to calm our nerves and refresh us, so that we conduct our business with a bit more stability than before.

Mr. Deputy Speaker, before the break, I was making a couple points concerning the problems faced now at the Ministry of Legal Affairs, and the matter of the ease of business, and just for the record, Mr. Deputy Speaker, the data shows, according to the World Bank Annual Ratings, this country's ease of doing

business was at 66 in 2015—66 was our score in 2015. And Mr. Deputy Speaker, this has climbed to 102 in 2017. So that it is clear that in terms of the ease of doing business, this country is going backward somewhat, and the current crash of the Land Registry system will not help in our case.

So, notwithstanding the many challenges to doing business in Trinidad, one that really is a key now is really fixing that problem at the Land Registry, which the Government is aware of. In fact, Mr. Deputy Speaker, during the break, I received a letter by email which is addressed to members of the Law Association, and the Law Association indicated that the Council of the Law Association became aware last week that:

The Property Information Management System e-services at the Registrar General's Department has been suspended effective February 26, 2018. This system, as we are all aware, the PIMS online is a computer database of records of the Land Registry for the period 1970 to date, containing entries for the following, among others: Bills of Sales, charges, deeds, deed polls, judgments, et cetera.

A delegation of the committee did meet with lawyers and held a meeting with the Registrar General and the Attorney General on the issue, and we are assured that they are addressing the same—well, the problem—with the relevant authority.

/s/ Secretary of the Law Association

I am sure, at some time, we will hear more about that, but more about the resolution of the problem, rather than a narrative and description of the problem.

Mr. Deputy Speaker, the matter I want to raise as well is that these Bills—we are dealing with one, but it is part of a package—originated as we know in

1999, 2000 or thereabout. It is a strange phenomenon that took place in legislative history where the Bills were passed by Parliament—and persons in the name of the Member for Chaguanas East, I think, were on the compound at that time, Chaguanas West was in the jurisdiction at that time and would have participated—and the Bills were passed but they were never assented so they never became law.

So that today, just by reference, if someone wants to read the Bill, the parent Bills or the parent Acts, as the case may be, you have to go to the parliamentary website or I believe, the Government Printery, and get a copy of it because the Acts will not be found in the law books, because they are not law. So we are amending, as we could, we are amending Acts of Parliament that are not in force and that is a very significant distinction to make, because normally you make amendments to law that is in force. So these Bills that we are amending are by themselves not in force, having been passed by the Parliament at that time.

And that is not the issue I want to raise, but the issue is, when this came before us in the previous Government—the Attorney General is correct, it was on the Order Paper, I believe for a year or two—and at several moments we could have entertained a debate and so on, but there are two dimensions to this which I will raise. First, is it that laws that were passed in 1999/2000, we are satisfied with those laws, not implementing them, but we are satisfied with them that today we bring amendments to them, or is it an opportune time, 18 years later, to reflect not only on the amendments but the entire package, everything, because the Acts passed were not implemented, so they are not in force? Eighteen years later you are amending it.

I would suggest that now is an opportune moment to reflect, not only on the amendments, but on the entire package. [*Desk thumping*] What are the new

challenges? What are the new issues? Because you may well find that you want to make more fundamental change, and unless I am mistaken, we did not in the five years have that focus. At that time, we were focused on Bills and some amendments. Some have changed, some have remained the same. But I am suggesting that this package, and this particular issue, it will be well worth the while to look at the entire law as passed in 1999/2000, and review that with the benefit of the public consultations, stakeholder consultation to see whether or not we may wish to implement, in the first place, the laws passed in 1999/2000. Eighteen years is a long time in development and things may have changed.

In my consultations, Mr. Deputy Speaker, with members of the law fraternity, many, many persons would not even have known and would not have read and would not be familiar with the parent Acts. They are not familiar [*Desk thumping*] and this is why this area is so complex today and familiarity, public education, awareness are critical, because land affects all. It affects persons in their practice as lawyers, attorneys-at-law. It affects the financial and banking sector, Mr. Deputy Speaker, but this affects ordinary people because ordinary people [*Desk thumping*] are in possession of land—they own land, they have interest in land whether it is legal right or interest—and many people maybe in the outlying areas and so on, are not educated into land law, not educated into the systems, what are the repercussions of this and what are the offences that we are creating, because in the amendments we create certain offences and the public education is critical. I am not aware that within recent times we have had public consultations, stakeholder dialogue on these matters. [*Desk thumping*]

In fact, one prominent attorney in the area of land law told me that he himself was not familiar at all with the package of 2000 that was passed by the



Parliament. I call today for a fresh view, a fresh eye on this matter, because it is not that we are pressed for time necessarily. We are pressed for time to fix the Land Registry. That is what we need to do tonight—to fix that. [*Desk thumping*] But, we are not pressed with time on any other matter here. Eighteen years have gone, so it cannot be you are pressed for time.

**5.10 p.m.**

But in this matter as well, related, there are fundamental human resource challenges. Persons have to be appointed, persons have to be trained, a basket of skills needs to be sourced, and in the 2000 debate, I believe it was, or in November 1999, somewhere there, many speakers in that debate have had the opportunity to read from both the Government and then Opposition. And the Opposition then, I must tell you, included some personalities who are in the Parliament today in Government, and I read their contributions as well. They had serious contributions about two matters. In terms of registration of title, they had serious concerns with the human resources that are needed— Do we have persons trained in the disciplines that will now be engaged with this land reform, this system reform exercise? Have we trained them at the University? Have we trained them at other institutions? Is there a pool of people? Mr. Deputy Speaker, even attorneys may need to be hired. Do we have a pool of persons in this area of land law who will make themselves available for public service?

As we all know, very few attorneys-at-law, and particularly if they are successful, very few will make themselves available for public office, and this Bill and that package demands a quality of human resources that may not even be present at this time. So we can pass the amendments, we can have the Acts passed in 2000 assented to, but you do not have the human resource to implement. [*Desk*

*thumping*] So there can be no implementation, and that is a point that the PNM Opposition made in 1999; that is a point. The other point which I believe may have changed by now, the situation has changed since 1999, is that we need proper facilities.

Mr. Deputy Speaker, in the old days the Land Registry and the Registrar General's Office was at the Red House, I believe it was downstairs and it was a mess, simply put, and everybody agreed with that. But I do not know where they are today if it is any better in a substantive way, but I know that we have constructed the Legal Affairs towers, and so on. I presume that is where the Registry will be housed, and that, I must say, was the product of the work of the former Member for San Fernando East, Prime Minister Manning—*[Interruption]* Mr. Deputy Speaker, I really do not get distracted, but the Member for Diego Martin North/East is engaging the Member for Port of Spain North/St. Ann's West, if you all could just put it down just a little bit.

**Mr. Deputy Speaker:** Members, kindly remember the decorum of the House, Members speaking, and the other Members not speaking are to remain in silence. Thank you. Proceed.

**Dr. R. Moonilal:** Thank you very much, Mr. Deputy Speaker. *[Interruption]* Yeah, you can continue talking but just not too loud. Mr. Deputy Speaker, now that the Manning administration built the Legal Affairs towers and other buildings, it was the People's Partnership administration that outfitted all and completed that task, *[Desk thumping]* and having completed and spent, I must add, \$1 billion outfitting the Government Campus and all the Legal Affairs towers, and not one iota of complaint about corruption and value-for-money on that. *[Interruption]* But they have not complained about it because they know why they cannot complain about

that one. Mr. Deputy Speaker, so now that we have—[*Interruption*] Mr. Deputy Speaker, the Member for Laventille West is pathologically incapable of remaining silent. [*Desk thumping*]

**Mr. Deputy Speaker:** Again, Members, we now resumed after tea. Member for Oropouche East, you continue your discourse, and I will ensure that, you know, you are not disturbed. Members, please.

**Dr. R. Moonilal:** Mr. Deputy Speaker, I depend on you.

Mr. Deputy Speaker, so that the Legal Affairs towers is there and I am sure that now we can talk about better facilities for public officers in this area, because that is a critical, critical issue. Over the years, for example, with registration of title in the Land Registry office you have had the case, and, Mr. Deputy Speaker, I have a note here before me from those in the know indicating, for example, in terms of the manual system and what is unavailable, and so on, and you will be shocked to know that what is called “country books” in relation to the Wards, as we call them, Siparia, St. Ann’s, Diego Martin, et cetera, Naparima, there are years and years and years that are missing, just missing. And then we have the case where there are pages and pages that have been deleted, taken, tear up and gone. We have also a situation where I have a list before me of deeds that they are unable to view, you do not have sight of them, and that is because of the system over the years where persons came in, they tear up, they examine something, they burst it up, they gone with it, that type of system.

Today we are hopeful that with new quarters for the Government, and for this Ministry in particular, and modern technology of CCTV—in the old days we had nothing like CCTV, so when someone walk off the street and say they are going in the Red House to look at a deed or look at a document, you did not have

any assistant to walk behind their shoulder and stand up and ensure that they look at what they have to look at and do not remove anything. So a lot of mischief took place and, today, I am hopeful that with new facilities available, with CCTV technology and other technologies too linked to this, that we will not have that type of, you know, theft, and we will not have that type of fraud being displayed.

So the Attorney General or Government Members may want to speak to the physical environment that is available when these matters are passed, what happens next—we have the physical areas, we have office space, we have vault in place, we have this in place; also the human resource challenges. Some of these persons to be appointed, and so on, they will carry with them authority, sometimes a sort of quasi-judicial authority they carry, and they have to take important decisions. There are persons who themselves must be trained and have experience. There was a complaint in the '99 period as well that sometimes we depend overly in land management, and so on, we depend openly on lawyers, and lawyers are trained in one area. They are trained generally first. They practise in one area, but may know absolutely nothing about land and property, and then you have persons who may be in land and property, know absolutely nothing about criminal law or some other type of law, but you also have developing now certain social science disciplines, which now are a cross-skill, cross-discipline almost.

The Member for Chaguanas East is a master at upskilling the labour force and creating a labour force for the future, and he would understand the cross-skilling that you can get in social sciences that may or may not include a bit of law, but persons who may be trained in land information, management systems, and so on. And married to that point is also the need to ensure that you have commensurate package to keep professional people, educated and trained people in

the public service. This has been a problem forever, that persons with the training and education, because of the terms and conditions in the public service, they come in, they get their experience, they make some contacts and social networking, and then they go, invariably to the academic community or to the private sector, because it is simply better in an economic sense. And to manage this type of operation, because you are creating this parcelization of a system where every piece of land in Trinidad and Tobago is to be known by parcel and registered, and you have tracing and clarity in terms of deed—*[Interruption]*

**Mr. Karim:** The land and the JPs.

**Dr. R. Moonilal:** Yes. So you have to create a cadre of people to do this work. You have to pay them in a proper way; so, first, they are attracted to work in the public service. That is the first major problem, is whether in this area people will be attracted by the terms and conditions. There is a reference, of course, as we know in the thing to the Constitution, and certain officers, Mr. Deputy Speaker, their package will be determined by the Salaries Review Commission. All I can ask colleagues is, yours are also determined, I hope you are happy with that. So that no one I know is happy with the outcome of the Salaries Review Commission's business. *[Interruption]*

**Mr. Deputy Speaker:** Member, your initial 30 minutes has now expired. I would have erred earlier with regard to your timing, so your 15 minutes will now begin, your additional 15.

**Dr. R. Moonilal:** So, Mr. Deputy Speaker, earlier you misled me inadvertently. Okay, no problem, Mr. Deputy Speaker, I will rearrange now my agenda to speak on this, but let me just continue this point before I move on.

So human resources, critical; technology, critical; the plant and equipment

we call it really, which is really office, and so on, critical that we obtain that. I think, unless I am mistaken, that the investment by two Governments, in the Government Campus and the towers, and so on, has dealt with that matter, squarely. So you would want to be in a position where when you enact this law, in good time, not overnight, but in good time you can start putting the systems in place, the institutions in place. We have had a history in this country where we pass legislation, and in some cases good legislation, good, and we are all happy, we beat our chests, we go on the platform and say, we did a great job, we passed this Bill, that Bill, and then when you check it is not proclaimed, it is not assented to, nothing has happened.

I do not think that, you know, politicians, Ministers, and so on, I do not think people are bad mind really. I do not think they would pass a law in 2000 and they did not want to implement it out of spite, I think that there are challenges that Governments face, you know. *[Interruption]*

**Hon. Member:** Structural challenges.

**Dr. R. Moonilal:** Yeah, there are structural challenges you face dealing with the public service, dealing with change, dealing with, you know, money. I mean, there are financial constraints to everything as well; you cannot pay as much as you could pay in the private sector, and just the bureaucracy. As we all know, and all my colleagues opposite, even the new ones by now will know that the bureaucracy will slow you down as you go along, and that is not all bad incidentally, because that also brings a level of accountability as you go along.

So that implementing this package requires an answer as to readiness, as to whether we are prepared, because you do not want to be making these amendments and, as I say, you are happy, and then five years from now no Government, the

current one and the incoming one, can say that they have implemented anything, changed anything, because the Chief Adjudication Officer, we cannot attract someone as a demarcation officer, we cannot attract someone as a reporting officer, and so on, because we do not have the systems in place.

Mr. Deputy Speaker, I had already, before the break, spoken about clause 73, and we needed some explanation in terms of that amendment as to whether that had infringed any right of a citizen to check these things.

The other matter I want to go on to now, Mr. Deputy Speaker, now that I know I have a few more minutes than I did before, is the matter of the condominium folio. Now this matter has engaged the attention of different Governments from the '90s, early '90s, the condominium, and there was a condominium Act, I believe, passed, unless I am mistaken. I do not think it has ever been implemented as well, but I think it was passed. In fact, there was a reference to that in the earlier debates as well. Now, Mr. Deputy Speaker, this matter of condominium and the condominium complex is a very important matter that I think governments have tried to meet and treat with, because there is a feeling some may have that persons who are in occupation of these things they get away somehow from a tax net. So that a Government—I am not saying this Government necessarily—may see these condominiums as fair game that you can get some more tax. At a difficult time you want to tax more so you go about changing your legal structure and creating your condominium portfolio to attract taxes.

As it is now, to my understanding, Mr. Deputy Speaker—and there are others opposite who know much more about land law and, certainly, much more about condominiums than I do, they can correct as we go along. You see, as it is

now, in a simple way, if you have a condominium, a tower, or whatever on four acres of land you have, let us say 40 units, 10 units on an acre of land; how it works, Mr. Deputy Speaker, as I understand it now, is that the persons who buy these condominiums they are buying with shares, and there is a holding company to which an owner of a condominium will have one share, or whatever, and they are shareholders of the holding company, and the holding company exercises the freehold. They have the freehold on the property, but you, by virtue of owning this one condominium, you are then given a lease. So you have a leasehold for 49 years or 199 years, as the case may be.

So you own your condominium, but the property as a whole, the freehold is vested in the holding company, and you pay every month certain fees. Although you own the condominium you pay fees, so you will pay a fee for using a common swimming pool, for using a park, a recreation park, for using the elevator, for garbage, security; you pay certain fees. I suspect you also will pay your fee for management, for water and for taxes. So that the holding company will pay all these fees, and you as the owner of one condominium—as I said, Mr. Deputy Speaker, I do not have much experience with this matter, my colleagues opposite will know much more about, what is paid and not paid. So that is how it operates now, so you have this situation. And with this change now and creating a specific folio, and putting this legal light, spotlight on that operation, which some believe may have been outside of a tax net, is it that it is the Government's intention to put a property tax on both the holding company and the owner of the condominium? In the old days you had the land tax and the building tax, clearly, if you are on Caroni land, as the case may be, Caroni owns the land, they pay the tax for land, but if you have a house, you know, you pay a building tax.



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**Mr. Al-Rawi:** Standing Order 48(1), Mr. Deputy Speaker, it has nothing to do with taxation.

**Mr. Deputy Speaker:** Proceed, Member. Overruled.

**Dr. R. Moonilal:** Thank you very much. Mr. Deputy Speaker, just to refresh the memory of those who are uneasy opposite me, the purpose of the Bill, the Bill seeks to create a condominium folio, [*Crosstalk*] and I am stating that the Government can indicate to us clearly, when they speak, whether or not they are considering ensuring that—[*Interruption*]

**Mr. Deputy Speaker:** Members, I ruled. Proceed.

**Dr. R. Moonilal:**—they are considering that they can also levy a tax on a leaseholder in a condominium complex as well to get more revenue from that. I know when I speak I get you angry and I am sorry about that, but it is just—genuinely I am sorry, but it is just these questions that I need to ask. You must not get vex when people ask you questions. [*Interruption*]

**Mr. Deputy Speaker:** Member, direct the Chair.

**Dr. R. Moonilal:** Sure.

**Mr. Deputy Speaker:** Hon. AG, you will have the opportunity to respond accordingly in your winding up, Sir. Proceed.

**Dr. R. Moonilal:** Thank you very much, Mr. Deputy Speaker. So that matter I leave there and the Government can take up the matter.

Mr. Deputy Speaker, the matter as well on the Registration of Titles, there is a second matter that we spot. Of course, the Attorney General spoke about that change between certificate of title and land certificate, and he explained that, there is no need for any discussion on that. With reference to the Bill, because I want to reference the Bill clearly now so Members are not uneasy, clauses 4, 5, 6, 7 and 8

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of the Bill amend sections 5, 6, 7, 9 and 10 of the Act to include a new post of Senior Assistant Registrar. So there is a creation of new positions in this matter, and that requires, as I say, a labour pool to draw that from.

Other speakers will deal with this matter of the powers of the Registrar, and there are some changes here being contemplated, section 73. Just to refresh the memory of the House, clause 20 removes the general applicability of section 73(1), which is in the parent Act, and limits its application to only attorneys-at-law or their clerks, and removes the entitlement to a certified copy of any folio or part of the parcel index map, or any plan or instrument filed in the Registry on the payment of prescribed fees on the requisite form. And there is a serious concern that we have flagged there, Mr. Deputy Speaker.

Mr. Deputy Speaker, the crisis that we face now is not necessarily a crisis of the moment, it has been a crisis that has developed over time, and this has led to a lot of situations of loss of productivity, loss of time, loss of working hours by citizens who are continually being frustrated with, at times, basic land transactions. On a weekly basis, I imagine like others, I meet and treat with constituents, and particularly constituents in rural areas who have access to land but not ownership of land, who may be in possession of land but they do not have legal titles. They come to us and they raise queries. We write all the time, Mr. Deputy Speaker, the Registrars General's office. We send sometimes our staff. We contact attorneys-at-law to assist with matters of regularization, of search, of looking through, you know, the various documents, and we engage with this community of persons in this domain, and it is a frustrating exercise.

Mr. Deputy Speaker, colleagues here who are new, I can tell you, you can be working on a land matter and 15 years later the constituent comes back in your

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office and say, nothing happened, and you have written letters upon letters. You have written to everybody in sight. There was a time, Mr. Deputy Speaker, I used to write the Registrar General and the Commissioner of State Lands, and all I do is when the constituent come I took liquid paper, liquid off the date and put the new date. Sometimes officeholders in this country do not even give you the courtesy of a reply, [*Desk thumping*] and that is a serious matter. So you come with your land problem to your MP, you have to write the relevant office that you suspect deal with this. In some cases, as speakers said before in this matter, and I remember the Government, the State is the largest landowner. That is a fact. The Government is the largest landowner, and because you are the largest landowner a lot of problems emanate on state land, involving state land, not private to private. And therefore, the Government itself, when people meet and treat with these offices, these offices are at times a frustration, a bother, like there is a numbness in certain responsive areas, and that, Mr. Deputy Speaker, is a crisis.

The specific problem of Tobago was raised, and those of us on this side we can say in the Parliament, we can say outside, we are fully committed to the land reform system that will deliver land justice and that will deliver equality to the people of Tobago. [*Desk thumping*] It was a stated policy of our administration and it was an objective in which we worked hard towards. Whether we moved from point A to B, but not to C, D and E, we can judge that, but it is a commitment that we also share with the Government, and we are willing to work with the Government to improve the lot—[*Interruption*]

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

**Dr. R. Moonilal:**—yes—to improve that. So you have, like other matters, we cooperate, but we will negotiate before cooperate, and that has been our approach.

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I assure the Government that if they have policies that we are in support of, and we are on record as supporting the land reform process for the people of Tobago, and we continue to do that. We are on record as not supporting, Mr. Deputy Speaker, some of the crisis we face in dealing with the people in Tobago. The people in Tobago still, for matters of land, and so on, still depend overwhelmingly on Port of Spain to come here to conduct business, to conduct transactions. With a sea bridge that has collapsed, I understand a few moments ago the chairman of the Port Authority resigned, so that is a bigger crisis—[*Interruption*]

**Mr. Deputy Speaker:** Member, in your closing just stick to the Bill, please.

**Dr. R. Moonilal:** Sure. So, Mr. Deputy Speaker, the situation as it relates to reform of the land management system, and ownership and property rights structure for the people of Tobago is something we support. What we do not support is this collapse of everything else around Tobago which I will not get into. Mr. Deputy Speaker, I thank you. [*Desk thumping*]

**Mr. Deputy Speaker:** I recognize the Member for Tobago East. [*Desk thumping*]

**The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):** Thank you, Mr. Deputy Speaker, for giving me this opportunity to contribute to this very, very important debate. Before I get into the substance of my contribution I want to take a few minutes to respond to some of the comments made by the hon. Member for Oropouche East. Something about the hon. Member for Oropouche East always amazes me, yes, because I often have to wonder if I am listening to fairy tales or if I am watching somebody reliving a nightmare, a nightmare that they crafted in 2010. [*Desk thumping*] Mr. Deputy Speaker, I want to reassure the people of Trinidad and Tobago that there is no crash at the Land Registry or any crash of the Land Registry system.

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Mr. Deputy Speaker, there is no crash, there is an IT system, and the IT system is currently operating on a limited basis, but this particular situation was not something that we crafted or designed. Unfortunately, I have to go back into the past and repeat the process because the Member for Oropouche East said he did not want us to outline the problem just say where we are going, but I have to outline the problem because the problem was something that they created. On July 13, 2010, the then administration allowed the service contract to expire with Microsoft; 2010 expired contract; 2011, 2012, 2013, 2014, 2015, nothing was done. So, Mr. Deputy Speaker, if anybody should give the people of Trinidad and Tobago an apology it should be the hon. Member for Oropouche East and those who served in the Cabinet with him. [*Desk thumping*]

Mr. Deputy Speaker, furthermore, in 2014 they allowed the contract with Massy to expire, again, nothing was done to ensure the operating system—  
[*Interruption*]

**Dr. Moonilal:** Standing Order 55(1)(b).

**Mr. Deputy Speaker:** I did not hear you.

**Dr. Moonilal:** Standing Order 55(1)(b).

**Mr. Deputy Speaker:** Overruled. Proceed. [*Desk thumping*]

**Hon. A. Webster-Roy:** You see, Mr. Deputy Speaker, they like to give talk but they cannot take talk. [*Desk thumping*] As I was saying, this system is something that is crucial for the process of registering land titles to operate, and it was under their tenure that it went into default. However, even though we may be having problems with the IT system, I want to reassure everybody in Trinidad and Tobago that the manual system is up and running in Tobago, in south, in Arima, and in Port of Spain.

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I also want to address the situation in terms of the place, the plant. He noted, he wanted answers about the technology, we are treating with that. He wanted answers about the plant; yes, you all invested—was it \$1 billion you said in outfitting the facilities, \$1 billion, right? But you know what you all did, you all put in a system in place that would have caused all the books to get wet. So where you outfitted the plant we would have had to retrofit and redesign to ensure that the fire suppression system would work properly and our books would not get wet—\$1 billion.

Mr. Deputy Speaker, remember I told you sometimes I wonder if I am listening to stories, fairy tales. He spoke about our Transparency International rating—*[Interruption]*

**Hon. Member:** Ease of doing business.

**Hon. A. Webster-Roy:** Oh, it was ease of doing business. *[Interruption]*

**5.40 p.m.**

Well, I stand corrected. He spoke about the ease of doing business but I would want to— *[Interruption]*

**Mr. Deputy Speaker:** Member, just one second. Again, each Member will have the opportunity to enter the debate at the appropriate time. I have now recognized the Member for Tobago East, so the Member has my attention. I would like to hear her discourse. So kindly proceed.

**Hon. A. Webster-Roy:** Thank you, Mr. Deputy Speaker. You know whenever people are contributing I tend to be very quiet and I pay attention. So I want the same courtesy extended to me. *[Desk thumping]*

So I stand corrected, but I want to speak about our Transparency International ranking. For 2015/2016, we ranked 89<sup>th</sup> out of 140 countries; for

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2016/2017, we ranked 94<sup>th</sup> out of 138 countries, and in 2017/2018, we ranked 87<sup>th</sup> out of 138 countries. Under this administration there has been a renewed confidence in the people of Trinidad and Tobago. [*Desk thumping*] Despite the attempts of the hon. Member for Oropouche East to put a damper on this day, I want to say today is a good day. [*Desk thumping*] Today is a good day for the people of Trinidad and Tobago, especially for the people of Tobago. [*Desk thumping*]

This particular Bill that we are debating is very important to the people of Tobago, particularly those in the tourism sector. I remember earlier this year when the hon. Prime Minister met with the business sector in Tobago, the hoteliers and those who owned guesthouses were advocating strongly for this particular Bill to be addressed. You see, even though they have the plans, they cannot really raise any equity from it because they do not have the titles to the properties. This, what we are doing here today, will bring some measure of ease to the tourism sector in Tobago, the hoteliers and the people of Tobago.

Mr. Deputy Speaker, I remember while growing up as a young girl, people always had confusion over land titles in Tobago. You would see families falling out because you cannot really ascertain who really owns a particular piece of property. You would see sometimes people want to go and study, but they cannot really get to utilize the land, the property, to get to raise money. This particular Bill will assist the people of Tobago in having an opportunity to raise money to go and further their studies; to construct homes; it will help to settle long outstanding family disputes, and to restore some level of peace on the island of Tobago.

Mr. Deputy Speaker, work has been done consistently, and advocacy has been done consistently, not only in Tobago but in Trinidad, for us to regularize

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land titles, because you see, we are a people who put a lot of value on ownership of land. The Member for Oropouche East—I mean he left—but he spoke about it and he spoke quite passionately about it. You see, our land is a status of wealth, but if you own something and you cannot really demonstrate you own it, then is it really yours? Today we are creating an opportunity for people to say yes, it was handed down through generations, but it is mine legally. I have the paper to show. I have the proof that I own this particular piece of land or property.

I heard on more than one occasion in Tobago where unsuspecting persons would have been robbed of their property because some smart man would have come down—and the Member for Oropouche East spoke about it. They might have gone in, ripped out whatever piece of paper, used it to go and they administrate or claim a piece of land. But we are putting the systems in place to ensure that unsuspecting citizens are not robbed of their rights. That is a step up, and I am proud to be a part of a government that is putting, truly putting the interest of the people of Trinidad and Tobago first. [*Desk thumping*]

The Member for Oropouche East started to talk about—[*Interruption*] yes, every time I speak, he would try to run. The Member for Oropouche East tried to bring in issues about the boat and what is happening in Tobago. Mr. Deputy Speaker, I want for him to cast his mind back. In 2013, a lot of promises were made to the people of Tobago, and certain steps were being taken. But when they lost the THA election, all that passion, all that drive, all that commitment to deliver to the people of Tobago dissipated.

Tobago has been called the bone of contention for a reason. We are strategically placed and we are a land of great values. So they would want us and they would make promises to the people of Tobago to get the bone of contention,



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but we do not forget. We do not forget the promises that you would have made, and because you did not get the prize you abandoned. We will not forget the times when you would stand here and speak and claim suffering over the people of Tobago. We will not forget. We will not forget. [*Interruption*]

**Mrs. Newallo-Hosein:** Mr. Deputy Speaker, Standing Order 48(1).

**Mr. Deputy Speaker:** Overruled.

**Hon. A. Webster-Roy:** Mr. Deputy Speaker, when the Member for Oropouche East was speaking, he went from Toco to Sangre Grande, and from Scarborough to Roxborough, so allow me to contribute please. As I said before, when you all are contributing, I sit and I listen to in silence. So please extend the same courtesy.

Mr. Deputy Speaker, this particular Bill we are debating will contribute towards restoring the economy of Tobago. [*Desk thumping*] It will breathe life into the economy of Tobago. As I said before, it will help to support and bolster the tourism sector. I would have indicated previously when we had that meeting with the business community, this is something that they called for. There was a strong call for us to address the land title issue in Tobago.

They also identified that once we regularize our land title issues in Tobago, it would encourage investments from overseas as well. So what we are doing here today, Mr. Deputy Speaker, we are setting up a framework to help to diversify the economy and to help to stabilize the Tobago situation.

Mr. Deputy Speaker, Rome was not built in a day, and we do not expect that all the systems would come into place overnight, but I can assure you that the hon. Attorney General and his team will ensure that what we need to have this thing in motion would happen. I am confident in the work that the Attorney General is able to produce, and I am also confident in the ability of this Government to deliver on

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the promises to the people of Tobago, and by extension Trinidad and Tobago.

*[Desk thumping]*

When we campaigned we said that we would treat with the issues of land titles, and today we are doing that. When we campaigned we said to the people of Tobago we will bring a Bill for you autonomy to the House of Representatives, and we did that. When we campaigned we said to the people of Trinidad and Tobago that we would treat with the issues of gender and gender policy, and we did that.

*[Desk thumping]* So while we may not boast and have pomp and fancy like those on the other side, we worked and we delivered, and that is something that I am extremely proud of. That is something I am sure the people of Trinidad and Tobago will observe and they will judge us accordingly. *[Interruption]* Yes, Tobago is saying that. Yes, Tobago is saying that.

**Miss Ramdial:** Who are you speaking on behalf of?

**Hon. A. Webster-Roy:** I am speaking on behalf of all. *[Interruption]*

**Mr. Deputy Speaker:** Members, Members, no. *[Interruption]* Member for Couva South. Member, I will not tolerate the crosstalk continuously.

**Hon. A. Webster-Roy:** Mr. Deputy Speaker, I am speaking on behalf of all of Tobago. *[Desk thumping]* When I campaigned, these issues were very dear to the people of Tobago; Tobago East and Tobago West. That is why I said this is a good day for the people of Trinidad and Tobago. *[Desk thumping]*

**Hon. Member:** So rejoice and be glad in it.

**Hon. A. Webster-Roy:** Yes, I am going to rejoice and be glad in it, because unlike you, when we set out to work, we work and we deliver. We do not deliver shells and call them hospitals.

**Mr. Lee:** Mr. Deputy Speaker, Standing Order 48(1). This is, this is—

**Mr. Deputy Speaker:** What do you want me to rule on, Mr. Chief Whip?  
[*Laughter*]

**Mr. Lee:** Standing Order 48(1), but also I ask to indulge your guidance on Standing Order 55(1)(b).

**Mr. Deputy Speaker:** Overruled; proceed; overruled; overruled.

**Hon. A. Webster-Roy:** Mr. Deputy Speaker, I do not understand why it is that my contribution is evoking so much emotion. I guess maybe the truth is hitting them hard. [*Desk thumping*]

Mr. Deputy Speaker, at the end of the day the main point I want to bring across is the fact that this particular Bill will improve the lives of Tobagonians, and Trinbagonians by extension. That is one. Number two, it creates an opportunity for us to have better investment in the tourism sector and so contribute towards our diversification thrust. And three, we are delivering on promises we would have made. We are making them a reality. That is the main point.

I do not want to stand here and just talk for talking sake, like some of you do on the other side. I have made my points so I will simply say thank you for giving me the opportunity to contribute.

**Mr. Rushton Paray (Mayaro):** Thank you very much, Mr. Deputy Speaker. Before I get into the substance of my contribution, I just have one comment to make on the delivery of my colleague from Tobago East. The one point that I want to make is that she has confirmed that Tobago is indeed in a mess as it is today.  
[*Desk thumping*]

My colleague from Tobago East also spoke about several benefits that the hon. Member is hoping to accomplish out of the delivery, or the success of the amendments to the Bill that is before us. I have yet to feel and understand what the

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hon. Member sees from the contribution made by the hon. Attorney General, because a lot of things were spoken, but I did not get the sense that what the hon. Member for Tobago East is hoping to accomplish that it would actually be delivered.

Mr. Deputy Speaker, I want to thank you for the opportunity to speak on this Registration of Titles to Land (Amdt.) (No. 2) Bill, 2017. I want to agree with both the Attorney General and the Member for Oropouche East that this Bill is really a complex piece of legislation, especially for the non-legal folks among us here today.

So during my contribution, Mr. Deputy Speaker, I will give my interpretation, because I speak on behalf of a lot of laymen on the street who may not understand a lot of the legal jargon. Perhaps I will ask the Attorney General, if I am wrong in my way I will listen for his rebuttal and his guidance when he corrects whatever misgivings I may have. [*Crosstalk*]

**Mr. Deputy Speaker:** Silence.

**Mr. R. Paray:** The issue around land management has been on our books for over 40 years. This very same piece of legislation that we are looking at to amend today, has been around, as the Attorney General said, since the 1980s, and amendments in various forms and fashions have been tossed in the mix over the years. But I regret to say that I do not believe that we are anywhere closer to remedying the situation, because the issues that caused the parent legislation not to solve that problem over the last 40 years, I do not believe that those issues are being touched and looked at. So I have very little hope that these amendments are going to fix these problems to take us into the future. [*Desk thumping*]

Mr. Deputy Speaker, it is well known that economic growth and better

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standards of living, there is a correlation with the protection of property rights. According to the Global Competitive Report 2017/2018, Trinidad and Tobago currently ranks 72 out of 137 in the world in property rights, according to that index. That is something that whatever we put in place in terms of the legislation, we ought to be able to measure its success over the next few years, and see if we can move in that ranking. So it is absolutely important that we protect our land registry systems. Systems to be employed must be able to improve the transparency by providing electronic access to records as it is done in many parts of world.

Instruments or document evidencing should be electronically stored, providing better access for conveyance type transactions. So we ought to move—whatever we put in place today, we really ought to be moving away from these manual systems, books, records, which still have a huge part. Although I know the Attorney General spoke about FileNet and so on, there is still a huge amount of information still stacked in ledgers and still written on paper in our warden offices and so on, all across the country.

Mr. Deputy Speaker, it is really a shame to know that up to this day, the system, it still suffers from a poorly implemented, what you call the unique “Parcel Reference Number System”, making it impossible to identify the parcels of land as it was the intention of a lot of the legislation before. So having listened to the piloting of the Bill by the Attorney General, I really believe that I have not heard anything that is really going to move us forward beyond the few areas that we will touch on over the next couple minutes in my contribution.

Mr. Deputy Speaker, the Attorney General may either choose to dismiss what I have to say, or he can guide me along in his rebuttal, based on some of the

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issues that I want to raise here today. Because, really and truly, we really have to navigate the national audience out of this legislative quagmire that we find ourselves in, in land administration in this country. Because when you look at a Bill that has had an origin since 1981, and 20 years later in 2000, amendments were made, and then like clockwork 20 years later—almost 20 years later—we are coming again for additional amendments, and we are nowhere closer to fixing the issues of land administration. So I cannot believe that after 40 years, we are still in the position we are today.

This system of poor land administration, Mr. Deputy Speaker, can be blamed for several cases of violence against the person, and in extreme cases even death, because in this country we have scenarios where people kill for ownership of land. So the faster and the quicker we fix the problems of land administration in Trinidad and Tobago, the faster we will start saving lives.

I do not believe that this piece of legislation alone before this House will fix the issues. I looked at the parent Act from 2000, and out of the 85 sections only four of those sections have been altered beyond simple reclassifications and singular word alterations. The other 19 amendments are just for cosmetic purposes. So with those few, how would one really agree that the changes will bring about the type of changes we need in Trinidad and Tobago to fix the issue of land administration? It is my view that this Government in whom the people have put a lot of trust, is really failing in its opportunity to get things right and to get systems working in this country.

Mr. Deputy Speaker, it is the duty of every Member of the Opposition on this side to expose any type of dishonesty, any type of issues that may pop up in legislation. Every time legislation comes before this House, sometimes we are

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accused of being not patriotic, not supporting, but it is our duty to scrutinize every piece of legislation to make sure that it is in the best interest of the people of Trinidad and Tobago. [*Desk thumping*]

There are two sections I would say that have me a bit concerned in looking at the amendments, and I want to share that with you right now. I know the Member for Oropouche East spoke on the issue of condominiums, and I do not want to be caught repetitive, but I am curious as to why in a piece of legislation that is dealing with a land registry, we have inserted an issue to bring houses into the framework.

There was the inference of taxes; I know the Attorney General said we were not speaking on taxes, so I will not go down that road. But it is curious why the Government is sneaking this in in the legislation. I hope “sneaking” is a parliamentary word; I do not want to get in problems. But why is it being sneaked into the legislation with the objective of bringing a classification of homes into the system? And one can only believe that it has to do with the upcoming property tax legislation, and it opens up an area to fill that void in the tax network at the end of the day. So perhaps the Attorney General would be able to speak to that a bit in terms of the perception of it sneaking into the legislation.

Another area that I have some concern with is in Part III, clause 14(1) of the Bill, which speaks about the repeal of the Real Property Act and the registration of these Acts. What is of concern to me is—I know the Member for Oropouche East and the Attorney General have already spoken about what the RPO is, so I would not go back, what the Real Property Act and the Real Property Ordinance is, but there is a curious backdoor that I am afraid is going to be left opened when those Acts are repealed. What is that backdoor?

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My understanding that agriculture land that falls under the RPO and all the systems of the RPO, there is some prohibition with the development of dwelling homes on five-acre blocks of land. The question that I would want the Attorney General to answer is, if this Act is repealed the limitation of one dwelling house on a five-acre plot of agriculture land, if that will still hold? This is why it becomes important.

It was the intent of the colonial masters in the 1900s to really protect agriculture land, so we can have the highest amount of production and productivity in the agricultural sector. So they put these ordinances in place to really control, so you could not built 100 homes on agriculture land. So what is happening today in the public domain is that we are seeing that there is an approach by this Government to get into the agriculture land spaces for the development of homes. So, Mr. Deputy Speaker, I am not laying any accusations against the Attorney General and the Government in terms of the issue with that, but it is really a question that must be answered. If the RPO is repealed, do we still have that control? Because it is easy to see the effects of your taking out this and then a government—I am not only saying this one—but any government may have the ability to go into agriculture land because there is no control on the development of houses and so on, and we need to protect our agricultural productions in this country. Those two points in the legislation itself is where I had my biggest concern in looking at the legislation.

Mr. Deputy Speaker, perhaps my colleague from Moruga/Tableland may be able to give me a bit of agricultural history in the agricultural prowess of Gomez Trace, because I know there is housing development being earmarked for those areas, and I am concerned that, you know, we may be interfering with our



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agricultural space.

**Mr. Al-Rawi:** Standing Order 48(1), Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Again, the area you are speaking about I may not be aware of it, so just tie it in quickly so that I will be clear. Come to the point so I will be clear, so that then I will be able to make a fair judgment.

**Mr. R. Paray:** Sure, Mr. Deputy Speaker. I was just referring to the point that—and I know the AG now stepped in. I just wanted to find out if when the RPO is repealed, if there will be the ability to put more than one dwelling house and so on, on these five-acre blocks, because it opens up the room for multiple houses on agricultural lands. So I just wanted to see if that will be when that is repealed, [*Desk thumping*] and I used the Gomez Trace development as an example of good agricultural land. So I will move on.

I am also hoping that the Attorney General will perhaps explain the benefits of the amendment to landowners whose properties have already gone through the Real Property Ordinance system, if there is any additional benefits for them, because that is one of the questions that a few of my constituents were asking, are there any additional benefits. Perhaps the AG would in his winding up speak on that.

Mr. Deputy Speaker, there are several areas that I feel the Attorney General may need to look at in terms of strengthening the other areas of the implementation of this legislation. I am not convinced that the drive to get these systems working is really here. Because if I were to use the example in the legislation of the adjudication tribunal, there is the perception or the feeling that when this legislation becomes law disputes will be handled by this tribunal. But because there are systems that I believe are not in place and not fully in place as yet, the last

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thing we want is for hundreds or even thousands of disputes to arise based on this legislation, and then these disputes end up in the High Court further burdening—

**Mr. Al-Rawi:** I rise on the situation, we are not debating those Bills.

**Miss Ramdial:** What is the Standing Order?

**Hon. Member:** Anticipation.

**Miss Ramdial:** Anticipation is not a Standing Order.

**Mr. Deputy Speaker:** Again Member, I would have to be guided accordingly by the hon. AG in terms of your discourse. So again, based on that, tie it in quickly and then you could go to your next point.

**Mr. R. Paray:** Sure, no problem. Thank you, Mr. Deputy Speaker, I am so guided. So I will leave that point as it is, since it is under anticipation. I know that Bill is coming before us. But there are areas that I would like to see addressed in getting this legislation going.

So I have a couple of questions for the Attorney General, and it may follow up on a couple that the Member for Oropouche East asked as well, more so the HR manpower requirement. To get this legislation working we really need to get sound, competent people that will be able to carry out these processes to make it happen. Mr. Deputy Speaker, I am of the view that if our processes are not strong and healthy, we will not be able to deliver on the delivery of the legislation to get the registry working. We can survive weak people, but we will not survive the processes.

**Mr. Deputy Speaker:** Silence!

**Mr. R. Paray:** Thank you, Mr. Deputy Speaker. As I said, we will survive weak people, but we will not survive weak processes.

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**6.10 p.m.**

Mr. Deputy Speaker, we spoke about the physical infrastructure, it is not only building space, it is equipment, it is the infrastructure, it is the technology, it is transportation, it is the ability to do surveys—you know you have so much of new types of technology today in terms of doing aerial surveys and so on, the availability of those things. What my fear is, Mr. Deputy Speaker, is that there is the perception that we must get the legislation going, and we will build after legislation has been passed, but the problem is we are suffering that for 20, 25 years. We are passing legislation and no systems are being put in place, so 20 years later we are still suffering from the same problems, because it is taking months and years—[*Interruption*]

**Mr. Deputy Speaker:** Member for Diego Martin North/East. Member for Diego Martin North/East! Hon. Member, please!

**Mr. R. Paray:** Thank you, Mr. Deputy Speaker. Yes, it is taking months and years to get the systems going to really make the legislation work. So I am fearful we will end up in the same situation if we do not take the position that all the pieces, all the components needed to make this Registry successful we must have it the place in the shortest timeframe to work in tandem with the legislation.

Mr. Deputy Speaker, I heard the Attorney General speak about FileNet and IT which I was very, very happy to hear that it is a system. I do not know how well it is working. What I do know, in terms of my own experience, in document management, change management, enhanced data security, these are all critical components when we are dealing with land registry, and perhaps

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before my contribution is over I will offer to the Attorney General an idea or two from an IT prospective, of some new solution that is outside there where countries all over the world are implementing that could bring some value to the discussion at the end of the day.

Mr. Deputy Speaker, I am of the view as well, while we turn our attention to the Land Registry, a land use policy—a strengthening of our land use policy may be very critical in terms of being a partner in moving the issue of the Land Registry along. Our last land use policy was in 1992, and I am sure by now it is absolutely outdated and it would not be in sync with global systematic upheavals that we have faced, not only in our country, but the entire region and the hemisphere would have faced over the last 15, 20 years.

Mr. Deputy Speaker, our laws must protect the land from abuse by any government. [*Desk thumping*] A policy, a proper land use policy, in tandem with the Land Registry, will create safety zones that could really affect the country's development at the end of the day. So, for example, a modern land use policy can provide locations or determine locations for new productive enterprises in the developmental zones. It can be used for public welfare programmes such as schools, housing, hospitals, the use of lands for tourism development and modern services, public highways, public transport. But these things must be in the form of the policy, so when the Land Registry issue comes up you can now determine whether the applications for registration fall within the zones that have been highlighted, that are in line with the developmental plan of the country. Mr. Deputy Speaker, in that way there is transparency and accountability in the registration of title in accordance with a fair and equitable

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land use policy.

Mr. Deputy Speaker, I wanted to spend about five or 10 minutes just to talk about the farmers in my constituency and the views that they are having in terms of registry system, and a lot of questions that they asked, and I gave the commitment that I would ask, and hopefully the Attorney General will be able to respond to some of them so I can take the information back. Mr. Deputy Speaker, farmers, by large, they are very much interested in getting this Land Registry going. They are very much interested. However, what they are asking, is if in consideration the Government can look at having sub offices of the Land Registry in the municipalities—in all municipalities—so the farmers do not have to go to Port of Spain and jostle with 2,000, 3,000; 5,000; 10,000 records. They can go in their municipal areas and enable to access the services of the Land Registry.

This will aid, Mr. Deputy Speaker, in the ease of doing business which is what the Attorney General referred to for new and existing farmers. The Assistant Registrars that should be attached to these offices can have quick and easy access to verification due to the locality, and that the fact that the parcels of the land can be registered according to the district that you are in. So there is a human interface for verification. Mr. Deputy Speaker, in speaking with the farmers as well, they were also interested in that in partnering with the Land Registry office, if there can be these offices at the various municipalities, whether or not a surveying department could have been attached to it so in that way surveying and verification can be easily accessible to the farmers, and they would be quite happy to assist with the cost of these surveys and so on. So, Mr.

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Deputy Speaker, they are thinking of ways that could assist in the progress of the Land Registry system in terms of dealing with their agricultural properties at the end of the day.

The Attorney General spoke also of land banks, which is something that came up in the discussion with farmers as well earlier on this week. And, in their concept, each municipal registry office should have a land bank with the data for all the lands that are in the municipality. So, what it does is that a new farmer who has the green thumb and he is willing to plant, he can go to the office and say look, I am ready to plant, I have the resources, I have the manpower, I have the money, I want to know, can I have two acres, or can I have three acres that is available so we can go and execute and get the farming going.

So the question is, Mr. Deputy Speaker, how would we create those land banks in a very modern, technology-driven way? It is very simple, Mr. Deputy Speaker. I know we have had over the last years a drive towards GIS, Geographical Information Systems, and basically these are systems, these are basically frameworks for gathering, and managing, and analyzing data. But what you have is that your registry can tie in a visual image to your registry database, your parcel of lands, know what is State owned, what is privately owned, what is in use, and there is an opportunity for the farmers to get some quick action to get their farming businesses going. So, having a land bank repository can be a great asset to the Land Registry office.

Mr. Deputy Speaker, what this will also do, by having your registry and your land bank information side by side, your surveying department, all in the

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municipality, we can ask, or they have asked that if you could have given the registrar the authority to grant something like a temporary lease, which is a 12- or 24-month lease, while the work on verification and granting more long-term leases, but at least if they have something temporary with the necessary background data, they can effect immediate work on the farms to get their farms going, get their plantations going. And I am thinking that if you have this system of the temporary leases that is verified by your Land Registry, by your data bank, by your surveying team, they may have something that they can go to the ADB, go to the bank, to get some money to, you know, further their investments in agriculture. So, I mean, these are good creative ideas that the farmers themselves are thinking, and I think it is worth considering. Attorney General, it is worth considering when you are putting the other pieces together.

Mr. Deputy Speaker, I want to talk about the issue of fraud and corruption in the registry system itself. There are people who sit in the existing system and they change names, they change dates, they change folio numbers, they change titles on existing records, and with the greatest of respect to all the attorneys sitting here, there are so many unscrupulous ones who encourage and perpetrate the fraud themselves [*Desk thumping*] And, Mr. Deputy Speaker, there are attorneys, there are several unscrupulous attorneys in this country that put tears in old people's eyes, and they come to my office and they talk about how they have been cheated out of their homes, their houses, their lands and so on. So, the legislation ought to be dealing specifically with clamping down on some of those issues. So, I am asking the Attorney General to identify in the legislation where the strong messages, the strong message in the legislation to prevent

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those who are hell bent on fraud, deceit and deception at the existing registry system, and as we go forward under the new system.

Mr. Deputy Speaker, I would like to see some very strongly worded clauses that speak to the Act, that speak to the penalty for breaking the law. Now, I understand that it is there in the common law—[*Interruption*]

**Mr. Al-Rawi:** It is there in the parent Act.

**Mr. R. Paray:** It is in the parent Act, but if we could have seen it in terms of very stiff penalties, Mr. Deputy Speaker. I will be so advised by you, Mr. Attorney General.

Mr. Deputy Speaker, it is my hope that we do not apply kid gloves to the penalty system for these things because it is too rampant. As a matter of fact, there is a famous case in Mayaro with Walter Gomez versus everybody else, where he claimed that the entire Mayaro was his, and over the years he put out people from the land, he got police to accompany him. [*Interruption*] Yes, you know, he sold it. And, there is a high court judgment that where the judge said that the people in the registrar office should be jailed for allowing this to be perpetrated.

So, again, did anything happen to them? “I doh know.” Because, perhaps the legislation does not speak to that. So, I am hoping in this new dispensation that we can reduce, and that we can discourage that type of behaviour. Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Hon. Member, your speaking time has expired. You have an additional 15 minutes. You care to avail yourself?

**Mr. R. Paray:** Yes.



**Mr. Deputy Speaker:** Please proceed. [*Desk thumping*]

**Mr. R. Paray:** Thank you, Mr. Deputy Speaker. I may not use up the 15 minutes, but I will wrap up very quickly.

Mr. Attorney General, I just wanted to have a quick chat on the issue of the IT systems. I want to probably lend a bit of my experience, and if you will allow me just to, you know, speak on it, I will be so grateful. The strengthening of our Land Registry system and the elimination of fraud and corruption lies totally in the bosom of technology. To be a leader in the area of land administration and management we should move ahead solely on the grounds of technological advancements in land recordkeeping.

Mr. Deputy Speaker, adherence to international standards, and this is where FileNet and so on, which is currently in use, there are 10- and 12-year-old applications, and there new systems that are in line with what you call the ISO191952 which will help greatly in ensuring that quality is maintained in parcel record keeping, and it complies with the advancement in geo-informatics. This lies on a platform of something, a technology called Blockchain, and there is a foundation coming for Blockchain as a technology. Blockchain preserves the truth thus improving trust. Because, what you want to do is to ensure that the data remains truthful, and then we must trust the data. And there is a particular system that is being deployed all over the world that is encompassing the technology and it is creating a more secure way in both the financial sector and the legal circle to help with the preservation of the sanctity.

Mr. Deputy Speaker, this technology it is low cost, it is modern, it is what you call “safe solutions for recordkeeping”. This type of block-chain system it

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ensures that documents and transactions recorded in the Land Registry will be safe, will be extremely safe, by incorporating what you call the use of cryptographic technology. And it does three things:

- It ensures the proof of the record existence;
- It gives you proof of the record authenticity; and
- It gives you a hold on proof of the record integrity.

So what happens now is that people go into the manual database system and they change name, change title, change folio numbers, and there is no way to pick up on it. The Block-chain system, you have, all that I mention plus the auditing features. So you are assured that the data 10, 15, 20 years down the road is accurate, because you build on truth, you build on trust based on the technology. Block-chain technology in the Land Registry creates a system of what you call “immutability”. It means that the data remains unchanged over time, and this is what we need. This is what we need to sure up, that the data is not interfered with at the end of the day. This technology ensures that there is a distributed public ledger of the Registry which cannot be erased.

[MADAM SPEAKER *in the Chair*]

Mr. Deputy Speaker, I am hoping, I mean in all honesty, I wish the Attorney General all the best with the passage of this Bill, because the issue of land and the land registry really is a sore point to most people in this country. I do not believe if the other areas in terms of resource and technology is not looked at, I do not think we are going to go anywhere by just amending pieces of the legislation, piecemeal legislation in any way. So, Mr. Deputy Speaker, with those—sorry, Madam Speaker, with those few words, I want to thank you

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for giving me an opportunity to speak on this Bill, and I look forward to the other contributions. Thank you very much, Madam Speaker. [*Desk thumping*]

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Madam Speaker, in accordance with Standing Order 53, I beg to move that the debate on the Act to amend the Registration of Titles to Land Act 2000, be adjourned.

*Question put and agreed to.*

**JOINT SELECT COMMITTEE  
 (APPOINTMENT OF)**

**CONSTITUTION (AMDT.) (TOBAGO SELF-GOVERNMENT) BILL, 2018**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very much, Madam Speaker. Madam Speaker, subject to the concurrence of the Senate on the establishment of the Joint Select Committee on the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018, I beg to move that this House appoint six Members to sit with an equal number from the Senate on the Joint Select Committee to consider and report on the Constitution (Amdt.) (Tobago Self-Government) Bill, 2018. Those Members are:

Mrs. Camille Robinson-Regis;

Mr. Fitzgerald Hinds;

Miss Shamfa Cudjoe;

Mr. Terrence Deyalsingh;

Miss Ramona Ramdial; and

Mr. Rudranath Indarsingh.

*Question put and agreed to.*

**ANTI-GANG BILL, 2018**

**The Attorney General (Hon. Faris Al-Rawi):** I beg to move:

That a Bill to make provision for the maintenance of the public safety and order through discouraging membership of criminal gangs and the suppression for criminal gang activity and for other related matters, be now read a second time.

Madam Speaker, this is beyond déjà vu in terms of this debate. This is déjà, déjà, déjà vu. Déjà meaning already in French and vu, that I have seen.

Madam Speaker, we are here to debate a critical piece of law for the benefit of Trinidad and Tobago. We are here to ask for the concurrence of the House. We are here to ask for the support by way of three-fifths majority for legislation which has been called for by no less an entity than the Trinidad and Tobago Police Service. It is not very often that one hears public exhortations coming from the Trinidad and Tobago Police Service as to the need for certain laws to be found into the body of laws of a Republic such as ours. But such is the case in Trinidad and Tobago.

Madam Speaker, I am obliged to put on to the record the merit, the legitimate aim of Bill, I am obliged to speak to the proportionality, I am obliged to speak to the content of the clauses in the Bill. But, if we were in fact sitting in court, all that I would really have to do is to adopt submissions made by me on two previous occasions, the last one of course being on the 6<sup>th</sup> of December, 2017. And for the purposes of the rule in *Pepper v Hart*, specifically when it comes to an aid for statutory interpretation, I wish to put unto to record that I adopt my full submissions made in the House of Representatives on the Anti-Gang 2017 Bill on the 6<sup>th</sup> of December, 2017.

I am, of course, obliged to indicate that this Bill does interrupt three-fifths majority rights. I am obliged to indicate that the section 5 rights contained in Part 1 of the Constitution, which is the supreme law of Trinidad and Tobago, are traversed. In particular 4(a), which is the right to liberty; 4(b), which is the protection of law; 5(2)(a), which is the detention; 5(2)(e), which is the further provisions on due processing; 5(2)(f)(iii), which is the provision for reasonable bail put in summary form, of course. These are rights that are interrupted and traversed by the provisions of this Bill. In that context, therefore, we do require the three-fifths majority support for this legislation, and we have come to the honourable House for the third time to speak about the same law.

It is incumbent in putting that on the record, Madam Speaker, that I do reflect upon our journey to getting to this place. Today I do not propose to be too pejorative. I do not propose to go into a castigation blame. I do propose that we focus upon the merits of the legislation before us. I start by saying that there is certainly a very legitimate aim to this law, and in setting out the proportionality and in setting out the legitimacy of the aim, I refer us, of course, to the Bill itself before us, and in particular the Preamble of the Bill, which I wish to reflect upon.

In the Preamble of the Bill we have note that just under the prescriptions in the whereas, that the Constitution secures and protects fundamental human rights and freedoms such as the right to individual life, liberty, security of the person, enjoyment of property right not to be deprived thereof except by due process of law. We come a little further down to note the following words, which I wish to put unto the record:

“And whereas there has been a rapid growth of criminal gang activity within the Republic of Trinidad and Tobago:

And whereas criminal gang activity infringes on the rights and freedoms of individuals as enshrined under the Constitution:

And whereas it is the right of every person to be protected from fear, intimidation and physical harm caused by the criminal activity of violent gangs:

And whereas criminal gang activity represents a danger to public order and safety and to the economic stability, and has the potential to inflict social damage:”—we now consider this Bill.

Madam Speaker, the aim of this Bill is to cause a disruption to gang activity. We propose to do that squarely by the clauses of the Bill starting with a definition of what is a “gang”, and who is a “gang member”, what is the “gang activity”, and who is a “gang leader”, what constitutes the elements of the crime that we now put forward. We propose in this law that the intrusion of the rights that I have described earlier, is balanced by way of a significant number of due process provisions. In particular, when we deal with the concept of detention, when we deal with the concept of the process of detention, particularly when we get to clauses 15 and 16 of Bill. It is important to note that we have balanced that by approaches to the court. And I will come to this in some more detail when I go through the clause by clause.

But suffice it to say, well within the concept of the principles of proportionality as enunciated by the highest courts of this land in the Privy Council, not the least of which is the case of the *Surratt* case and the *Northern*

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*Construction* case in our Court of Appeal, we not only have a legitimate aim, but we are not going any further in the interruption of rights than we need to, and in any event we are balancing it by the due process provisions of law.

Madam Speaker, in coming to this particular juncture, and again for the benefit of the *Hansard*, I must point out that the Anti-Gang Bill before is of a very different complexion from the anti-gang legislation which was passed in 2010. I remind that the Anti-Gang Bill of 2010, which was law, as Act No. 10 of 2011, laid in 2010, on the House of Representative's table, July 16, 2010, referred to Joint Select Committee on December 03, 2010, where a 12-member team was constituted, passed by way of final report of the Joint Select Committee, by way of paper laid as No. 5 of 2011, and then assented to on May 23, 2011, and proclaimed on August 15, 2011, that Bill was specifically tied to a very important piece of coordinating law, when then stood as law in Trinidad and Tobago, and that is the Bail (Amdt.) Act, No. 9 of 2011.

And that Bail (Amdt.) Act prescribed, Madam Speaker, the maintenance of six individual bail laws in Trinidad and Tobago. Those bail laws were: the Bail (Amdt.) Act, 2008, that is Act No. 17 of 2008; the Bail (Amdt.) Act, 2012, which was Act No. 11 of 2011, both 2011; the Bail (Amdt.) Act, 2014, that was Act No. 1 of 2014; the Bail (Amdt.) Act, 2015, that was Act No. 7 of 2015; the Miscellaneous Provisions (Bail and Kidnapping) Act, which is Act No. 9 of 2011. Those five, forgive me, pieces of bail amendment laws were encapsulated in the time that the Anti-Gang Act, No. 10 of 2011 stood as law in Trinidad and Tobago.

And what those pieces of law, coordinating with the Anti-Gang Act did,

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was to ensure that persons who were accused of being gang members, and who had charges against them, and who were brought before the courts, and who had their matters started—and, of course, the start of a matter in law is deemed to be when the charges are read and the plea is taken—those matters that had started saw persons being ousted from the jurisdiction of the court by way of the Bail (Amdt.) Acts, those several Acts, such that they could not access bail by statutory prohibition. And therefore, that ouster of the court's jurisdiction to consider bail, as would normally be a feature of the Bail Act itself, that ouster caused a very significant limb upon which the anti-gang law stood.

**6.40 p.m.**

But in coming to the Parliament with this Bill as we do today, in coming to the Parliament as we did on the second occasion when we considered bail laws, which was when we dealt with it on the 1<sup>st</sup> of December, 2017, by first laying, and the 6<sup>th</sup> of December, 2017, when we debated the Anti-Gang 2017 Bill, we brought the law forward, as we do today, without any ouster for consideration of bail. And that is a very important constitutional point to lay on the table of this honourable House.

It means, therefore, that the consideration of the proportionality and reasonableness of this Bill is tied into the rationale for anti-gang laws in and of itself. And when one contemplates that anti-gang laws are a feature of the Corpus Juris in umpteen jurisdictions in the Commonwealth, they are features which exist in the body of the laws in umpteen jurisdictions in the Commonwealth, we note that Trinidad and Tobago is not doing anything that is novel. In fact, the testimony of the lack of novelty in anti-gang legislation is perhaps best told by the fact that it was a feature of our laws for the period 2011 straight through to 2016 as a result of



the passage of the Anti-Gang Act, No. 10 of 2011.

Madam Speaker, the fact, further rooted in the proportionality of this Bill, is to perhaps be grounded further in the reflections that the courts of Trinidad and Tobago have had on the feature of the anti-gang law as stood. Now I say that, Madam Speaker, because the anti-gang laws of Trinidad and Tobago as stood on the books of Trinidad and Tobago for the full five-year period in 2011 to 2016, the Bill before us now repeats in large measure the substance and content of those laws, minus, as I have said, the articulation with an ouster and a prohibition against bail by the associated Bail (Amdt.) Acts.

And for the record, permit me to say that the short title of this Bill is the same as the short title of the 2011 Act. The commencement is the same as section 2 of the 2011 Act. The Act being inconsistent with the Constitution is the same as section 3 of 2011 Act. The interpretation section, subject to some minor modifications, is the same as section 4 of the 2011 Act. The evidence in relation to gangs which was contained at section 5 of the old Act, the 2011 Act, is in fact repeated by way of a disaggregation between clauses 5 and clauses 6 of this Bill. Gang membership is the same in clause 6 of this Bill as it was in sections 5(1), 5(2), 5(3) and 5(4) of the 2011 Act. The coercing or encouraging of gang membership is the same as section 6 of the 2011 Act, that is, clause 7 of this Bill is the same as section 6 of the 2011 Act.

The retaliatory action that we see in clause 8 of this Bill is in fact a new section, but it is borrowed from Commonwealth experience in Jamaica, in particular. The counselling of a gang member in clause 9 in similar reflections to section 8 of the expired Anti-Gang Act. Clause 10 of this Bill is in similar form to section 7 of the 2011 Act; clause 11 of this Bill, with minor modification, is the

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same as section 9 of the 2011 Act; clause 12, with certain modifications, is the same as section 10(1) and 10(2) of the 2011 Act; clause 13 is the same as section 10(3) and 10(4) of the 2011 Act; clause 14 is the same as section 11(1), (2) and (3) of the 2011 Act; clause 15, with certain modifications, is similar to section 12(1), 12(2) and 12(3) of the 2011 Act; clause 16, with certain modifications, is the same in reflective terms of section 13(1), (2), (3), (4), (5), (6), (7) and (8) of the 2011 Act; clause 17 with certain modifications is the same as section 14 of the 2011 Act; clause 18 is similar to section 16 of the 2011 Act. We have a new section 19, which is a sunset clause, which is in similar terms to sunset clause which existed under the previous section 15 of the 2011 Act. The First Schedule, the Second Schedule and Preamble are in reflective terms.

Now, I have done that to reflect upon the proportionality that one finds in the judicial analysis of the Anti-Gang Act and therefore in anchoring further the proportionality of the Bill. And suffice it so say, Madam Speaker, that the proportionality was in fact upheld insofar as there are proper statistics before the courts which demonstrate that there were several charges under the Anti-Gang Act—I apologize for intruding on your space—and there are several matters, both before the High Court and the Magistracy. And the statistics demonstrate that there are 33 matters before the Magistracy and as well that there are 45 matters before the High Court. And just to confirm those figures, at the Magistrates' Court level, 33 anti-gang matters, those of course came out of the state of emergency and at the High Court, 45 matters.

There has in fact been the presentation of several claims for false imprisonment and malicious prosecution out of failed arrests without evidence under the Anti-Gang Act. That is a matter of fact, but that must be put alongside

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the fact that there are still bona fide valid cases as I have just described at the Magistracy and at the High Court level. One is further buoyed by the dicta of the hon. Mr. Justice Nolan Bereaux, Justice of Appeal, in the Stuart case, and that is, the *Attorney General of Trinidad and Tobago v Kevin Stuart*, spelt S-T-U-A-R-T also known as Kevin Stewart, S-T-E-W-A-R-T. That is Civil Appeal No. P162 of 2015. And that case, in particular, stands as court of appeal analysis of the fact that the anti-gang law is certainly law which can operate, that there is a methodology and an insistence that evidence must be gathered, that it is not in fact as the learned judge put it, a “slam dunk”, but it is certainly useful law. Indeed, Madam Speaker, there has been no judicial criticism of the anti-gang law for the full five-year period that it lasted.

Madam Speaker, we had a short journey in terms of getting from the collapse of the Anti-Gang Bill, 2017, on the 7<sup>th</sup> of December, 2017, at 1.30, as it was in the morning then, when we failed to receive the three-fifths majority support required for this Bill. But, in treating with the provisions of the law I can say that the Opposition and the Government did engage in several exchanges of correspondence and that the Opposition and the Government had one meeting, in fact, where we certainly had consideration of certain issues which I will come to in a moment.

By way of consultation for the formulation of this Bill, I wish to put on the record that the Office of the Attorney General did write the Judiciary, the Commissioner of Police and the DPP by way of separate letters dated July 6, 2017. We wrote to the Law Association on the 25<sup>th</sup> of August, 2017, and again on the 10<sup>th</sup> of November, 2017. Regrettably, we received no responses from the Judiciary, the DPP or the Law Association to those several letters. We did however have

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significant stakeholder consultation with members of the Trinidad and Tobago Police Service, in particular, the Organized Crime Intelligence Unit, the OCIU—forgive me—as it is called.

By way of separate consultation, quite remarkably, we had consultations with the Opposition. There were significant events of exchange starting with a meeting between the hon. Prime Minister and the hon. Leader of the Opposition. That was on July 18, 2017. There were exchanges of correspondence on August 04, 2017, August 17, 2017, September 28, 2017 and we have, in fact, continued further by way of letters passing between the Office of the Attorney General and the Leader of the Opposition on the 22<sup>nd</sup> of January, 2018, the 25<sup>th</sup> of January, 2018. We held a meeting with the Opposition on the 16<sup>th</sup> of February, 2018, and we settled upon a version of this Bill which is now before us.

Madam Speaker, in terms of meaningful addition to the clauses in the Bill, we note that the Anti-Gang Bill certainly is still in substantially the same form as it was presented in December 2017. We have by way of traversing the clauses as I am obliged to do, we have tightened, as we did in the 2017 debate in December, the definition of gang, gang leader, gang-related activity. We have included the inclusion of “prohibited weapon” which is an omission from the 2010/2011 Bill. We have tightened up the definition of evidence in gang-related matters at clause 5. In tightening that definition we looked to the Commonwealth experience in Jamaica, in particular, and we anchored that definition as it is in clause 5. We did include a rather novel provision which is, retaliatory action, which is to be found at clause 8 of the Bill where we criminalize persons taking retaliatory action against any other person, their relatives, friends or associates on account of that person refusing to become a gang leader, ceasing to be a gang leader, giving gang

information, et cetera, as it set out at clause 8(1).

Madam Speaker, we again repeated with an interesting concept at clauses 7 and 9 where we treated with coercing of encouraging of gang membership and also counselling of a gang and we made certain adjustments in clause 10 which dealt with preventing a gang member from leaving a gang, which is a phenomenon that has found itself into Trinidad and Tobago culture. We adjusted quite properly at clause 11, the possession of bullet-proof vest, et cetera. But, Madam Speaker, when we had our meeting with the Opposition in February we did have the benefit of a rather an innocuous proposal on the part of Sen. Ramdeen. I am hearing, "Oh, come on". It is innocuous. There was a submission, which we happily agreed to, for the deletion of the reference to a person wanted by law enforcement authority for gang-related activity. We felt that that could have been encompassed by the reference to gang member and so we are pleased to make that deletion. That found itself in an amendment to clause 12(2), where we again deleted a person wanted by law enforcement from 12(2)(a). We repeated the deletion of the amendment by reference to a person wanted by law enforcement in subclause 3 of 12 and again in clause 13.

Madam Speaker, we received a recommendation from the Opposition as it relates to clause 13 and also clause 16 and we agreed to treat with those particular points. With respect to clause 16, if I may first, the submission coming from the Opposition was that clause 16 should not see the recommendation of a member of Trinidad and Tobago Police Service for continued detention, even though that recommendation by a member of the police service was properly a feature of the Anti-Gang Act, No. 10 of 2011. Even though that stood as law for a full five years we took on board the Opposition's suggestion that that should be removed even

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though we did not agree with the position because we felt that an internal review is not a breach of the independence of the Judiciary and it is well known as a feature of law, we nonetheless in an effort to find compromise, accepted the submissions of the Opposition and we have caused an amendment to clause 16(5) by having the review for the period beyond 72 hours done by way of an ex parte application to a judge of the court.

Madam Speaker, that finds comfort because that is already a feature— the judicial review is already a feature of the law and we can find that properly in the reference to other provisions of this Bill. We had a recommendation by the Opposition that the reference to clause 16(4), where there is a reference to a time frame, there was a recommendation that that time frame be prescribed in certain terms. But insofar as we agreed to the elimination of the Trinidad and Tobago Police Officer superior rank confirming the detention for a period beyond 72 hours, insofar as we have deleted that section, the need to cause that amendment fell by the wayside because we simply deleted what was the old clause 16(4).

Madam Speaker, with respect to the sunset clause, which is the final amendment that we find ourselves treating with, it is well part of Trinidad and Tobago's knowledge, in every circle, on every street and in every forum, that the Opposition proposed a period of four years at the Committee stage for the sunset clause, that the Government proposed a period of two years and that regrettably there could not be an agreement at that point. [*Crosstalk*] Madam Speaker, in the discussions which we held—[*Interruption*]

**Hon. Member:** The other way around.

**Hon. F. Al-Rawi:**—with the Opposition—sorry—

**Hon. Members:** The other way around.

**Hon. F. Al-Rawi:** There was a proposal for two years on the part of the Government and four years by the Opposition, I thank my learned colleagues.

[*Crosstalk*] Unfortunately—[*Interruption*]

**Mr. Singh:** No, it is the other way around.

**Hon. F. Al-Rawi:** The other way around. Yes, the longer period by us the shorter period by the Opposition, and let me explain why. The sunset clause being a feature of the 2011 Act, Act No. 10 of 2011, was included, in our humble estimation, really to cause an understanding and appreciation of the articulation with the Bail (Amdt.). The Bail (Amdt.) was clearly identified as not being a feature of this Bill. The Trinidad and Tobago Police Service have publicly stated and the literature in the court, coming out of the court, the judgments published by the court demonstrate that the process of analysis of gang activity is not a short one. We formed and have the view that a sunset period ought to be reasonable in the circumstances. We proposed therefore a four-year sunset period. Unfortunately this was not accepted by the Opposition in our meetings with them. In fact, the Member for Oropouche East suggested that we go down to 18 months in reversal to the position. Nonetheless, there have been further discussions and, in fact, on the public platforms the proposal for two and half years being 30 months was made by the Leader of the Opposition and the Government accepted that position. And let me put this caveat now.

The acceptance of this position is simply on the basis that the Trinidad and Tobago Police Service deserves this law. We genuinely believe that the period is a short period, nonetheless it is imperative that this law forms part of the laws of Trinidad and Tobago.

Madam Speaker, in all of these circumstances this Bill not being novel, this Bill not being new, this Bill not being radically different from the context of the

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Anti-Gang Act, No. 10 of 2011, but being very different because it does not articulate with an ouster of the court's jurisdiction in relation to bail as articulated with Act No. 9 of 2011. In all of these circumstances, Madam Speaker, we recommend this Bill for support by this honourable House and I beg to move.  
[*Desk thumping*]

*Question proposed.*

**Mrs. Kamla Persad-Bissessar SC (Siparia):** [*Desk thumping*] Thank you very much, Madam Speaker. It seems as though we have come full circle from where we began, maybe two years ago, from 2016 down into 2017 and so on, on a piece of law that the Government has indicated to the country is exceedingly important in the fight against crime. Madam, I have been told that to date that we are about 107 murders for the year in Trinidad and Tobago. The *Express* has reported 102, last night on the TV news, 104 and some are reporting today, 107. That is 107 too many, Madam, and I am sure everyone in this Chamber shares that view. So I am very happy that we have been able to be part of a process to bring back the anti-gang legislation on the books. And I want to make it very clear that we are here today because of actions initiated by the Opposition. [*Desk thumping*] Yes, we voted against it and again you know, that is part of the problem. I will speak with you, Madam.

We did vote against it and we voted against it not because we were unpatriotic, as many would want us to know, but because there were many provisions. The Attorney General, today in his piloting of this Bill, the 2018 Bill, which contains many different provisions, pointed out several changes that were made as a result of Opposition suggestions. [*Desk thumping*] And so, we have shown, you know, Madam, my respectful views, we have shown that we can put



country first. We can put safety and security first and we have the strength in the face of all the attacks and all the blame the Opposition, and blame the Opposition, and blame the Opposition we have shown even when we were attacked that we were able to stand up for what we felt was right. [*Desk thumping*] We were able to stand up, Madam Speaker, for what we saw as being in the best interest of the people of Trinidad and Tobago.

Madam, you may remember when we voted against it, as Members on the other side reminding us, we were told that the blood is in our hands, the blood is in our hands. And so the passing of one piece of legislation would have been sufficient to stop the blood bath that was taking place. And so we took those blows, Madam Speaker, and I want to say further that we always said we will support legislation that is in the best interest of the citizens of our country, that what we will have to do is to strike the right balance between the citizens and the state in such a way that the legislation will provide the safeguards to ensure rights that are guaranteed and are not trampled upon. And indeed, again today the hon. Attorney General, in his piloting, was very clear to point out that this Bill traverses upon, he used the words, “traverses upon” enshrined constitutional rights. The justice Bill tramples upon right enshrined in section 4 of the Constitution and he talked about trespassing upon those breaches of rights.

But then he went to the concept of proportionality and I know it is a favourite subject of his. Again, mentioning *Surratt* and *Northern Construction* and so on, and I am sure the hon. Attorney General knows that whilst in our jurisdiction *Surratt*, *Northern Construction* and so on, that you have a body of jurisprudence which says X and Y about proportionality, that issue is still at large, it is still moot, because there have been differing judgments. The one that is

binding for the moment until changed, but there have been differing judgments as to whether a Bill that is reasonable and so on but fails to get the process of the three-fifths majority is constitutional. That is still moot and still open. So whilst we accept today, but always with open eyes and open ears, as to how the jurisprudence will develop, we accept the AG's movement on respect to proportionality, I would say that issue will not arise necessarily in this matter because we are prepared today to give the three-fifths majority. [*Desk thumping*] And in that way to follow the process as established in our Constitution.

So, Madam Speaker, I think if you would allow me just to say how we find ourselves here today to debate this piece of legislation because I think it is important that we understand the efforts that were made on both sides for us to arrive at consensus and common ground on an important issue such as the fight against crime. Indeed, I think the hon. Attorney General, very eloquent he is, found it at times difficult and wanted to adopt the language of the courts, that listen, today I am adopting all the things I have said before about these Bills but chose to still give some details and I could hear it in his voice, in repeating these points, he was actually bored in having to repeat the points that would have said, first and second and third times in the previous incarnations of this Bill.

So I could hear all of that. So I will not go back into all those details of the clauses of the Bill, whether it be 1, 2, 3, 4, 5 or the Preamble which sets the stage for the provisions of the Bill, but I think what is important is for us to understand and maybe for the public at large to understand, what is the journey that we have been on to arrive at where we are today in this Chamber to come together to pass this anti-gang legislation, and that is where I would spend a little time.

The passage of this legislation, all that has transpired really, is a classic

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example in my respectful view for those right-thinking citizens in our country to observe who has their issues with respect to safety and security as a priority. When this legislation failed to secure the special majority, Madam Speaker, in 2017, the Prime Minister did as we have come to expect, blame the Opposition. The Prime Minister said that the blood of those slain were on the hands of the Opposition. You remember those headlines?

**Hon. Member:** Of course, of course.

**Mrs. K. Persad-Bissessar SC:** Blood on the UNC hands. Yes, and more. And other Members of the Government, a bloody December. Upon the failure of the Bill, Members of the Government again very venomous, vitriolic and bitter statements, again, aimed at blaming the Opposition. Maybe that was their view and they are entitled to their view, but it is not simple as that and those were the statements coming out. You know, that was okay, those statements were unfortunate, there is freedom of expression, fine, they are entitled to their views. But what was more unfortunate, whilst they were busy blaming us for not supporting the legislation, what was more unfortunate I am saying, was the fact that neither the Prime Minister nor any Member of the Government saw it fit to engage the Opposition to find the way forward to get the legislation passed. [*Desk thumping*] No one said anything. Went out, held their hands up in the air, you know, weeping and wailing and gnashing of teeth, blame them, blame them, blame them all, blame the UNC and so on.

And so nothing was proffered as to find a way through this impasse even though the Government kept saying that the protective services, the TTPS, had indicated to the Government that this was so vital a piece of legislation. But, that is the kind of behaviour that we expect from time. On this side, Madam, I want to

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say, because I saw it, you know. For Carnival I am sure you had a great time, but I saw one of the placards, the old mas placards which says, “Kamla backs down on Anti-Gang Bill”. I saw one of those. You see, but we were prepared, Madam Speaker, to sacrifice pride, [*Desk thumping*] to sacrifice political expediency in the interest of the safety and security of our citizens. And that is why a bloodied December swiftly followed by the bloodiest month in the history of our country, Madam Speaker, January. And again, the Prime Minister and the Government just sat back and continued to blame the Opposition. While we were losing our sons and daughters, mothers and fathers, crime at an all-time high, again the Prime Minister and the Members of the Government sat back, did nothing except blame the Opposition.

That could never be right, Madam, in my respectful view, because I think we all [*Desk thumping*] have a duty to the people of our country and safety and security is the paramount duty of any Government, whether it be on the Government Bench or Opposition Bench, crime, the fight against crime, safety and security is of vital importance, because if you are dead, Madam, then nothing else is of importance to anyone who is dead. So whether you have good health care, bad health care, good education, bad education, a job or no job, if you do not have that safety for yourself, for your family, then nothing else matters. So the paramount duty is safety and security. [*Desk thumping*]

And so, here we are, I was prepared, as I said, to sacrifice pride. Even if we had to say, listen let us meet, let us get a consensus to make this happen. I was not prepared and the Members on the Opposition Bench, when I conferred with them, they were not prepared to sit down and do nothing while we continued to see that downward spiral and the slaughter of the people of this country. So, what did I do?

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December bloody, January bloody. The 10<sup>th</sup> of January, I spoke with my Members and I said, listen, let us try and find a way, if it is the Government is convinced as they are saying that TTPS wants this Bill so badly, they think it can help them, then the least we can do is to find a way to make it happen. [*Desk thumping*] So, Members agreed and on the 10<sup>th</sup> of January, therefore, I wrote to the hon. Prime Minister in the public interest and proposed that Government and Opposition meet in an attempt to find a bipartisan approach for the passage of the legislation that the Government had publicly stated that law enforcement needed.

**7.10 p.m.**

Law enforcement, we were told, desperately needed this piece of legislation, but again, the Government and the Prime Minister sat back. So I wrote that letter and I want to quote, with your leave, Madam—to read some of the proposals that I put in that letter of January 10, 2018. And I quote:

It is against this background that I write to your good self on behalf of all citizens of Trinidad and Tobago and in the public interest to propose that the Government and Opposition meet forthwith with a view to agreeing to a bipartisan legislative approach in the fight against crime and the criminal element. I suggest we begin with two pieces of legislation, namely the Anti-Gang Bill and the Anti-Terrorism (Amdt.) Bill.

The Opposition, then, Madam Speaker, was not only prepared to meet, but I further proposed that we use the Standing Orders of this House to ensure that we did not have to wait until September 2018 to re-introduce the legislation. Again, from the letter of the 10<sup>th</sup> of January, 2018, if I may quote:

On the 7<sup>th</sup> of December, 2017, the Anti-Gang Bill was defeated in the House of Representatives as it failed to secure the requisite majority. Government

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spokespersons, Minister Robinson-Regis and Attorney General, Faris Al-Rawi, have recently indicated—

Again, I am quoting from the letter:

—have recently indicated Government's intention to bring the Bill back to Parliament but they referenced, correctly so, Standing Order 78 of the Standing Orders of the House of Representatives as a bar to the re-introduction of this Bill in the House in the present parliamentary session.

Continuing:

Consequently, unless we agree to take action, this Bill cannot be re-introduced until the next session begins on 28 September, 2018.

In the letter I said:

It is my respectful view we should not wait until the end of September to revisit the Anti-Gang legislation given how unsafe our country has become. If the Trinidad and Tobago Police Service and other arms of the protective services are of the view that the passage of this legislation will assist in their ability to combat gangs and gang activity, I am of the view that we, as the leaders, are duty-bound to find a bipartisan solution to ensure the passage of this legislation with the required constitutional majority.

And again, the last sentence from that letter:

We must ensure that law enforcement is provided with the powers to fight and win the battle against the criminal element.

And the proposal I then made was this:

I propose we agree to invoke Standing Orders 122, 126 of the House of Representatives to allow for the re-introduction of the Anti-Gang Bill in the current parliamentary session.

Further, Madam Speaker, I pointed out that the Opposition clearly raised its concerns on amendments to the Bill as presented by Government. I expressed a view that if properly operationalized, the legislation could assist law enforcement in the fight against gangs and criminal elements, and I indicated to the hon. Prime Minister in my letter, that the Opposition was prepared to support the passage of the legislation with the inclusion of a short sunset clause, because we believe a tight rein should be kept on the law, given the very strong powers being given to the TTPS, and therefore there should be that balancing of the interest of the citizen as against that of the rights and powers of the TTPS. Especially given, Madam, that in the past years—there is a potential for future abuse of such powers being given.

So further, I indicated that we had noted in the debate that it was important to have feedback from the stakeholders, the criminal justice system, the Law Association, DPP, and members from the Criminal Bar. The hon. Attorney General, during the debate, had indicated that he had failed to get feedback from any of these entities. Now, this was way back then, eh, when we debated it last year, and today the hon. Attorney General has again indicated that to date, the 9<sup>th</sup> of March, 2018, that these offices have still not submitted any comments or suggestions whatsoever.

You know, Madam Speaker, I find that untenable. I do not want to go into other areas of the debate, but it seems as though these offices—I mean, the DPP's office, whilst not answering to the office of the Attorney General, there is that relationship. In fact, the AG speaks for the DPP's office in the Parliament; has to account to the Parliament for the DPP's office, and I find it shocking and tragic that they would have failed to respond to [*Desk thumping*] correspondence from the Attorney General. The Judiciary, likewise. The AG is the conduit. Well, the

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Judiciary has its own state of affairs that I prefer not to go into. Indeed, I have said long ago to the hon. Prime Minister, since the Marcia Ayres-Caesar matter, that perhaps the hon. Prime Minister should invoke the section 137. [*Desk thumping*] Neither the hon. Prime Minister nor I, nor any member of the public, could be a judge and jury in this matter.

So when these institutions and officeholders will not respond to legislation that would impact on their duties, it is a very, very sad day and perhaps the hon. Attorney General will want to consider other kinds of actions to try to get them. We had suggested maybe what we should have done then was a JSC, because the JSC could then compel them to attend, although there are some who take the view that they are not even bound to come. Madam, you may be very interested to know that there have been in the past and maybe now, those who refuse to even come to a summons from a JSC, citing law, and that the way the Standing Orders are set up they are not really law because they are done by one House and not by the two, and law is really made by both Houses; all kinds of excuses to fail to come.

So, Madam Speaker, It is not—I was going to say—in your ball court, but that is really within your ambit and your jurisdiction. So that is a very sad state of affairs and maybe the JSC was one of the ways. But we did not go that way. So we had felt—and I still do feel—that it is important for the bipartisan effort to reach out to these stakeholders, but if up to today they will ignore the hon. Attorney General, well, something is very, very wrong in the State of Trinidad and Tobago.

So having sent that letter, I did not receive a reply from the hon. Prime Minister to my letter of the 10<sup>th</sup> January, I believe. I did not receive any reply, but the hon. Attorney General, on the 19<sup>th</sup> of January, responded and indicated my letter was passed to the Office of the AG for a comprehensive response which



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would come in due course. And that was the extent of the interest by the hon. Prime Minister in finding a bipartisan approach for the passage of this legislation. I must thank the hon. Attorney General who kindly shared his email address with me so I was able to keep in touch through the email even though it was difficult on the phone sometimes. But we were able to keep correspondence going, and I would thank him today, even though, as we said, that he stole your thunder. But I will thank him for that courtesy of the exchange of correspondence.

So the response of the Attorney General, though, unfortunately contained no firm proposal for moving with respect to the proposals that I had made: let us meet; let us set up a committee; let us find a bipartisan approach, short on detail of that kind. The hon. Attorney General made reference to the death of young Joshua Andrews who was murdered on his way home from a school, a matter I will come back to in a short while, Madam.

So not having heard from the Government on this matter, apart from that letter from the AG just saying that he had the letter in his hand, for a comprehensive response, I again wrote to the AG on the 24<sup>th</sup> of January, since he had become the conduit for correspondence on this matter. And I would like to read a few lines from my letter of the 24 January, 2018, to the hon. Attorney General:

In the two weeks since I wrote to the Prime Minister—  
I quote, Madam, with your leave:

In the two weeks since I wrote to the Prime Minister, more than 20 citizens have been murdered, 48 for the year, according to latest reports. Citizens of our country continue to be terrorized by the criminal element resulting in numerous robberies, rapes, assaults, shootings, burglaries, with little or no

comfort or protection being provided by law enforcement. Businessmen and women are under siege as daily their businesses and their customers are under attack.

I continued in that letter, Madam, which is relevant for what we are doing today:

The unnecessary bureaucratic delay occasioned by your delay in responding, and by your proposed method of engagement, is simply impractical, unrealistic and will provide no immediate relief to a suffering and frustrated citizenry. We cannot continue to lose our citizens at the rate of two per day and in some days even more, while Government and Opposition engage in the exchange of correspondence. Our country needs a solution that can lead to a much needed measure of safety and security in the short term that can lead to long-term success in the fight against crime.

I continued:

Your response on behalf of the Prime Minister failed to address my proposal for the establishment of a team comprising members of the Government and Opposition charged with the responsibility of producing a model of this legislation that will attract both Government and Opposition support.

Continuing, I wrote on the 24<sup>th</sup> of January, 2018:

The Opposition remains committed to working with the Government in the public interest to ensure the passage of critical legislation in the fight against crime and, as such, I repeat my request, through you, Attorney General, that the Government and Opposition meet at the earliest opportunity to commence this process.

Madam, as I am reading over all these words that I wrote, it is as though I am actually begging the Government—I am actually begging, “Look, please, let us

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do this. Let us do this. Let us do this, please.” And the Government and the Opposition did meet, Madam, eventually, more than one month later on the 16<sup>th</sup> of February, 2018.

**Dr. Rambachan:** Thanks to the Member for Siparia. [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** At that meeting, the Opposition was represented by Member of Parliament, Rodney Charles; Member of Parliament, Dr. Roodal Moonilal; Sen. Gerald Ramdeen and Sen. Anita Haynes, and several proposals were made for the strengthening of the legislation. Today, the hon. Attorney General mentioned some of these clauses.

The Opposition’s proposals focused on the concept of “a person of interest” that appeared throughout the legislation. Madam, if I am getting a little help on the left it is because—please excuse me—I have a little issue today. We indicated to the Government that “a person of interest” was firstly not a concept known to law and therefore the concept, secondly, was not defined by the legislation. As such, it was arbitrary and therefore would be liable in another place, in the court, as being arbitrary and would be struck down.

Thirdly, we flagged the fact that under clause 16 of the Bill as proposed, the power to review detention of a person detained under the Act after the first 72 hours was placed in the hands of a police officer. We indicated to Government, we were of the view that the vesting of such power in a police officer would be in breach of the rights guaranteed under 4 and 5 and also with respect to the separation of powers, to hold a person without charge, and so on, for—what was it?—72 hours. This was another proposal that we raised.

So, Madam, we are saying that the concerns that we had was, yes, we understand we have to fight the criminals, but there must be a check and balance

that powers—[*Desk thumping*] Where there is the potential of abuse of powers, that we have a duty to also protect the citizen. You know, whilst it is that you have those who may well be the minority in the population, should it then be that we pass law that could place the majority of citizens at jeopardy because of the handful or the hundreds or the thousands of the criminals? So there must be that balancing, that we are so determined to pick up that criminal that we also end up picking up non-criminals and subjecting them to what could be very abusive powers and, of course, breaching their constitutional rights.

So these were some of the matters that we were concerned about, and therefore, when we did not support it, it was not out of spite; it was not out of malice; it was not out of ill-will, but it was always in the best interest, as we saw it—[*Desk thumping*] And I want to make it very clear, when we did not support because of some of these provisions that I have mentioned—and there are others—it was not that we have been unpatriotic. That was not the issue at all. Indeed, we were being patriotic to protect the rights [*Desk thumping*] of the majority of the citizens of our country.

We also raised procedural matters with respect to the manner in which police officers are to discharge their functions in relation to persons detained. So in addition to legislative matters, we drew the attention of the Government—so those were some of the provisions that we were not happy about. We drew attention of Government to recent statements made by the head of the Homicide Division, ACP Anthony James. Madam, I will come back to those in a short while as I move along.

We asked the Government for an assurance that the Witness Protection Programme would be properly resourced and that we will be provided with the

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Government's proposals for dealing with the issue of corruption and misbehaviour in the police and prison service. Of course, none of this has so far been provided. At that meeting, the Members of the Opposition indicated to Government that we were prepared to agree to a sunset clause of two years, but they were unable to reach compromise, and thereafter no proposal was made by Government. And seeing what was happening in our country, we proposed to Government otherwise.

Now, I just want to backtrack a little to the *Hansard* of 2016 when this Bill came up—Anti-Gang Bill. So when we were proposing two years, Madam, we were not picking it out of the sky; we were not being unpatriotic and we were definitely not working to get blood on our hands, as we were being blamed for. So when we look at the *Hansard* of July 1<sup>st</sup>—

**Madam Speaker:** I would like really to hear the contribution for the Member for Siparia, and while I understand the necessity for Members to confer, please be mindful of how sensitive this Chamber is to talk. Please.

**Mrs. K. Persad-Bissessar SC:** I thank you, Madam. *Hansard* of July 01<sup>st</sup>, 2016, when we were debating the Anti-Gang Bill, 2016, and in this, the hon. Attorney General said, and I quote from the *Hansard*:

“Today, Madam Speaker, we have a very different position. We have a government saying, ‘Give the time to do the consideration that is required. Let us be put into a position to do the work that was not done by the last Government. Let us do the work that the people require. Let us produce the statistics which will show whether kidnapping for ransom continues to work the way it did when SAUTT was around. Let us look to the efficiency of what the anti-gang law looks like. Let us look to the issues of bail. Let us complete that work and come back within a two-year time frame to present

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statistical information to the population’.”

This was 2016. And then in the *Hansard* of 2017, December, again the hon. Attorney General said:

“Now, Madam Speaker, this law”—

And this is again on the Anti-Gang Bill, 2017, the one we did not support:

“Now, Madam Speaker, this law, the expired law, fell because there was a sunset clause attached to Act No. 10 of 2011, and that sunset clause was that the law would expire after five years, and if the Parliament did not convene itself and agree to extend that timeframe, the law would fall apart. Madam Speaker, most interestingly, the Government came in June 2016—told the nation that on the 17<sup>th</sup> of June, 2016, by way of a Bill laid in this House, we told the nation this Government wishes to extend the life of the Anti-Gang Act and to extend the life of the Bail Act which was amended as a corollary to the Anti-Gang Act for a period of two years...”

So the hon. Attorney General—

**Madam Speaker:** Member for Siparia, your original speaking time of 30 are now spent. You are entitled to 15 more minutes if you wish to complete.

**Mrs. K. Persad-Bissessar SC:** Please.

**Madam Speaker:** You may proceed. [*Desk thumping*]

**Mrs. K. Persad-Bissessar SC:** Thank you very much. So on the 6<sup>th</sup> of December, 2017, which was when they said we did not support it and so on; blood on our hands, whatever—in that very debate the hon. Attorney General said that it was amended:

“...for a period of two years to August 2018 so we can assess the situation.”

Madam Speaker, here is the *Hansard* of the hon. Attorney General. So, in some

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sense, two years was not taken off Mars or Jupiter or anywhere from out of space, or in the cosmos. It was clearly something we could contemplate and that would give us time to assess and have the scrutiny that we needed.

So, Madam Speaker, having really come up against a stonewall, again, putting pride apart, putting political expediency and putting the interest of the citizens first, I then said, “Look, we are prepared”; the Opposition will, after conferring with them, we are prepared to have this Bill with a sunset clause of 30 months—two and a half years. The hon. Prime Minister, for the Government, said that he would accept that, and here we are today, in this Bill with a sunset clause for two and a half years.

Now, I heard the concerns being expressed by the Government that two and a half years would place you in a time when the Parliament may be prorogued and therefore there will be no Parliament to extend it. You know, this was one of the reasons why we had said two years. But then, perhaps, a responsible government will not wait. You can always come before—[*Desk thumping*]*—*that it is so important that you do it before. Or the Government that comes after you, after the election, will have to face whatever it is to bring that before the scrutiny of the Parliament. So all is not lost. There is continuity, as the hon. Attorney General said in another incarnation. There is continuity in Government. And so as one demits office, another comes in. The way I see it now, it will not be too long before you on that side—[*Desk thumping*]

So here we are, two and a half months. The speaker today—I believe we can join with each other to pass this Bill—

**Hon. Member:** Two and a half months?

**Madam Speaker:** Two and a half years—years.

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**Hon. Member:** Oh. Oh.

**Hon. Member:** Or less.

**Mrs. K. Persad-Bissessar SC:** Well, “doh ‘oh, oh’, yuh know.” You may be surprised, it might be less than that, you know. [*Desk thumping*] With the amount of pressure that is building, it may just be too much pressure.

**Mr. Charles:** And Moonilal outside.

**Mrs. K. Persad-Bissessar SC:** Yeah, and Dr. Moonilal—I saw a little meme, Madam. You know, this country is really an amazing place. Things happened in the Parliament this afternoon and people are already out there making memes. So there is Dr. Moonilal standing up outside the Parliament in a little T-shirt with a bat in his hand—of course, it is a meme—and he is waiting outside the Parliament as though to say, “Come outside”. This meme is all over the social media. Things just—you know, in this day and age it happens in one second. It is viral; it is worldwide.

So, Madam, let me get back to the business at hand. So today, yes, we will come together and pass this legislation. But I want to repeat, you know, some of the things the Opposition had said, and I think the Government fully appreciates, and it is this. Anti-Gang legislation alone will not provide the answer to law enforcement. Let us not fool ourselves. [*Desk thumping*] It is not going to be the cure-all. I used the word the other day when I said, it is not a “panacea”, and somebody said, “What yuh mean by dat?” So let me make it clear. It will not be a cure-all for the ills that we face with respect to crime and crime fighting and so on, and gangs out there. The murder and the mayhem citizens are forced to endure—  
[*Interruption*] Madam, please.

**Madam Speaker:** I would ask Members on both sides to please observe Standing



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Order 53. Member for Siparia, please continue.

**Mrs. K. Persad-Bissessar SC:** The murder mayhem that our citizens are facing, forced to endure, homes broken into—[*Interruption*] Again, Madam, please. It is just a few minutes more. I will not bore you for much longer.

**Hon. Member:** Oh, thank you.

**Mrs. K. Persad-Bissessar SC:** Yes, because you are obviously not interested.

**Madam Speaker:** Member for Siparia, please, I would like to hear your contribution. Please continue. Direct your contribution this way. Please continue.

**Mrs. K. Persad-Bissessar SC:** I will, Madam, but, you know, the noise—empty noise. The murder and mayhem, Madam, I am saying, you know, what is happening there today—you know, today we talk about—we laugh at each other today. Some in this Chamber feel it is a joking matter; it is a laughing thing. But let one person in your household become a victim, as some of us have had victims—let that happen—it is a different kettle of fish, you know. There are some of us who drive around with all the security personnel, but the majority of citizens do not have security personnel. [*Desk thumping*] That is why it was so important that we were able to find this consensus today to try to put this one more weapon, one more tool, in the hands of the TTPS and the law enforcement officers. [*Interruption*] Again, Madam Speaker, I am sorry I have to ask again, please, for your protection.

**Madam Speaker:** Hon. Members, again, please allow the Member for Siparia to make her contribution. Please respect the Standing Orders and accord the Parliament the respect that it is due. Hon. Member for Siparia, please continue.

**Mrs. K. Persad-Bissessar SC:** Thank you very much again, Madam Speaker. I had mentioned earlier about the article in the *Sunday Guardian* of the 28<sup>th</sup> of

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January which I would have come back to, which I will do now. But before I go there I want to say, whilst law enforcement, we are told by the Government, is asking for this piece of legislation, it is clear they are also asking for other things because they do not believe that this is the cure-all. So there are systemic problems present in the system that we must try to fix to win the fight against crime.

And let me demonstrate what I am referring to from that very article, *Sunday Guardian*, 28<sup>th</sup> January, 2018, what was said by the head of the Homicide Division about the state of law enforcement, and that is one of the most important divisions of law enforcement in the country, given, as I say, the high number of homicides, the high number of murders. And let us see what ACP Anthony James had to say when he was asked why we have such high murder rates and such low detection rates. And this is what the article had to say in terms of the responses:

“Between January 1, 2013, to December 31, 2017, 2,190 people have been murdered.”

Of course, since December 2017 to the present time, Madam Speaker, it is about, as I said earlier, 107 more murders: Out of the number up to December 2017—this is in the article:

“Of that number, 391 of those killings have been solved.”

Three ninety-one out of 2,190.

“In fact, the amount of murders that have been solved over that period is even less than the number of murders that took place in...”—just one year—

“which had the lowest toll in the past five years...”

That was in 2014, 405. This is 2018 referring to last year:

“Last year 495 people were murdered. This situation is causing fear among the population.”

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All of this is coming from the *Sunday Guardian*, January 28, 2018, the by-line “Jensen La Vende.” Continuing from the article:

“Those are alarming figures and with the current murder toll of 53 in less than 30 days, the figure for this year”—2018—“is projected to reach well over last year’s figure if the current trend is left uninterrupted.

Despite the forecasted gloom, head of Homicide Bureau, Assistant Commissioner of Police Anthony James said with time, the right equipment, legislative backing and the public supporting them, the murder toll will be significantly reduced.

James, in a candid interview with the... *Guardian*...said the Homicide Bureau of Investigation (HBI) needs to ‘up their game’.”

This is January 28<sup>th</sup> of this year, just over a month ago.

“That, he said, will come with the proper training and equipment married with the laws that support law enforcement and, of course...”—equipment, training and legislation.

“Currently”—he said—“there are over 200... officers attached to the HBI which have offices in Port of Spain, Arouca, San Fernando and Tobago.

The bureau also includes officers from the sub unit of the Special Evidence Recovery Unit.”

He said:

“The ideal figure will be 400 officers, at least twice the current number.”

This is from ACP in charge of that division.

“He said the Bureau needed officers with the right skills set as the job requires viewing some of the most horrendous things human beings can do to each other.

He said the bureau needed ‘to attract the right individuals with the proper acumen’ to treat with both witnesses and suspects, to be able to make suspects confess willingly and for witnesses to give evidence.”

And he continued in that story. We have the issue then where Officer James said, in the Homicide Unit, they “needed to have dedication to job...long hours”—and so on. He said:

“There were over 100 murders between December and January...making it more than one killing per day.”

He said, “Some witnesses were using ‘extortion tactics’”. He mentioned that “Fear of giving evidence is a major hindrance”. So he continues in that vein in this article, *Sunday Guardian*. So it is not just the legislation, but there is training and other resources and manpower that would be necessary.

**7.40 p.m.**

Madam, as I close, I am very happy that we are here today. I find it—I feel a little distress though because the Chief Whip has indicated to me that the Attorney General has an amendment, of course, which I have not seen whilst I am on my legs. So perhaps we could deal with it. I trust it is to deal with something worthwhile in terms of discussions that we have had.

So, Madam, I thank you very much again, for this opportunity, and I trust that we can be not like the hon. Minister from Point Fortin when asked today about predicting what will happen with crime. The hon. Minister, the Member for Point Fortin, Madam, when asked about it, predicting about crimes, he said he does not have the crystal ball, and so on; and when confronted by the MP for Couva North as to whether he had no confidence in the crime fighting strategy, he then said, and he predicted that there would be and it seems at that point he had got the crystal

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ball. The crystal ball is put the plans in place, put the legislation in place [*Desk thumping*] put the resources in place and let us fight crime on every front. [*Desk thumping*]

I thank you, Madam Speaker. [*Desk thumping*]

### **PROCEDURAL MOTION**

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

Thank you very kindly, Madam Speaker. Madam Speaker, in accordance with Standing Order 15(5), I beg to move that the House continue to sit until the conclusion of the business before it.

*Question put and agreed to.*

### **ANTI-GANG BILL, 2018**

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. Madam Speaker, I thank the Members on both sides for agreeing that we treat with this debate in as quick a fashion as we can. I am obliged to wrap up and I do not propose to be too long in the wrap up. I wish to say at the outset that I agree with the Leader of the Opposition that paramount in our minds must be the safety of our citizens. That, in fact, is an entrenched right under section 4 of our Constitution. I also wish to agree that the Bill before us is certainly not a panacea or a magic bullet to any of this criminality that is now a scourge to our nation.

Madam Speaker, I tried to be as careful in my piloting of this Bill as I could to not enter into the realm of the pejorative as I undertook, but I am certainly obliged to give some degree of measure in my response to the Leader of the Opposition. Madam Speaker, Shakespeare said a very long time ago, “methinks thou dost protest too much” [*Desk thumping*] and I found it unusual that the Leader of the Opposition would have to refer on so many occasions to not being patriotic,

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stating that we are not patriotic.

**Mrs. Persad-Bissessar SC:** I did not say you are not patriotic.

**Hon. F. Al-Rawi:** Saying that the Opposition is not patriotic. I thought that aid of self-defence was a little bit too frequently invoked.

**Madam Speaker:** Hon. Members, if you intend to make an interjection, it is done in a particular way. Continue, Attorney General.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. The hon. Leader of the Opposition is correct. She quoted the hon. Prime Minister saying that there is a bloody position. He did say—the Government did certainly say, and we did cry. We did make a lot of gnashing of teeth and we did make a lot of public complaint as to the collapse of the anti-gang laws. The hon. Member for Naparima says, in crosstalk, unnecessarily. It is tied into the Leader of the Opposition's submission that the Government failed to engage the Opposition for the return of the law, but let me address that position.

Madam Speaker, having sat in this Parliament, having put the question on every single one of the clauses in the December 2017, 19 clauses, three schedules, clause by clause beginning at 11.33 p.m. on the 6<sup>th</sup> of December and continuing straight down to 12.08 a.m., 12.52 a.m., 12.54 a.m., when not a single voice opposite said no to a single clause, I have to tell you that it was one of my worst days in Parliament when the voices were divided and a division was given, and that there was a “no” in support of the three-fifths majority Bill. And when one is met with that occasion, the Government is obliged, having been told by the Opposition, that they will not support anything other than a two-year sunset clause, the Government did what it should. It went to the population and it started the conversation which I dare say caused the Opposition to be back here today.

You see, it was the public condemnation of the mistake that the Opposition made. [*Desk thumping*] It was the call, in exceptional terms, made by the Trinidad and Tobago Police Service, stepping out of the position that they normally take, stepping out of the prohibition against involving themselves in the call for legislation and in the work of the Legislature or the Executive. That was no ordinary occasion, and I do accept in the very long contribution of my learned colleague opposite, that the Opposition is sorry for the manner in which this debate went. I accept it. I understand that it is a difficult thing to accept, but the fact is in confirming that there is blood in this country, and in confirming that the anti-gang law is not a panacea, I would like to put on record the following.

When one looks to the number of murders in the period the 8<sup>th</sup> of December, 2017, to the 6<sup>th</sup> of March, 2018, in fact the figure is 131 murders. And the truth is that when we look to the number of murders that the Trinidad and Tobago Police Service has categorized, in that number as being gang related, of the 131 murders only 39, but a whole 39 of them are in fact categorized as gang-related murders. That represents a 30 per cent figure and, therefore, it is true that the Trinidad and Tobago Police Service will have to fight a phenomenon of gang-related activity, and where murders are not the entire 100 per cent. So it is true, but it is very true to say that a number of people have lost their lives.

Madam Speaker, I want to remind that the power of anti-gang legislation is not so much in the conviction which it brings; it is in the ability to disrupt gang-related activity; [*Desk thumping*] it is in the ability for criminals to understand that where more than one of them engage in gang-related activity that they will be suffering the consequences of staring down gang-related activity charges, and that is a submission which is not new. I mean, it is rather surprising to hear the

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architects of the Anti-Gang Act, No. 10 of 2011, a by far more draconian piece of law than is sitting here because it is articulated with bail which was ousted, the consideration of judicial consideration of bail was ousted by that Bail (Amdt.) Bill. It is incredible to hear the Opposition tell the country today that they were trying to protect the country from abuses in the Bill, when the Bill that we brought, and this Bill now before us, is far away from those circumstances. So, I cannot accept the argument that the architects of by far more draconian legislation now come today to bring.

Madam Speaker, I want to put on to the record—*[Interruption]* You know, the Opposition asked for quiet while the leader was speaking and I have no reciprocity on my side. But anyway, Madam Speaker, the submissions that were made by the Opposition in the entire period from 2016 when we sought— Leader?

**Mr. Imbert:** Stop talking.

**Madam Speaker:** Hon. Members, I am having great difficulty—despite the fact of the proximity between the Attorney General and myself, I am having great difficulty in hearing. So please, observe Standing Order 53. Attorney General.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. Madam Speaker, I took the opportunity to crystalize the Opposition's submissions in the period July 2016 to today's date, as to the various attempts to bring anti-gang laws back.

1. They asked for statistics;
2. They asked for the presence of an anti-gang unit. They pointed out that under their tenure the anti-gang unit that was in operation, all 12 of them, were in fact on charges of murder and, therefore removed out of service and incarcerated;
3. They asked for fulminations and explanations as to improvements on



witness protection;

4. They reflected upon the definition of a gang and a gang member without any specifics;
5. They asked for a sunset clause;
6. They asked for the removal of the concept of sedition from the schedule;
7. They recommended that we remove the concept of a wanted person from clauses 12 and 13; and
8. They asked for the elimination of the Trinidad and Tobago Police Service for continued detention review.

Let me say what we did in relation to that. Statistics. We provided them with statistics. When we came to Parliament in July 2016, we provided the Opposition with fulsome statistics. In fact, Madam Speaker, we provided them with the affidavit of the Commissioner of Police himself. It was filed in High Court proceedings in May 2016—[*Interruption*] Please, Member for Naparima—and, Madam Speaker, it was in the possession of the Opposition because the attorney acting in those proceedings was none other than Sen. Ramdeen. In that affidavit of Commissioner Williams, a year-on-year comparison of gang-related activity, the full impact of gang-related activity and full statistics were in the hands of the Opposition, but we went further. We provided the Opposition with all of the statistics which we produced under the reorganized OCIU, and we came public and we told the country that there were 211 gangs, with 248 members spread across the nine divisions.

We went further, Madam Speaker. We told the Opposition that as of November 2017, in comparing data between 2014 and 2017, the number of gangs

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had increased by 129 per cent and the number of gang members had increased by 63 per cent.

**Madam Speaker:** AG. Members, again, I hope this would be the last time I will have to stand on Standing Order 53 on both sides. There is tremendous amount of crosstalk. You know we have not done this for a long time, but maybe Members might want to stretch their legs and come back. Please, Attorney General.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. We showed that the number of gangs in 2014 was 92 and that the number of gangs in 2017 had risen. Gang members had risen from 1,500 to the 2,000-odd figure that we just said. We showed hundreds of percentages of increases. So, we dealt with statistics.

With respect to the gang unit, we informed the Opposition that we had created, by way of merger between the OCNFB and the CGIU, the two divisions of the Trinidad and Tobago Police Service. We had formed a brand new unit of the OCIU. We explained that the Witness Protection Programme was the same Witness Protection Programme as existed under the tenure of the UNC, as Government, and under this tenure. There were no recommendations coming from the Opposition as to definitions of gang or gang members.

With respect to the sunset clause, well we know that debate, whether it is 18 months or four years, et cetera, and today we settled at 30 months. We removed sedition. With respect to the concept of wanted persons, it is a nonstarter. With respect to the elimination of the Trinidad and Tobago Police Service for continued detention, they doing the review, again it is a simple concept. Even though we do not agree with it in terms of law, for the sake of compromise we have agreed to that. So in essence, Madam Speaker, apart from a sunset clause, and apart from judicial review, forgetting the fact that the police review was the same under the

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five years that the UNC was there and that there was no judicial criticism, we have had no real commentary from the Opposition.

The truth is, Madam Speaker, as much as they may wish to reinvent the process of time and history, the fact is that there was political egg on the Opposition's face and there was blood on the hands of people that refused [*Desk thumping*] to support the anti-gang law. That is a fact. Madam Speaker, I am hearing my learned colleague, the Member for Naparima, talking about Seukeran. My grandfather is rolling in his grave that that is his successor in Parliament for Naparima.

**Madam Speaker:** Members, while I understand the banter, I really think that having regard to the responsibility of this space, these talks about going outside and innuendos about sparring, let us try to rise above that. Attorney General, please.

**Hon. F. Al-Rawi:** A few more points, Madam Speaker. I want the Opposition to know that they at a meeting in Debe, on a public microphone, through their speakers, after their failure to support the anti-gang law, went to the public and said anti-gang laws are not required as a feature of the laws of Trinidad and Tobago. They made a submission on the public platform that these laws were not required. Sen. Ramdeen spoke that night. We heard and read the coverage of that point. The Member for Pointe-a-Pierre spoke that night; his head is hanging low in shame now.

Madam Speaker, the fact is that you cannot go from you do not need the law in Debe, to arriving at the Parliament to say well, we saved you and we now brought the law. [*Desk thumping*] Madam Speaker, I want to put this straight. This is not a gift to the Government you know. The Government does not require anti-gang laws. This is a gift for the Trinidad and Tobago Police Service [*Desk*

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*thumping*] and if the gift was good enough when they were in Government, why is it so poor a gift when they are in Opposition?

**Mr. Charles:** You really want we support, boy?

**Hon. F. Al-Rawi:** Madam Speaker, “I” do not need Naparima support”; Trinidad and Tobago requires the support for the anti-gang legislation. [*Desk thumping*] I am not asking any favour, as the Member for Naparima threatens me that he is not supporting the Bill tonight.

**Mr. Charles:** I am supporting it.

**Hon. F. Al-Rawi:** The hon. Leader of the Opposition made a very good point: she said that there was a need for a systemic fix in this country. The hon. Leader of the Opposition asked the Member for Point Fortin if he was going to be “seer man” so to put it. She did not use those words, I used those words. Whether he could prophesize; be the prophet of whether crime will get better? She said that there was a prophecy of the next Government coming.

Madam Speaker, I want to put on record, we have a very humble and measured Maj. Gen. Edmund Dillon, the Member for Point Fortin, Minister of National Security, but let me tell you about the systemic improvements on this Order Paper today. Supplemental Order Paper, we have the DNA regulations.

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

**Hon. F. Al-Rawi:** I am not going into the point. I am saying that 17 years of DNA laws on the books of Trinidad and Tobago become reality and that is because of the Member for Point Fortin. [*Desk thumping*]

Madam Speaker, in this Parliament we have the Criminal Division and District Criminal and Traffic Courts Bill, 2018 laid today. This week, on Tuesday and on Wednesday, we opened the Family and Children Division Courts in

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Trinidad and Tobago. [*Desk thumping*] We saw the opening of specialized courts to treat with children, to treat with domestic violence, and, Madam Speaker, when you speak about systemic improvements you must reflect upon the success that this Government has had in amending 19 pieces of law, in causing the opening of two courts, in the interview of 13,000 applicants for jobs, in the creation of 169 Trinidad and Tobago police officers—[*Interruption*]

**Madam Speaker:** Excuse me. Member for Naparima, would you like to make an interjection? Is it that?

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. In having 169 police officers in a child protection unit, in having child probation officers filled out in the courts, we are talking about the history of Trinidad and Tobago having been marked by a first of its kind systemic improvement by this Government [*Desk thumping*] and all the billions of dollars spent by the last Government, not one single example of that systemic improvement exists. [*Desk thumping*] Not one!

Madam Speaker, the fact is when you take 100,000 cases out of the Magistrates' Court for motor vehicle and traffic offences, when you anticipate bringing a traffic court which deals with the non-criminalized matters and violations, when you go online for the payment of traffic offences as will happen by April of this year, when you put more police into operation for policing as opposed to chasing down tickets, you are talking about systemic improvement, and this did not happen by no voops, vaps, or vaille que vaille. This happened because of a dedicated operationalization of a clear plan for systemic improvement. Until we close the gap between a charge, or an allegation and a conviction, we are wasting time. That is why this Government is able to say that our public defender system will be a reality shortly. This is why is that Government is able to say that

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the national prosecution marriage between the DPP's Office and the Trinidad and Tobago Police Service will be a reality.

So, Madam Speaker, it is true that the anti-crime manoeuvring in anti-gang legislation is not the magic bullet, it is not the panacea to crime, but plug it in to a Government that has the diligence and dedication to do the work and operationalize systems at the same time and then you begin to see results, particularly so when you focus your efforts in criminality because there is gang activity. Minister Young pointed it out to me. He reminded me of the schedule—money by aggravated demand, money laundering, the cohorts of corruption. In treating with finding money there is gang activity.

You see, when we treat with cartel behaviour, when we treat with follow the money, when we bring our improvements to our land registration system, when we bring improvements to civil asset forfeiture, proceeds of crime, miscellaneous provisions, Madam Speaker, all of these pieces are moving at the same time. And when the Leader of the Opposition said this is no laughing matter, I do not know if she was talking about Members on her own side—[*Interruption*]

**Mrs. Persad-Bissessar SC:** Your side.

**Hon. F. Al-Rawi:**—because the fact is, the only laughter that I hear, the only rhetoric that I hear, in large part is the Member for Naparima in crosstalk. I understand that. When you are accustomed to spinning wheels and making predictions on a wheel I could understand that as some Members may be wont to do, or persons may be wont to do, but the fact is, it is no laughing matter for this Government. We are absolutely sure about what we are doing. We think it is high time that these laws return to the books of Trinidad and Tobago. We accept the apology of those opposite for not supporting the law on two separate occasions.

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I have one more point to make. The hon. Leader of the Opposition pointed to the rationality of a two-year sunset clause by seeking to find assistance in my contributions in this House when I spoke as to the continuation of the existing Anti-Gang Act, No. 10 of 2011, and the Bail Acts as they stood in successive file between 2008 straight up to 2015. Madam Speaker, that is playing smart with something that is not smart, and let me put it this way. The rationale for asking the Parliament in July 2016, as I did, for a two-year period to do the work that my predecessors did not do—they did not conduct any analysis on the anti-gang law—the rationale for asking for two years was to gather the statistics, was to put in place organized anti-criminal gang investigation units, was to make sure that we assess the validity of the Bail (Amdt.) Act, and Madam Speaker, so said so done.

So you cannot compare a “zaboca” with a portugal and call it the same thing. Those are two entirely different things, and that is “zaboca” logic, quite respectfully. You see, it is to take something which is entirely different, which is hollow at the centre—[*Interruption*]

**Madam Speaker:** Order! Order!

**Hon. F. Al-Rawi:**—and try to use it as a prop for logic. So, Madam Speaker, we need no assistance in relation to the two-year period. And for those who insist upon English being the language in Parliament, a “zaboca” is an avocado.

Madam Speaker, this is straightforward, commonsensical, necessary, proportionate, constitutionally sound legislation and I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

*Clauses 1 to 12.*

*Question proposed:* That clauses 1 to 12 stand part of the Bill.

**Mrs. Persad-Bissessar SC:** Madam, may I say I take this under— I agree that we go to 1 to 12 block, but subject to should it arise for us to go backwards to the definition section.

**Mr. Al-Rawi:** Sure.

**Mrs. Persad-Bissessar SC:** Okay. Thanks.

*Question put and agreed to.*

*Clauses 1 to 12 ordered to stand of the Bill.*

*Clause 13.*

*Question proposed:* That clause 13 stand part of the Bill.

**Mr. Al-Rawi:** Madam Chair, I beg to move that clause 13 be amended as follows:

Delete the words “law enforcement authority” and “enquirer” wherever they occur and substitute in each place the words “police officer”.

Madam Chair, permit me just to address us on the point because I think it may take care of some concerns that the Leader of the Opposition just conveyed across the floor to me, off mike. Clause 13 as is drafted says when we look to clause 13(2) and clause 13(3), 13(1) says:

“A person who conceals—

- (a) a gang leader or a gang member; or
- (b) a gang-related activity,  
commits an offence...”

**8.10 p.m.**

When we get to (2):

“For the purposes of subsection (1)(a), a person commits an offence if in



response to an enquiry from a law enforcement authority as to the whereabouts...gang leader or the gang member, the person does not reveal...”

—there is a crime. Similarly, in subclause (3):

“...a person commits...”—a crime—“...if, in response to an enquiry from...law enforcement authority...”

—you fail to deliver. We believe that the definition of “law enforcement authority”, which is in the definitions section, stands as a very wide category and that includes: Police, Customs, Board of Inland Revenue, Defence, Prisons, et cetera. We believe that this clause should be amended such that it can only be an enquiry of a police officer. However, the need for law enforcement authority by way of inclusive definition in the definitions section still stands for the following reasons.

Firstly, if we look to clause 6(4) where we see the term “law enforcement” used, where a police officer, et cetera, or a member of protective service or person involved in law enforcement gathering, commits on offence, he is liable on conviction. That is where we excessively criminalize the people in law enforcement. Similarly in clause 6(5), a gang leader, et cetera, who assaults or acts against, wounds, grievous malicious, shoots at a law enforcement officer, again, it is required there.

If we look to clause 8(1)(c), if you are giving information to law enforcement authority or agency, et cetera, in relation to gang activity, that is where you prevent someone in retaliatory terms from giving that information, it is necessary and then also too, in clause 8(2), a person who contravenes (1) is liable on an offence. So the concept of law enforcement authority as defined in the definitions section still relates to those other parts but we think that it should

properly be removed from clause 13 of the Bill because we should confine it entirely just to police officer. I hope that I have addressed some of the concerns.

**Mrs. Persad-Bissessar SC:** Thank you, Madam. Very much, through the Chair, AG. I am very happy for this amendment to clause 13 because I was exceedingly concerned that if a customs officer or a BIR officer who was caught within the definition of “law enforcement”, that you could get into trouble where they come and ask you a question, you do not answer—I mean, that was a serious matter so I am very happy for this amendment.

**Mr. Al-Rawi:** Agreed.

**Mrs. Persad-Bissessar SC:** However, having been just given your amendment and I do not want to stop the proceedings today, I still have concerns with respect to the definitions section and the way that will impact in other places where law enforcement is defined in such a wide manner. I agree with your point where you are criminalizing acts against law enforcement officers and prisons and so on.

**Mr. Al-Rawi:** And by them.

**Mrs. Persad-Bissessar SC:** Yes, yes, over the penalties being increased, I can see that. And the other one you mentioned just after that was the opposite. So one is for the people who act against these fellas and one was where—what was the opposite?

**Mr. Al-Rawi:** They themselves.

**Mrs. Persad-Bissessar SC:** They themselves, yes.

**Mr. Al-Rawi:** So if the law enforcement officers are engaged in criminality or if criminality is exercised against them, then we treat with them.

**Mrs. Persad-Bissessar SC:** Against them, so that is a very great provision as well. So I would ask you kindly, as I am saying, we have just seen it, this has go to the Senate and I am sure you will give that undertaking in the spirit of cooperation we

now have.

**Mr. Al-Rawi:** I do and I will tell you it is because I gave the undertaking in December 2017 that I came back to this particular amendment.

**Mrs. Persad-Bissessar SC:** Certainly. And I thank you, Madam. We have no problems with it—well, subject to your undertaking to it again.

**Mr. Al-Rawi:** I do. I specifically give the undertaking.

**Mrs. Persad-Bissessar SC:** Thank you very much, hon. AG.

*Question put and agreed to.*

*Clause 13, as amended, ordered to stand part of the Bill.*

*Clauses 14 to 19 ordered to stand part of the Bill.*

*First Schedule ordered to stand part of the Bill.*

*Second Schedule ordered to stand part of the Bill.*

*Preamble approved.*

*Question put and agreed to:* That the Bill, as amended, be reported to the House.

*House resumed.*

*Bill reported, with amendment.*

*Question put:* That the Bill be now read a third time.

**Madam Speaker:** This Bill requires a three-fifths special majority. The Clerk will take the division.

*The House voted: Ayes 37*

AYES

Robinson Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Anti-Gang Bill, 2018 (cont'd)

2018.03.09

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Smith, Hon. D.

Mc Donald, Hon. M.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Miss N.

Antoine, Brig. Gen. A.

Leonce, A.

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gayadeen-Gopeesingh, Mrs. V.

Anti-Gang Bill, 2018 (cont'd)

2018.03.09

Indarsingh, R.

Ramadhhar, P.

Khan, Dr. F.

Padarath, B.

Paray, R.

Ramdial, Miss R.

Singh, G.

*Question agreed to.*

*Bill accordingly read the third time and passed. [Desk thumping]*

### **ADJOURNMENT**

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

Thank you very kindly, Madam Speaker. I beg to move that this House do now adjourn.

*Question put and agreed to.*

**Madam Speaker:** In accordance with Standing Orders 11 and 12(1), this House now stands adjourned to Friday the 16<sup>th</sup> of March, 2018, at 1.30 p.m.

*House adjourned accordingly.*

*Adjourned at 8.21 p.m.*