

HOUSE OF REPRESENTATIVES

Friday, March 16, 2018

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, Dr. Lackram P. Bodoë, MP, Member for Fyzabad, has requested leave of absence from sittings of the House during the period March 16 to 26, 2018, and Mr. Rushton, Paray MP, Member for Mayaro, has requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**JOINT SELECT COMMITTEE
(APPOINTMENT TO)**

Madam Speaker: Members, I am to advise that I have received the following correspondence from the Vice-President of the Senate dated March 16, 2018.

“Dear Hon. Speaker,

Establishment of the Joint Select Committee

Your letter dated March 12, 2018 on the subject at caption.

I wish to advise that at a sitting held on Tuesday March 13, 2018, the Senate concurred with the House on the establishment of a Joint Select Committee to consider and report by July 31, 2018 on ‘The Constitution (Amendment) (Tobago Self-Government) Bill, 2018’; and the following six (6) Members were appointed to serve on the Committee:

1. Mr. Clarence Rambharat
2. Mr. Nigel De Freitas

UNREVISED

3. Mr. Foster Cummings
4. Mr. Saddam Hussein
5. Dr. Dhanayshar Mahabir
6. Mr. Stephen Creese.

Accordingly, I respectfully request that the House of Representatives be informed of this decision at the earliest convenience please.

Respectfully,

Senator the Honourable Nigel De Freitas.

Vice-President of the Senate”

PAPERS LAID

1. Audited Financial Statements of the Sports Company of Trinidad and Tobago Limited for the financial year ended September 30, 2017. [*The Minister of Finance (Hon. Colm Imbert)*]
To be referred to the Public Accounts (Enterprises) Committee.
2. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sugar Industry Labour Welfare Committee for the year ended September 30, 1999. [*Hon. C. Imbert*]
3. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sugar Industry Labour Welfare Committee for the year ended September 30, 2000. [*Hon. C. Imbert*]
4. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sugar Industry Labour Welfare Committee for the year ended September 30, 2001. [*Hon. C. Imbert*]
5. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Sugar Industry Labour Welfare Committee for the year ended September 30, 2002. [*Hon. C. Imbert*]

Papers 2 to 5 to be referred to the Public Accounts Committee.

6. Annual Administrative Report of the ExportTT Limited for the fiscal year ended September 30, 2015. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
7. Annual Administrative Report of the Business Development Company Limited for the fiscal year ended September 30, 2010. [*Hon. C. Robinson-Regis*]
8. Annual Administrative Report of the Business Development Company Limited for the fiscal year ended September 30, 2011. [*Hon. C. Robinson-Regis*]
9. Annual Administrative Report of the Business Development Company Limited for the fiscal year ended September 30, 2012. [*Hon. C. Robinson-Regis*]
10. Annual Administrative Report of the InvestTT Limited for the fiscal year ended September 30, 2014. [*Hon. C. Robinson-Regis*]

**JOINT SELECT COMMITTEE REPORTS
(Presentation)**

**State Enterprises
Education Facilities Company Limited**

The Minister of Social Development and Family Services (Hon. Cherrie-Ann Crichlow-Cockburn): Madam Speaker, I wish to present the following report:

Seventh Report of the Joint Select Committee on State Enterprises on an Inquiry into the Efficiency and Effectiveness on the Education Facilities Company Limited in managing the construction and repair of Government and Government Assisted Schools.

Human Rights, Equality and Diversity

The Minister of Community Development, Culture and the Arts (Hon. Dr. Nyan Gadsby-Dolly): Madam Speaker, I wish to present the following reports:

Mental Health and Family Life of Remandees

Sixth Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Inquiry into the Impact on Mental Health and Family Life of Remandees at the Remand Prisons.

Support to Victims of Domestic Violence

Seventh Report of the Joint Select Committee on Human Rights, Equality and Diversity on an Inquiry into the Status of the Implementation of the Recommendations of the 2015 Report of the Joint Select Committee on Human Rights, Diversity, the Environment and Sustainable Development on the Examination of Programmes and Services which provide support to victims of Domestic Violence.

URGENT QUESTIONS**Carapichaima East Secondary
(Restarting of Work on)**

Miss Ramona Ramlal (*Couva North*): To the Minister of Education: Could the Minister state precisely when will work begin on the Carapichaima East Secondary since its closure some three months ago?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Work on the Carapichaima East Secondary School commenced on Friday 9 March, 2018, and is expected to be completed by the 10th of April, 2018.

Thank you.

Miss Ramdial: Thank you, Madam Speaker. Minister, can you state exactly what

arrangements have been made in the interim for students attending this school?

Hon. A. Garcia: Thank you very much, Madam Speaker, again. Arrangements have been made for the upper school to be housed at various localities to ensure that they are in a position to comply with all the requirements, especially in terms of their SBAs.

In terms of the lower school, we had a delegation visiting the school about one month ago, and there were certain arrangements that were supposed to have been put in place and certain agreements. At that meeting, attended by the Member for Couva North, we had an agreement that would have facilitated the entry of all our students. However, apparently things fell down and at this point those students are still out of school. I have been assured, however, that once the repairs have been completed in time, and I gave a date just now, the 10th of April, when school resumes at the beginning of the third term, all our students would have been accommodated.

Thank you very much.

Mr. Karim: Thank you very much, Madam Speaker. Could the hon. Minister indicate what is going to be done to prepare these students for their CSEC and CAPE examinations next term, in view of the fact that they have lost an entire term of teaching and learning?

Hon. A. Garcia: Madam Speaker, I do not think it is accurate to say those students have lost an entire term. The problem at Carapichaima East Secondary School started in January this year because of a pigeon infestation. As I just indicated, the upper school is being accommodated at various places, and I have been assured that the teachers are doing everything possible so that those children would not be disadvantaged.

In fact, Madam Speaker, before I came here I had a telephone conversation

with the principal, and I have been assured that everything has been put in place so that those students would not be disadvantaged.

Thank you.

**Scholarship Awardees
(Non-payment of Awards)**

Mr. Fazal Karim (*Chaguanas East*): To the Minister of Education: Could the Minister state the reasons why fees for scholarship awardees studying abroad have not been paid, resulting in their suspension and prevention from attending classes and writing examinations which may jeopardize their graduation?

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, first of all I want to give the accurate information and that is not all the students have been affected. In fact, there are 583 of our scholars who are studying abroad, and there were some difficulties with respect to 102. In other words, 481 of our scholars have been paid their stipends and all living expenses. [*Desk thumping*]

Some of the problems that have been identified would be: outstanding status letters, transcripts and invoices from the scholars themselves or from the missions, and scholars for academic year 2017 to 2018 whose contracts have not been signed to date, and these are some of problems. However, I would like to state that it should be noted that from March 14, 2018, that is this week, sufficient funds have been released to cover the majority of outstanding tuition payments that are now owing.

Thank you very much.

Mr. Karim: Thank you very much, Madam Speaker. Could the hon. Minister indicate by when would all of the indebtedness to these students be paid completely? My information is that some of them have been asked to discontinue their classes.

Hon. A. Garcia: Madam Speaker, my information is contrary to what my good friend has just said. I am not aware that any of the students has been asked to vacate their premises or their schools. To answer the question directly, I have just stated that invoices have been sent and releases have been obtained which will afford the possibility and the opportunity for all our students who are studying abroad to be paid.

Dr. Gopeesingh: Minister, do you consider this acceptable for the Government and the Ministry of Education to put these students through this turmoil even as they are Government scholarship winners?

Hon. A. Garcia: Madam Speaker, whether it is acceptable or not, I can only deal with the bare facts. As everyone knows, this country is having some challenges with respect to our finances and, again, I have been assured by our Minister of Finance that everything possible is being done to prevent our scholars from suffering undue hardships. [*Desk thumping*]

Haleema Mohammed
(Allocation of Funds for Treatment)

Mrs. Vidia Guyadeen-Gopeesingh (*Oropouche West*): To the Minister of Health: Could the Minister indicate whether financial resources will be allocated to assist five-year-old Haleema Mohammed to continue treatment for her life threatening disease in India, since she was hospitalized after experiencing a medical emergency this week?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. The individual in question is suffering from Thalassemia which is not a life-threatening disease, as stated by the Children's Life Fund Board under Dr. Maritza Fernandes which was the same board that was operating under the previous administration.

The individual in question and the family went to India for a particular procedure and returned. I would advise Miss Mohammed and her family to take her to the nearest health care institution for emergency treatment.

In light of the new clinical symptoms, an application can be made to the Children's Life Fund for any treatment which qualifies as life threatening. I can tell this honourable Chamber that no application to date for this new episode has been received, and the Children's Life Fund continues to function from September 2015 to now. We have given out \$28,542,990 to 87 patients suffering from life threatening conditions, as determined by the same personnel under this administration which served under the last administration.

Thank you very much, Madam Speaker.

Dr. Khan: Supplemental question, not geared towards anything.

If the Children's Life Fund has said that it is not a life threatening emergency, take it as you must, why is she then fighting for her life now in Mount Hope?

Hon. T. Deyalsingh: Because, hon. Member, we have no idea what happened in India. So it is very improper, I think, for anyone to even indicate or infer that this was related to the original condition. As I said, the patient went to India, neither you nor I nor anyone knows what happened or did not happen in India, and we should not assume and put assumptions as facts.

I thank you very much, Madam Speaker.

**Clarke Road Hindu School
(Sewer Repairs)**

Mrs. Kamla Persad-Bissessar SC (*Siparia*): Madam Speaker, in light of the major sewer problem at the Clarke Road Hindu School which has resulted in the early dismissal of classes as well as many children falling ill, and with tests/exams

scheduled to start on Monday, can the Minister inform this House what urgent measures are being taken to rectify this untenable situation?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. A meeting was held this week involving the principal of the school, officers of the EFCL Division, school supervisors and other major stakeholders. At that meeting, the principal stated that although approvals have been carried out for repairs to the sewer system, and that that approval was conveyed to the EFCL, the principal requested that work be delayed until the 24th of March so that our students would not be interrupted with respect to the writing of their end of term exams.

Thank you very much.

Mrs. Persad-Bissessar SC: Thank you. Hon. Minister, are any arrangements in place for these students who have been missing classes, I am told, since January, because of this problem? Are any alternative arrangements being made till, you say, 24th of March?

Hon. A. Garcia: Madam Speaker, the students have not been missing classes. What has happened is that school has been dismissed early every day, [*Laughter*] and during the morning period—Madam Speaker, I am being interrupted.

Madam Speaker: Member, please do not be distracted.

Hon. A. Garcia: And during the morning session again I have been told that every effort is being made by teachers in the classes to ensure that the syllabus is taught and the curriculum is implemented. Thank you very much.

Mrs. Persad-Bissessar SC: Thank you very much, Madam. Hon. Minister, have we found the root cause of this problem? Is it sabotage or is it incompetence with the sewer problem?

Hon. A. Garcia: Madam Speaker, the problem is really one of an unbearable stench. The officers of the Ministry of Education, in conjunction with officers of the EFCL, have done a site visit and they have looked at the problem. It seems as though there is a rupture on one of the sewer lines which causes the scent—the unbearable scent. That will be rectified as soon as possible, and it is hoped that that problem does not recur.

Thank you.

Mr. Padarath: [*Inaudible*]

Madam Speaker: Member for Princes Town, it is a bit too early in the day for us to start all of this crosstalk.

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, there are seven oral questions and we will be answering all of those. There are five written questions and we will be answering all five questions.

WRITTEN ANSWERS TO QUESTIONS

Agricultural Lands (Details of New Leases)

100. Mr. Ganga Singh (*Chaguanas West*) asked the hon. Minister of Agriculture, Land and Fisheries:

Could the Minister indicate whether new leases for agricultural lands were awarded in the last twelve months and if so;

- a) state the purpose for leasing these lands;
- b) state the process utilised to select the successful applicants; and
- c) state the application date of each successful applicant?

**Doña Mercedes Vessel
(Plans in Place for)**

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

With regard to the procurement of the new vessel the “Doña Mercedes”, could the Minister indicate the plans in place for repairs, maintenance, spare parts and training of local personnel?

**ISIS Fighters/Families Return
(Plans to Deal with)**

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

Further to the response provided to a Prime Minister’s Question on April 08, 2016, could the hon. Minister state whether there are plans to deal with returning ISIS fighters and their families to Trinidad and Tobago?

**Tobago Sandals Project
(Update)**

- 118. Miss Ramona Ramdial** (*Couva North*) asked the hon. Minister of Tourism:

Could the Minister provide an update on the Tobago Sandals project?

**Education Sector
(Strategies for Male Underperformance)**

- 120. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Education:

Could the Minister indicate the strategies in place to deal with male underperformance in the education sector?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

San Fernando General Hospital (Collapse of Air Conditioning Pipes)

107. Mrs. Vidia Guyadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Health:

With regard to reports that the air conditioning pipes at the San Fernando General Hospital have collapsed, could the Minister indicate:

- a) the extent of the damage;
- b) the cost to repair the damage; and
- c) the efforts to ensure this type of infrastructure failure does not re-occur in the future?

The Minister of Health (Hon. Terrence Deyalsingh): Many thanks, Madam Speaker. The ceiling at the nurses' station was damaged and the electrical lights were wet, but not blown.

(b) The cost was \$5,000 and was completed by in-house staff.

(c) The air handler's drain-piping system has been included in the inspection schedule to ensure the integrity of the main pipefitting joints and the free flow of water.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, could you tell this House when was the last time a structural assessment was done at the San Fernando General Hospital?

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

Emperor Valley Zoo (New Animal Additions)

108. Mrs. Vidia Guyadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Agriculture, Land and Fisheries:

In light of reports by the Zoological Society of Trinidad and Tobago on the addition of the “Giant Flying Foxes” at the Emperor Valley Zoo, could the Minister outline the projected costs to accommodate these new additions?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam Speaker, the Zoological Society of Trinidad and Tobago estimates that the exhibit will cost between \$20,000 and \$40,000. The final price will be determined based on the number of specimens in the exhibit. Thank you.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, was there a cost benefit analysis undertaken to assess the feasibility of this project?

Sen. The Hon. C. Rambharat: Madam Speaker, from time to time the Zoological Society adds exhibits to the collection based on the interest of people in the country, and it is the belief of the society that this exhibit would enhance the education options and the interests of citizens of this country.

**Port of Spain Prison
(Details of Raid at)**

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

With regard to the prison raid at the Port of Spain Prison on January 23, 2018, could the Minister indicate:

- a) whether any prisoners were severely injured during the raid; and
- b) whether legal action has been initiated against the State, if the answer to (a) is in the affirmative?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. The event which occurred on January 23, 2018 at the Port of Spain prison was not a prison raid, but a routine search conducted by the Trinidad and Tobago Prison Service. At this routine search exercise, no

prisoner was severely injured, however, seven prisoners sustained minor injuries in the form of lacerations. All seven prisoners were taken to Eric Williams Medical Sciences Complex where they were treated and discharged on the same day. To date the office of the Commissioner of Prisons has received no pre-action protocol for any legal action against the State.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, has any further routine search been conducted since?

Hon. Maj. Gen. E. Dillon: Madam Speaker, as the name suggests, routine searches are conducted on a routine basis throughout.

**Sonny Ladoo Development ECCE
(First Intake of Students)**

127. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Education:

Could the Minister state the expected date that the Early Childhood Education Centre at Sonny Ladoo Development will accept its first intake of students?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. I am very pleased to respond. [*Desk thumping and laughter*] As with several other unfinished projects under the purview of the Ministry of Education, efforts are being made to identify funds for the payment of the outstanding sums owed and for completion of the school. However, at this time I am unable to say when this centre will accept its first intake of students.

Thank you.

Mr. Indarsingh: Thank you, Madam Speaker. Is the Minister aware that this facility has been totally vandalized and is being used as a hideout for criminals to carry out carjackings and home invasions in the McBean/Calcutta Nos. 1, 2, 3, and

Beaucarro areas?

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

Dr. Gopeesingh: Could the Minister indicate why at least eight early childhood education centres which have been completed already have not been opened?

Hon. A. Garcia: Madam Speaker, I am not sure that there are eight ECC centres that have been completed and have not been reopened. I can simply say that we are looking at this, and sometime next week we will have a definite decision on how we are going to proceed with respect to all the schools that are in a state of either repair or disrepair, or that have not yet been reopened. By the end of next week we will have something definite to say on this.

Dr. Gopeesingh: Minister, are you aware that you have been making these similar statements for the last two and half years? [*Desk thumping*] Are you going to change your statement?

Madam Speaker: Member for Caroni East, I will not allow that question.

**Beaucarro and Esperanza Recreation Grounds
(Lighting of)**

128. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Public Utilities:

Could the Minister inform this House when will the Beaucarro and Esperanza Recreation Grounds be lit under the street lighting programme of the Trinidad and Tobago Electricity Commission?

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Madam Speaker, the illumination of parks and recreation facilities is a component of the National Street Lighting Programme. Approval for all illumination is based on the following conditions: ownership by the regional corporations, proximity to other illuminated grounds, infrastructural needs and of course the availability of funding.

An application was made by the MP for Couva South for the illumination of both the Phoenix Park and the Beaucarro Recreation Grounds, both of which are located in the constituency of Couva South. In January 2017, site visits were conducted to both grounds. In March 2017, approval was conveyed only for the Phoenix Recreation Ground. Approval was not granted for the Beaucarro Recreation Ground based on the following considerations: one, close proximity to two already illuminated grounds and, two, lack of infrastructure at this site. With respect to the Esperanza Recreation Ground, this ground is still to be surveyed by T&TEC. It should be noted that of the 41 constituencies, Couva South has the third highest number of recreation grounds illuminated. The Ministry of Public Utilities through T&TEC has approved and implemented the lighting of 11 recreation grounds throughout the Couva South Constituency, with one additional recreation ground in progress.

Thank you.

Mr. Indarsingh: Thank you, Madam Speaker. Could the Minister clarify because he seems to have gotten his geography wrong? I, at no point in time, enquired about the Phoenix Park Recreation Ground.

Madam Speaker: Member, kindly ask the supplemental question.

Mr. Indarsingh: That is in the constituency of Pointe-a-Pierre.

Madam Speaker: Member for Couva South, do you have a supplemental question?

Mr. Indarsingh: I already asked it, Madam Speaker.

2.00 p.m.

**Carnival 2018 Road Maintenance Programme
(Details of)**

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

With regard to the road maintenance programme for Carnival 2018, could the Minister provide:

- a) the details of road works conducted in Opposition-led constituencies; and
- b) the number of additional contractors hired for this project;
- c) the total cost for the programme; and
- d) the procurement process used?

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

Thank you, Madam Speaker. Madam Speaker, with regard to the road maintenance programme for Carnival 2018, the Ministry of Works and Transport under the Highways Division conducts road maintenance in eight districts on a daily basis irrespective of constituencies.

The national road maintenance initiative was launched as part of the pre-Carnival road patching programme. The focus of this exercise was Port of Spain, Diego Martin, Arima, Chaguanas, Couva, San Fernando, Point Fortin, to improve the road conditions for the Carnival activities.

In addition to these, all eight districts under the purview of the Highways Division continues with routine patching works on all roads within the jurisdictions. Subsequent to the pre-Carnival initiatives, all municipal corporations were invited to participate. The works which were conducted for the Carnival period were in St. George West: Coblentz Road, St. Ann's Road, Cascade Road, Ariapita Avenue, Tragarete Road, Western Main Road, Maraval

Road, Wrightson Road, Diego Martin Main Road, Saddle Road, Morne Cocoa Road, St. Lucien Road, Diego Martin Main Road, Port of Spain east, west, central and St. James area done by the Port of Spain City Corporation. St. George East: Eastern Main Road. Within the Arima Borough Corporation: Guanapo Junction Road and Tumpuna Road. St. Andrew/St. David: Valencia Road corner Brierley Street and Ramdass Street, corner Brierley and Sabe Street, Eastern Main Road, Sangre Grande, Caroni, Chaguanas Main Road, Waterloo Road, Southern Main Road, Couva. Victoria West: Pointe-a-Pierre Road, San Fernando Bypass on the south bound, Hermitage Road, South Trunk Road, Manahambre Road. In St. Patrick: the Southern Main Road and Garth Road and La Fortune Pluck Road. In Victoria West: St. Croix Road, Naparima-Mayaro Road, Sixth Company Circular Road and the Tabaquite Road. In Nariva/Mayaro: Naparima-Mayaro Road, Mayaro-Guayaguayare Road, San Pedro Road and the Manzanilla/Mayaro Road.

The number of additional contractors hired for this project, Madam Speaker, in-house labour from the Ministry of Works and Transport and the Ministry of Rural Development and Local Government were used for this project. No contracted services were employed. The total cost of this project for asphalt production is \$301,800 inclusive of diesel, aggregate and bitumen. The procurement process used product, in-house labour and material were used. I thank you. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Thank you, Madam Speaker. Could the Minister give us the details of road works done on the Garth Road or any other road in the Naparima constituency?

Sen. The Hon. R. Sinanan: Thank you, Madam Speaker. In the St. Patrick area—sorry, in the St. Patrick Grant Road, 1.5 to 2.2 kilometres, La Fortune Pluck Road 0 to 4.0 kilometres.

Madam Speaker: Supplemental.

Mr. Charles: Is the Minister aware that those two roads are not in the constituency of Naparima and therefore, he has not answered the question.

Sen. The Hon. R. Sinanan: Madam Speaker, we do not pave in the Ministry by constituency, we pave in eight divisions and the reporting is not by constituency. Thank you. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Is the Minister aware that in my constituency there are a number of roads that are affected by landslips and are impassable and therefore, worthy of consideration in any road improvement programme?

Madam Speaker: I will not allow that as a supplemental question. Member for Barataria/San Juan.

Dr. Khan: Minister, I got a little confused in the last answer. Sorry. Could you indicate whether you are talking about road paving or pothole patching?

Madam Speaker: Minister of Works and Transport.

Sen. The Hon. R. Sinanan: Madam Speaker, the question number 130 was with regard to road maintenance programme for Carnival 2018, could the Minister provide...? This is on our road maintenance programme.

Madam Speaker: Member for Cumuto/Manzanilla.

**Road or Gas Tax
(Details of)**

131. Mrs. Christine Newallo-Hosein (*Cumuto/Manzanilla*) asked the hon. Minister of Finance:

Could the Minister 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?

The Minister of Finance (Hon. Colm Imbert): 131? [*Crosstalk*] There is 130. Oh I see, it has changed from last week. No problem. Thank you, Madam Speaker. Answer to part a) is, no. Answer to part b), the Financial Act of 1994 introduced a road improvement tax of 5 per cent on the retail price excluding value added tax of motor vehicle fuels.

This tax, as Member should know, was subsequently abolished in 2006 and therefore, there has been no road or gas tax imposed on motorists at gas stations for the last 12 years, as the Member should know.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Could the Minister tell us whether the various taxes that are placed on gasoline has led to an elimination of the subsidiary, the gas subsidy.

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

**DEFINITE URGENT MATTERS
(LEAVE)**

**Trinidad and Tobago Sea Bridge
(Failure of Government to Effectively Manage)**

Dr. Surujrattan Rambachan (*Tabaquite*): Thank you, Madam Speaker. I

hereby seek your leave to move the Adjournment of the House today under Standing Order 17(1), to discuss a Definite Matter of Urgent Public Importance namely, the failure of the Government to effectively manage the Trinidad and Tobago Sea Bridge in light of the recent announcement that there will be no travel on the passenger ferries to Tobago for at least 10 days due to mechanical and safety issues, and the failure of the Government to put in place adequate alternative means for persons to travel between Trinidad and Tobago.

Madam Speaker, the matter is definite because it deals specifically with the failure of Government to effectively manage the Trinidad and Tobago sea bridge given the recent announcement withdrawing the *T&T Express* from service due to safety concerns and the fact that the *T&T Spirit* has been on dry dock for over nine months now.

The matter is urgent because the unreliable sea bridge has further exacerbated the negative impact already experienced by the tourism industry in Tobago and will affect hotel and guest house bookings for the upcoming Easter holiday which is yet another critical income earning period for the sector.

The matter is also urgent because of the Government's incompetence and inability to administer and maintain a reliable sea bridge.

This matter is of public importance because the collapse of the sea bridge has led to the virtual collapse of the Tobago economy resulting in ever increasing hardships on the people of Tobago including limited access to basic commodities. This latest development in the sea bridge saga would devastate the Tobago economy and all but destroy the island's tourism sector. Thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Hon. Members, I am not satisfied that this matter qualifies under this Standing Order. While this matter is of no doubt of importance, I take note of the fact that this matter was recently raised in the other place which means that the issue was recently ventilated, and the Government provided a response. While it remains of public importance it can no longer satisfy the requirement of urgency under this Standing Order. Member for Caroni East.

**Neonatal Intensive Care Units
(Investigation and Evaluation of)**

Dr. Tim Gopeesingh (*Caroni East*): Thank you, Madam Speaker. In accordance with Standing Order 17(1) of the House of Representatives, I hereby seek leave to move the Adjournment of the House at its sitting today 16 March, 2018, for the purpose of discussing a Definite Matter of Urgent Public Importance namely the urgent need for extremely experienced teams of infection control professionals to investigate and evaluate all neonatal intensive care units in Trinidad and Tobago.

The matter is definite because of the recent widely reported disputed cases of neonatal fatal demise and brain damage of neonates associated with the bacterial infection at the San Fernando General Hospital Neonatal Intensive Care Unit.

It is urgent since immediate action and intervention are required to prevent loss of lives of newborn babies in these units secondary to bacterial and nosocomial hospital acquired infections.

It is of public importance because hundreds of expectant mothers with perinatal, maternal complications are extremely concerned for the safety, well-being and foetal outcome of their future newborns needing possible

hospitalization in these units.

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

STATEMENT BY MINISTER

National Policy on Sport 2017-2027

The Minister of Sport and Youth Affairs (Hon. Darryl Smith): Madam Speaker, I have been authorized by the Cabinet to make a statement on this milestone document, the Trinidad and Tobago National Policy on Sport 2017-2027.

Madam Speaker, prior to the development and subsequent laying of this document in the Parliament, this twin-island Republic has been without a formal sport policy for the better part of four years. The 2002 National Sport Policy expired in 2012 as per policy best practice. As part of the development of this new policy and complementing document reviews, consultations and stakeholder engagements was a comparative analysis of sport policies from the Commonwealth jurisdiction. Some of these included:

- the Canadian Sport Policy;
- the National Sport Policy for Jamaica (Green and White Papers);
- the White Paper on Sport and Recreation for the Republic of South Africa; and
- the Australian Sport Policy.

The Green and White Papers on the National Sport Policy were of particular interest in respect of the institutional arrangements, as developmental rubrics which underpin that country successful athletics programme. Many of

the sport systems that are employed in Trinidad and Tobago are derivatives of the Australian model and so we were keen to assess this country sport policy. In addition to the aforementioned policies, several operational plans from other jurisdictions were examined to give birth to the National Policy on Sport, policy perspectives, as well as to provide insight into its implementation.

Madam Speaker, the National Policy on Sport adopts a comprehensive and collaborative framework for action. In this respect, the policy identifies a core group of stakeholders which are reflective of the Government's whole-of-Government approach to national development.

An extensive group supplements these key focal points, and includes public, private sector, nongovernmental agencies and other organizations, in a network of strategic partnerships integral to the successful implementation of policy objectives.

The policy addresses thirteen objective areas all of which have been identified by these stakeholders as being key priority areas for the development of sport in Trinidad and Tobago.

As regards sport for development, sport is seen as a vehicle to achieve personal, community, national and international development objectives, and the key priority areas are as follows:

- High Performance Sport
- Total Participation
- Capacity Building
- Administrative Reform
- Financing Sport

- Creation of an Enabling Environment
- Marketing and Communication
- Research Development and Planning

Development of Sport on the other hand, contemplates the development and application of mechanisms to strengthen networks of infrastructure within the country. In this regard, the following objective areas are addressed:

- Industry and Commerce
- Social Development
- Infrastructure Development
- National Cohesion and National Pride
- Physical Literacy

Madam Speaker, the National Policy on Sport also places focus on the employment of core strategies to facilitate the development of the enabling environment which will promote successful achievement of policy outcomes. These strategies include:

- restructuring the operations of the Ministry of Sport and Youth Affairs;
- effecting the transition from the Sport Company of Trinidad and Tobago (SPORTT) to the Sport Commission of Trinidad and Tobago (SCOTT);
- adoption of a business operation focus;
- adoption of a collaborative culture towards programme development and implementation;
- development of the requisite legislation and operational guidelines

to which National Governing Bodies (NGBs) and other stakeholders must subscribe; and

- development of requisite acts, policies and by-laws to enforce policy content, as well as to inform industry standards.

The National Policy on Sport contemplates a tiered implementation schedule spanning short, medium and long term time frames as outlined below:

- Short term - one (1) to three (3) years
- Medium term - four (4) to six (6) years
- Long term - seven (7) to ten (10) years

In an effort to avoid the pitfalls of the 2002 National Sport Policy, the National Policy on Sport 2017-2027 identifies and will rely on the development of the support framework for the implementation of the policy as outlined below:

- a 2017-2022 National Policy on Sport Action and Implementation Plan;
- a 2017-2027 Monitoring and Evaluation Framework; and
- a 2017-2020 National Framework for the Development of Sport and Sport for Development.

Madam Speaker, the monitoring and evaluation framework is critical to the implementation of the National Policy on Sport. For the first time maintenance policy will also be tabled as an adjunct document to the national policy to provide guidelines for the maintenance of the country's TT \$4 billion sport asset base.

Additionally, the financing of sport is to be addressed in a comprehensive

Statement by Minister (cont'd)
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sport funding policy which speaks to several funding streams for including for elite athlete support and athlete development including at the grassroots level.

Madam Speaker, this National Policy on Sport is directly reflective of the Sport for All philosophy espoused in Goal 6 of the National Development Strategy of Vision 2030 as it envisions the establishment of clear pathways towards holistic sport development and sporting achievement. The successful achievement of the desired outputs and outcomes will, as set out in Goal 6 of the National Development Strategy, see increased citizens participation in sport and recreational sport activities; occasion an increase in structured programmes for high performance sport; facilitate the development and enhancements in the preparation of high performing athletes for high-level competitions; and promote Trinidad and Tobago as the regional hub for Caribbean sporting and the preferred location for international events, thereby raising our profile and income as a sport tourism destination. Madam Speaker, I thank you. [*Desk thumping*]

Madam Speaker: Member Princes Town.

Mr. Padarath: Madam, to the hon. Minister, in light of the elite athlete sport that the Minister speaks of in terms of the reform, can the hon. Minister indicate to us, were these athletes consulted seeing that several national sportsmen have indicated that no funding and have publically disassociated themselves with the Ministry of Sport and Youth Affairs?

Hon. D. Smith: Madam Speaker, the issues that we have had with the elite athlete funding has nothing to do with policy. We had consultations for the past two years, [*Crosstalk*] we all know the situation with regard with financial

Statement by Minister (cont'd)
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situation and we are coping with that.

In terms of the consultation, we have covered the length and breadth of Trinidad and Tobago consulting of which you all would recall that after the Olympics in 2016, we hosted for the first time a post-mortem with all the athletes where we went through all these issues including elite athlete funding, and with this new policy you will see positive changes in right direction, Madam Speaker.

**MISCELLANEOUS PROVISIONS (SUPREME
 COURT OF JUDICATURE AND CHILDREN) BILL, 2018**

Bill to amend the Interpretation Act, Chap. 3:01, the Supreme Court of Judicature Act, Chap. 4:01, the Summary Courts Act, Chap. 4:20, the Bail Act, Chap. 4:60, Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34, the Legal Aid and Advice Act, Chap. 7:07, the Child Rehabilitation Centre Act, Chap. 13:05, the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Children Act, Chap. 46:01, the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04, the Children's Authority Act, Chap. 46:10, and the Family and Children Division Act, 2016 [*The Attorney General*]; read the first time.

**MATTER OF PRIVILEGE
 (LEAVE)**

Madam Speaker: I now call upon the Member for Couva South who I have given leave to raise a matter of privilege under Standing Order 32(2). [*Desk thumping*]

Member for Arima

Mr. Rudranath Indarsingh (*Couva South*): Thank you. Madam Speaker, I seek your leave to raise a matter of privilege under Standing Order 32(2) of the

Matter of Privilege (Member for Arima) (cont'd)
Mr. Indarsingh (cont'd)

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House of Representatives.

In accordance with Standing Order 32(2), I seek your leave to raise a matter concerning the privileges of this House. The matter in respect of an incident which occurred in the Members' dining room of the Parliament just prior to the sitting of the House of Representatives on Friday, 9th March, 2018, and involved the threatening and intimidating conduct of the Minister of Education and the Member of Parliament for Arima.

I was verbally assaulted by the Member of Parliament for Arima because I raised issues in the public domain and in the Parliament relating to the recent closure of the Balmain Presbyterian Primary School.

Erskine May Parliamentary Practice 24 edition at page 262, makes clear that the behaviour exhibited by the Member of Parliament for Arima within the precincts of Parliament may be considered a contempt, and I quote:

“It is a contempt to molest a Member of either House while attending the House, or coming to or going from it...”

Madam Speaker: Hon. Members, I have given leave to the Member for Couva South to raise this matter, I would like to hear his contribution, please. Member for Couva South.

Mr. R. Indarsingh:

“It is a contempt to molest a Member of either House while attending the House, or coming to or going from it, and in the eighteenth century both Houses roundly condemned ‘assaulting, insulting or menacing Lords or Members’ going to or coming from the House or trying by force to influence them in their conduct in Parliament. Members and others have

been punished for such molestation occurring within the precincts of the House, whether by assault or insulting or abusive language, or outside the precincts.”

Further on the same page, *Erskine May Parliamentary Practice* indicates, and I quote:

“To molest Members on account of their conduct in Parliament is also a contempt. Correspondence with Members of an insulting character in reference to their conduct in Parliament or reflecting on their conduct as Members...have all been considered contempts.”

I therefore submit that the threatening language and abusive behaviour displayed by the Member of Parliament for Arima falls far below the accepted standard of conduct for parliamentarians and is both regretful and reprehensible. In those circumstances I request that this matter properly be referred to the Committee of the Privileges of this House for its investigation and report. [*Desk thumping*]

Madam Speaker: Hon. Members, by now all Members are aware that our and all other legislative bodies do enjoy certain legal privileges, powers and immunities. For a fact, the House would regard as most serious any improper attempt to intimidate Members in the performance of his or her duties. Such actions are treated as contempt of this House.

Erskine May Parliamentary Practice affirms that actions like threatening a Member against taking part in debates and publishing posters containing threats regarding the voting of Members in a forthcoming debate have, in fact, been proceeded against persons and have been held to be breaches in the case of

Matter of Privilege (Member for Arima) (cont'd)
Madam Speaker (cont'd)

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the United Kingdom House of Commons. However, hon. Members, to be a contempt on the ground of intimidation, there must be established that that was an accompanying treat to do something which is improper in itself or which is of such extraordinary nature that it goes beyond an attempt to influence the Member and becomes an attempt to intimidate.

Hon. Members, by letter to me dated 15 March, 2018, which was received this morning, the Member for Couva South sought and obtained my permission pursuant to Standing Order 32(2) to raise this matter as one of privilege. The matter seeks to have referred to the Committee of Privileges for consideration and report a certain statement made to him allegedly with a degree of vigour and colour by the Member for Arima in the Members' dining room on March 9, 2018.

The Member for Couva South claims that the words of the Member for Arima constituted an act of intimidation designed to deter him from fulfilling his duties as a Member of this House.

Hon. Members, I have read the submission of the Member for Couva South and the accompanying attachments. I have also noted the reports on this incident that have been published in the media.

I have also certainly considered this matter and I have also carefully reviewed the relevant literature on cases like this. Further, hon. Members, I have taken particular note of the fact that the Member for Couva South admitted in his submission that he responded to the Member for Arima in appropriate fashion so as to protect himself. In the circumstances, I find no prima facie case of breach of privilege in this matter, and I so rule.

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

[Second Day]

Order read for resuming adjourned debate on question [March 9, 2018]:

That the Bill be read a second time.

Question again proposed.

The Minister of Health (Hon. Terrence Deyalsingh): Many thanks to you, Madam Speaker, for recognizing me. Madam Speaker, we are here today to continue debate on an Act to amend the Registration of Titles to Land Act, 2000.

Madam Speaker, the history of why we are here is long, winding and sometimes torturous. In 1978, the Trinidad Law Commission Review gave rise to seven pieces of legislation: the Landlord and Tenant Act; the Land Law and Conveyancing Act; the Trustee Act; the Condominium Act; the Land Registration Act; the Succession Act; and the Limitation Act, but, Madam Speaker, none of those pieces of legislation were ever proclaimed.

In 1991, the University of Wisconsin Land Tenure Center on request of the Inter-American Development Bank did a paper on such issues. And in the year 2000, a land use policy, and administration project, again, was undertaken by the University of Wisconsin-Madison.

Madam Speaker, land is very emotive topic, people have died over it, people have been murdered over claims for land, it could render families apart, but when land is properly used it has the capability of creating wealth for families, for governments for communities.

According to a study by the Law Association of 2007, implementing the

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land titles legislation package it was claimed that 47 per cent of all households in Trinidad and Tobago do not have adequate title documents. [*Crosstalk*] Sorry. Yes. According to a study done by the Law Association in 2007, titled “Implementing the Land Titles Legislative Package”.

They also claimed that approximately 30,000 households have no title documents, and there was widespread squatting on State and private lands. And that is why I am so happy with the Attorney General for bringing this piece of legislation to the Parliament because there are so many benefits for land registration.

Madam Speaker, if I could just go back to the days when I was courting my wife and we would visit her “aajaa” and “aajee” in Pierre Road. And her “aajaa” his name was Jagdeo Cacandie in the constituency of Chaguanas West. And this old gentleman, not well-lettered but smart—he used to sell in the Chaguanas market—and when we go there he would turn to my girlfriend, now wife, and say, “Bayte, dey eh making no more”, and that was a pearl of wisdom. “Dey eh making no more land.” Right?

2.30 p.m.

And, Madam Speaker, in those days—I will be married 35 years this year, so 37 years of coming forward—when you drive down Pierre Road, what you would see is the transformation of Pierre Road from agricultural land, and now people put up their wonderful homes, their wonderful business places, and that is to be celebrated, the use of land to release value. And many of those lands were former agricultural lands and that is what, partly we are here about today. How do we deal with land?

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Because the Member of Mayaro, in his submission last time, spent his entire contribution talking about agricultural lands, and the use of agricultural lands for residential lands. And, Madam Speaker, this is a dilemma all governments face, the competing interests, because, as my wife's aja would say, "Dey eh making no more. Bayte, dey eh making no more land." How do we satisfy those primary needs of humanity where lands are being used for either residential purposes or non-residential purposes?

In the constituency of Chaguanas West again, the hon. Ganga Singh, he would have asked a question in the Parliament to the Minister of Agriculture, Land and Fisheries, Clarence Rambharat, whether he would consider changing the use of lands in Munroe Road from agriculture lands to residential lands. And again, that is excellent representation. So, our sons and daughters, whether you are sons and daughter of indentured labours, or sons and daughters of former slaves, you could have access to land to create wealth for your family to pass down. Because that is some of the benefits of land registration. It becomes cheaper, and quicker, and safer to transfer land. You have improved security of tenure. It simplifies land transactions and eliminates the need to go through several deeds, to search deeds and other legal documents in order to establish ownership. And for the Government side—those are the benefits to the people like in Pierre Road, Munroe Road—it assists us in proper land use planning, which is what the Member for Mayaro would have spoken to at length. It helps us with environmental planning, management and protection, equitable taxation and tax policy options in physical planning.

Madam Speaker, as I get into my contribution, I need to congratulate the Attorney General again for something, because he raised the issue of land tenure

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and land title in Tobago which we know has been an issue that has been of concern to Tobagonians as separate from Trinidadians for decades. So, the same ability we as Trinidadians have to realize the value of land, not only the monetary value, but the value of having something called your home to build a community, and the Attorney General in his piloting mentioned that the compulsory registration of title in Tobago would be the first destination of this new piece of law, and for that we on this side, and I think the whole country, warmly congratulate the hon. Attorney General. [*Desk thumping*]

Madam Speaker, the basis of my contribution will be founded on responding to issues raised by my colleague the Member for Oropouche East, where he spoke about 10 votes in marginal constituencies, and on the contribution of the Member for Mayaro, as I said, where he spoke at length about the use of farmlands, agricultural lands and saving lands for zoning. Because, Madam Speaker, one of the issues facing us and all Governments, as I said, is satisfying the basic needs, those two basic needs which sometimes clash, in the public domain, about residential lands and non-residential lands, both primary societal needs.

Madam Speaker, I have given the example of the constituency of Chaguanas East. And I say I am so glad to see our sons and daughters in Pierre Road, Munroe Road, on former agricultural lands now building their big homes and could pass it on to their children. In the constituency of St. Joseph, which I represent, you have and also bordering with the Member for St. Augustine, you have Bamboo No. 1, Bamboo No. 2, Bamboo No. 3, and I have been advocating just like the Member for Chaguanas East, to have the lands in Bamboo No. 1 be designated as residential land.

Hon. Member: Chaguanas West.

Hon. T. Deyalsingh: Chaguanas West, sorry. Just like the Member for Chaguanas West. You were part of that. And, what is happening in Bamboo No. 1, Bamboo No. 2, Bamboo No. 3, even though the lands have not yet been switched to residential or commercial, communities have sprung up, businesses have sprung up. Bamboo is the home of the used car industry, the used car parts, but it is still on agricultural lands. Madam Speaker, I must say, the use of those lands for housing and for business, I do not think has met with opposition from this side. So people were free to do as they liked with their land.

Madam Speaker, under clause 3(c) of this Bill, where we talk about a condominium portfolio, where you have to list out the condominiums you want to build and so on, I would like to turn Members' attention to another part of the St. Joseph constituency, that is Aranguez. Aranguez used to be called the food basket of the nation. Correct? The food basket of Trinidad and Tobago. But do you know what is happening in Aranguez now, especially on the eastern part of Aranguez? Families who are giving up agriculture are selling their lands to put up, what? Condominiums. And, Madam Speaker, when I say I condominiums, I do not mean one condominium or two. You have 100 feet, 200 feet of condominiums. And what is happening, because those lands have not been deemed as residential lands, they are classified as agricultural lands, the people who are putting up those condominiums by the hundreds—

Mr. Lee: Madam Speaker, 48(1), we are speaking about titles and registration.

Madam Speaker: Please proceed, Member.

Hon. T. Deyalsingh: Madam Speaker, I am anchoring what I am saying in the Bill, clause 3(c), definition of condominium; clause 3(f), on restriction; clause 3(g), on land certificate. If the Member would read the Bill he would see what I am

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saying is directly in line with the Bill. And when the Member for Mayaro spent 45 minutes speaking about agriculture you did not raise a Standing Order. Thank you, Madam Speaker.

So, in Aranguez, because they do not have the title for those lands as residential lands, people put up all these condominiums; cash. And you know what? It is a wonderful thing, because the people are realizing the value of their lands, and it has met with no opposition from this side. Absolutely none. I am the Member of Parliament for the area. Madam Speaker, areas like the Couva Hospital are built on agricultural lands. All the sporting complexes there, built on agricultural lands. And do you know why 77,000 acres of former Caroni lands, because there were natural springs and ponds, but now we have a hospital and we have sporting facilities. The Divali Nagar site, Madam Speaker, was agricultural lands.

Mr. Lee: Madam Speaker, 48(1), could the Member link what he is trying to—

Madam Speaker: And, Member, I think—[*Interruption*]—I will uphold the objection at this time. Initially you were talking about condominiums, please bring this within the ambit of the legislation before us. Please.

Hon. T. Deyalsingh: Madam Speaker, I anchor this in responding to the Member for Mayaro who spent 45 minutes speaking about agricultural lands, and the use of agricultural lands. That is what I am responding to. [*Desk thumping*] He spent his entire contribution—

Madam Speaker: And Member, I have ruled! So I am saying, if you can show what you are saying. While you are entitled to respond, you still do not have a carte blanche. So, if you could anchor what your response is, not just to what the Member may have said, but also what is before us.

Hon. T. Deyalsingh: Madam Speaker, it is anchored simply in the Bill, the ability to register title for these lands. Simple. And that is to be found in section 13, I believe. So, what we are speaking about is how do you register title for these things? So, the Couva hospital land, which was former Caroni lands, how do we register that title? The Aranguez lands, how do we register that title? Right? *[Interruption]* Exactly. *[Interruption]* But, what I said? I said it is anchored in clause 13 of the Bill, in clause 13.

Madam Speaker, and again, because in clause 13 of the Bill it talks to registration and how we use land, I want to put on record, recently there was a wake held in those lands. *[Interruption]* Yes, there was a wake held in Bangladesh.

Mr. Singh: Wake?

Hon. T. Deyalsingh: A wake.

Hon. Member: That is Farm Road.

Hon. T. Deyalsingh: Farm Road, yes. And, Madam Speaker, those lands, because we are talking about land usage, which is clauses 9 and 10 of the Bill, you have a community which is built on water aquifers. And there is a wonderful little community there now, and opposite there you have 60 families living in a nursery. Sixty families already there who want land tenure. Just like the people in Munroe Road and Pierre Road who want title.

Mr. Singh: Member, would you give way?

Hon. T. Deyalsingh: Of course.

Mr. Singh: Let us make that distinction, through you, Madam Speaker. The people in Munroe Road, they have leases for their lands. They built up that property. From my understanding of the community in Farm Road, they are squatters, so there is a significant title difference.

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Hon. T. Deyalsingh: Thank you Madam Speaker. So we are now hearing, and I need to respond to that, that they are squatters. But do you know what happened? Listed in the *Guardian* of Thursday, October, 17, 2013, and I need to put it on the *Hansard* to respond to my honourable friend the Member for Chaguanas West, where he said the people in Bangladesh are squatters on top of the aquifer.

Mr. Singh: Some have titles.

Hon. T. Deyalsingh: Then candidate, Ian—“Alleyne told reporters at the La Joya Complex in St. Joseph on Wednesday about his meeting with the PM”—that would be the hon. Member for Siparia—“after he distributed certificates of comfort to 14 families from Farm Road and other areas...”

So if they are squatters, why would you want to regularize them?

Mrs. Persad-Bissessar SC: It is the law.

Hon. T. Deyalsingh: But. [*Interruption*] But. [*Interruption*] But, Madam Speaker—[*Continuous crosstalk*]

Madam Speaker: Do Members want to make an interjection under the Standing Orders?—then let us do it in the proper way.

Hon. T. Deyalsingh: Madam Speaker, I am simply responding, because I gave way to the hon. Member for Chaguanas West, and he was then a Minister of Water Resources. And after Mr. Ian Alleyne gave out 14 certificates of comfort—and what does a certificate of comfort do? It confers a certain degree of legitimacy. Correct? It promise a certain statutory lease. But, he is now saying they are squatters.

“After the ceremony, Alleyne, UNC ‘caretaker MP’ for the constituency, Environment and Water Resources Minister Ganga Singh and Land and Marine Resources...Jairam Seemungal went on a walkabout in the Farm

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Road...”—Bangladesh area.

Imagine that?

So how do we register those lands? What is your objection? What is your objection? [*Desk thumping*] What is good for Munroe Road, should be good for them too.

Hon. Member: One is a distinction.

Hon. T. Deyalsingh: Thank you very much. But you see, Madam Speaker, I do not intend to be too long here today, because I think I have now made the point that what is “Gopaul luck” under the UNC, cannot be “Seepaul luck” under the PNM. Cannot be. They are now objecting to the use of certain lands for housing. But what is good for Bamboo I, 2 and 3 and Aranguez, and Munroe Road, and Pierre Road, is not good for other people. [*Desk thumping*] According to the UNC, you must be hewers of wood and carriers of water all your life. [*Desk thumping*] Do as I say, but not as I do, [*Continuous crosstalk*] and that is the PNM is a nationalistic party.

Madam Speaker, I thank you very much. [*Continuous desk thumping*]

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much, Madam Speaker. I rise to contribute on a Bill for Act to amend the Registration of Titles to Land Act, 2000.

And before I get into the whole issue of registration and so on, I really need to respond to some of the statements my good friend made. And may I say his wife of so many years is a great person [*Laughter*] and he is very blessed. He is very blessed to have such a person.

Mr. Deyalsingh: You know her?

Mrs. K. Persad-Bissessar SC: Of course, we know her. You introduced her to me

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by the way. Great person.

Basically, the Member really wanted to spend some time on land use, and I will not drift too far away, except the issue that just arose on Farm Road, because that area is very close to me. And the Member utilized that and some other areas from Chaguanas West and so on, and with usual PNM venom attempted to make a divisive statement about we deal with one, one way [*Desk thumping*] and deal with the other, the other way. And when we said, well whom? Tell us whom? He took his seat and said thank you very much. He could not answer, because that is a totally erroneous statement in fact and the law. [*Desk thumping*] So I answer that based on what the Member has said. Because the same Farm Road issue, that is very close to me. I had to go to court on behalf of those persons when [*Desk thumping*] his Government, when the party of which he is a member, was demolishing homes and evicting persons, even though there was the law.

This Parliament passed law. [*Desk thumping*] This Parliament passed, through the graces and the work of a great man, a son of our soil, John Humphrey, [*Desk thumping*] passed in this Parliament under the Panday administration, the squatter regularization Act. And that Act allowed persons to get on the journey to obtaining title. That Act is what the Farm Road residents used when I went to court. And I am glad the Minister himself said it. You said, oh, MP Ganga Singh, the Member for Chaguanas West, is talking Munroe Road and squatters, and non-squatters, and title. This is a title issue, Madam. It is a title issue, because the first step under that law was to allow people to apply for a certificate of comfort if they had been on the lands for a certain period of time.

That was the first step in obtaining title. Thereafter, you would have to go, and the Minister said it, to get statutory leases, and thereafter you go to get a deed,

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titled documents. I want to ask them, what have they done to further that process? [Desk thumping] What have they done to further that process? And far be it, it was to help some people, or all. When the law is passed in this Parliament, at least the law that we passed under the first UNC government, and when we were there as UNC Partnership, we passed law for all of the people of Trinidad and Tobago. [Desk thumping] And that Act protected citizens everywhere to give them their certificates of comfort.

And so we did that matter. We looked at lands in Diego Martin—I had several meetings with persons there who also were evicted. I wonder if you remember prior to 2009 how many people were on mattresses, thrown out stoves, everything they had, out on the streets, wailing, crying with their children and their families, because they were being evicted. I went into Diego Martin, I went into Couva, I went into Siparia, I went all over this country. [Desk thumping] Under this same piece of law, wanting to protect them. So, we move away from that, Madam. Just to correct what the hon. Member is saying in this divisiveness that is always being, you know, touted by Members on the other side.

So, here we are on the Registration of Titles to Land (Amdt.) Bill. And, Madam, I really want to pay tribute to the Parliament staff today because this Bill that we have is seeking to amend Acts that were passed in the year 2000, 18 years ago. And thanks to the work from the Parliament website I was able to trace, as I am sure other Members were able to trace, over 18 years, the genesis and development of this. So, I want to thank the Parliament for that. [Desk thumping] Otherwise it would have been very difficult, you know, to follow what took place. So, let us thank them. Many Members have already talked about the importance of lands and the benefits of land titles and so on. We would not want to repeat those,

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except to say, we must remember that it is constitutional protection for property which includes lands. Of course, due process and so on.

So, that being said, the hon. Attorney General in piloting these Bills was very long on the history. The genesis and evolution of these Bills, going way back into 1981 and prior to 1981. Very long on that. But it was like cherry picking the historical development from then to now with respect to registration of titles in our country. And so whilst we appreciate that historical journey, many important elements in that journey, from then to now, have been left out. And so I will spend a few moments in my contribution to point out to some of those.

Further, I was very surprised, and I did mention it to the hon. Attorney General, because I think his intentions are good intentions with respect to this package of Bills. And I did say, you know, I expected that we would have had some more information about where we have reached in the RGD with registration of titles. [*Desk thumping*] Where we have reached after 20 years, because it is 2000 these laws were passed. Where we have reached with respect to the cadastral in the lands and surveys department, and the maps and the plans, because when we see the purposes of the parent Act, for which these Bills are amendments, clearly those are very important factors in dealing with an overhaul, very important overhaul of the land registration system titles in Trinidad and Tobago.

So, clause 2 now, of this Bill, takes us to the parent Act. And the AG did speak about the parent Act. So I do not think I am out of place or irrelevant in going to the parent Act, because we are attempting to amend that parent Act. And let us see what the purpose of that Act, and therefore these amendments are meant to do with respect to that parent law. That parent law, Act 16 of 2000, as I said, 18 years ago, about 18 years ago, was an Act to provide for register of land titles, to

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provide for registration of estates and interests in land in that register. So what we are doing, we are establishing a register. But Madam, we have a register in the RGD's department now. But this is to set a whole new way, a process, and storage for land titles, estates and interests in land.

This Act, Madam, parent Act, also Registration of Titles Land Act, and should come into operation on a date to be fixed by the President by proclamation published in the *Gazette*. So the original Act, not proclaimed 18 years later. I have a question, through you, to the hon. Attorney General. Could you kindly clarify in my mind, the Bill that we are doing, in fact the others as well, to amend these parent laws, they do not have a proclamation date, is it then they will be assented to? Because there are two ways, things we passed here, Bills, come into law by proclamation or assent. Is it then that we are going to delay the assent of this Bill, or is it that this will be assented to while the 2000 is not proclaimed? So, could you just clarify that?

Mr. Al-Rawi: Sure. Thank you hon. Leader of the Opposition. Just to correct, perhaps you missed it, and because we have so many that are related, section 1 of the Registration of Titles to Land Act, No. 16 of 2000, the Act may be cited as and shall come into operation on a date to be fixed by the President by proclamation. So, there is a proclamation clause in the original legislation.

Mrs. K. Persad-Bissessar SC: I am asking, what is the position with the amending Bill which does not so have a proclamation clause? That is what I am asking.

Mr. Al-Rawi: Understood. Thank you again, hon. Leader. This being an amendment to un-proclaimed law, upon assent it will retrofit into the un-proclaimed law, and then the un-proclaimed law will be proclaimed in the fashion

that it should.

Mrs. K. Persad-Bissessar SC: And then, do we have a proposed date for such proclamation? I have raised this point many times before. We have dates for proclamation but, you know, time passes. Like the parent law, 18 years later still not proclaimed. So, do we have some time frame within which to proclaim?

So, the parent law then, Madam, it makes every parcel of land for which a folio of the register is established under the Act, it applies to every folio of land. Indeed, to all lands in the country. And the purposes of the Act were to:

- Provide certainty of ownership of interest in land.
- Simplify proof of ownership, facilitate economic and efficient execution of transaction with respect to interest in land.
- Provide compensation for persons who sustained loss in the circumstances set out.

And to carry out those purposes, what must happen, Madam? And 20 years later, where are we with respect to what should have happened with the infrastructural development of the RGD and lands and surveys, and so on? So, to carry out these purposes, the Act provides for the establishment of a parcel-based register of land brought under this Act, and I will return to that. For the use of a unique parcel reference number to identify each parcel of land, where have you reached? How many parcels of land have this UPRN, how many of them are there? How many are still left to be done? What is the infrastructure and time frame for that to be done? Further purpose:

- Establishing ownership of interest by land registration.
- Establishing priority for enforcement.

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- Establishing procedures to manage land registration process and the maintenance of records in a particular kind or format.

Madam, that Act, which we are seeking to amend today, was ground-breaking legislation in the history of Trinidad and Tobago. And today I commend a great lawyer, and a great Attorney General, Ramesh Lawrence Maharaj [*Desk thumping*] who brought that 2000, Act 16—well, the Bill for that Act—replacing the Real Property Act of Chap. 56:02, which itself dates back to the Real Property Ordinance 1945 and 1947, and thereafter amend several amended Acts, the last being 75 of 2000. So what we are doing is really bringing our law, land registration law up to date as against something that existed for 52 years. And that is why I say it was ground breaking when it was brought to this Parliament in the year 2000. And so what we are seeing, this Act when put into force together with these amendments, for the first time in history will establish a parcel-based registration system in accordance with section 2 of the Act, and it would apply to every parcel of land of which a folio of the register is established, and that folio would be registered eventually for every parcel of land. So we are talking about all of Trinidad and Tobago for lands to be so parcelled.

The question now arises, as we are 18 years since that parent law came, and we are now amending. When that parent law came, the then Attorney General Ramesh Lawrence Maharaj made it very clear, in fact came to Parliament, laid those Bills, this one included, the package, laid this and said very clearly, that look, I am going to look for some public comment; in other words consultations, and the Bill, this Bill and the others went out for public comment, and that public comment was incorporated into 2000. Now, here we are—I mean when this goes, as I am

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saying a really major change in the land law of Trinidad and Tobago, have any further consultations been held since 18 years ago when the original Bill came in? Will these things still hold today? We had them prior to 2000 to pass the parent law after. Have there been, hon. Attorney General, through you, any further consultations as to whether something passed 18 years ago is still relevant in the context of Trinidad and Tobago at this time? [*Desk thumping*]

And, Madam, I managed to get some comments here which someone passed to me with respect to concerns. Eighteen years later, and now these amending Bills—having regard to the fact this Bill and the one that it is amending, it may lengthen and complicate the registration process in RGD's department, at the moment which is ill-equipped to handle the current volume of transactions [*Desk thumping*] but will also open a flood of litigation, possibly, for determination by an already overburdened judicial system. These are some of the concerns.

We would see the law now, as we propose for it to be, constitutes a fundamental and radical departure from established practice, in the sphere of conveyancing and land registration, and the package really—well, I am speaking of this one at the moment—is said to achieve a systemic adjudication process with legal interests and so on, would be continued at the RGD's department, is already over-burdened, under-staffed, and ill-equipped really for the many transactions which will now be coming their way, and which will be required to do.

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And in fact, that same book the hon. Attorney General referred to, the Wiley Book. I bought one when I was in law school. We were all excited because land law was so way back into, as I said, 52, over 50 years, well here we are going to get this new package of land laws, the 1981 package, and this book was written to

explain the 1981 package that the AG spoke of. So we bought the book, but hear is what Wiley said way back then, eh. What did he say? He said this, he noted:

The department has been deprived of resources necessary to make it run efficiently and do the job it was intended to, lack sufficient skilled staff to do technical work demanded. Apart from suffering from over a shortage of manpower, equipment had become inadequate. This together with unattractive civil service rates of money payments make it unlikely that the manpower problem will be solved quickly, creating a morale problem for existing staff.

And he concluded, that:

Issues were worsened by the department having to do so many jobs and administer so many different types of registration systems.

Now these criticisms were over 30 years and now we are over 30 years later. What has changed, if anything at all, to, as I say, improve the work at the RGD's department from then to now, as we now propose to put up a much stronger workload, heavier workload on that department?

The AG also spoke about using lands and referencing lands and registering lands and tied that with the ease of doing business. He was surely correct in doing so, Madam, because the Ease of Doing Business Report lists as one of its components, registering property. And that is what we are doing here today, talking about how to change that system of registering and storing titles to lands.

So, when we look at that Ease of Doing Business Report that the AG referred to, we see that we have fallen on the ease of doing business index, we have fallen in rank. So that we stand now at rank 102, we have fallen down in the ranking of ease of doing business. Whereas, we were at another rank at a different

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time, 60 something when we were there, it has now gone to 102. But when we look at registering properties, Madam, again, ease of doing business, which is what we are dealing with, we see we now stand at 151, rank 151.

Now, Madam, that may sound, okay, not so bad, but when we look around us and we know Trinidad and Tobago tends to be a little more developed, I should say, than some of our neighbours. When we looked at the picture in Latin American and the Caribbean, which is our region, and this is how the DBR is presented, we see, for example, when it comes to registering property we have rankings that are way below our neighbours.

So, how does Trinidad and Tobago compare with comparator economies and rank on the ease of registering property? Jamaica is better than us; Grenada is better than us; Trinidad and Tobago; Dominica; Suriname, in the region. The regional average is a rank of 118, but we are at a rank of, for registering businesses, 151. Then when we look at, again, where do the region's economy stand today, again, on the rank of ease of registering property? Trinidad and Tobago at 151. Here we are, who is better than us here? Madam, again, Guyana, do you believe it? Antigua and Barbuda, Jamaica, Belize, Barbados, Grenada and that is where we are. This is Latin America and the Caribbean, but I am calling Caribbean countries as comparator countries, which is what the DBR gives us in registering property.

What it takes to register properties in the economies, in the LAC, Latin America and the Caribbean, again, Trinidad and Tobago, we take here, data collected by the DBR World Bank show what it takes to complete a property transfer in each economy in the region, the number of procedures that it takes and the cost. For us it takes nine procedures. This is the 2018 report by the way. Nine

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procedures. And when we compare these with the region, again, there are so many others who can get it done faster and with less procedures. When we look at the cost again, Trinidad and Tobago, the cost of registering property again, our cost is relatively high to those within the region. When we come to the time that we take, Trinidad and Tobago, to register a property, time in days, an average of 77 days, Madam. So if you go and buy a piece of land it takes you an average of 77 days, from this report.

So there are others as I say who are worse off than us and there are others who are much better off than us and perhaps this Bill and this law may assist us in decreasing our rank or looking better, doing better in the rankings for registering property. So I draw this to our attention and to say that we do have a lot of work to do in terms of ease of doing business. This may be one of the reasons, I cannot say directly that we have fallen in the DBR's ease of doing business.

The AG, he spent some time on the history of these Bills and just very shortly, 25 years ago, 1991/1992 a package of seven pieces of legislation coming out of a 1978 review by the Law Commission, the AG pointed out, none of these seven have been proclaimed to date, which is 36 years later now. That report recommended a new land registration system. So this was in 1991/1992. Little was done until the UNC look office in 1995 and then a team under the Law Commission drafted legislation. Another team was appointed by Legal Affairs to put infrastructure. That Bill was drafted and that brought us into the 2000 parent Act that we are now speaking about. Just a synopsis of the history there.

We went out of office in 2010, so in 2000, yes, passed, went out of office in 2010, yes, what was done between 2000—

Hon. Members: 2001.

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Mrs. K. Persad-Bissessar SC: So we passed it in 2000 and then there is that gap up to 2010. Again, 10 years, not proclaimed. So between 2001 and 2010, during the PNM's administration, not proclaimed after we passed it; 2010 now to the present, after we came into office in 2010, we again looked at the 2010 Act and we laid the amended Bills in 2011 and twice in 2012— Bills to amend the Registration of Titles to Land Act, 16 of 2000. Given the exigencies of parliamentary time those Bills were not passed, they lapsed and I think the Member for St. Augustine will talk a little more of that under his tenure, what happened in that time.

So here we are in 2018 with this Bill to amend the Act and, you know, in the main the AG did say we laid the 2011 and 2012 Bills and so on, but neglected, maybe not deliberately so to make a very important point. And that very important point really puts us on this side in a position to consider seriously supporting these Bills and I will tell you why.

To begin with, the Government's Bill that is before us is 99.9 per cent a recycled UNC Partnership Bill. [*Desk thumping*] The Explanatory Note in the Government's Bill is identical to that of the UNC Partnership Bill, all three of them, save and except for about six items which I will come to in a moment. The 2017 Bill of this Government purports to have 23 clauses. We had 21 clauses to which I shall return, because again the additional clauses may just be semantics in numbering. And the provisions in the 2017 Bill are identical to the UNC Partnership Bill. It is the same three. They were all basically the same except for about six items, I will come back to that.

So indeed, this Government has been recycling UNC Partnership Bills as their own for the past two and a half years in office. [*Desk thumping*] And it is quite okay because if it was good, it was good and it is still good, we are very

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happy for that. But when you come to the Parliament you said we laid the Bills, why did you not acknowledge it then that your Bill, [*Desk thumping*] your 2017 Bill, is about 99 per cent the same as those Bills. Why, why, why?

Hon. Members: Plagiarism.

Mrs. K. Persad-Bissessar SC: Some will say he was really huffing and puffing and plagiarizing the work of the UNC Partnership without— because you do not acknowledge where you get it from. You did not say that. And so, not only with this legislation, two and a half years in mid-term with nothing to show for achievements, they have attempted to shamelessly, I say, huff these Bills as well as UNC and partnership projects. It speaks volumes about the lack of vision of this Government. So I say, again, except for some concerns we have, this Bill having come out of the bowels of the UNC Partnership, almost 99 per cent and I will say the main amendment, one amendment that really was different, in a substantial way, you know, I have serious concerns and I will raised it.

So let us look at your amendments. I said there are about six. And in looking at those amendments again, all you are doing is tinkering with a word here and a comma there and a capital letter A and a common letter O and a capital A and O, really, really, really, nothing of substance. Nothing of substance. [*Desk thumping*] Let us look at your amendments in the Bill; your clause 3 of the 2017 Bill. This is one, I said there were six proposed amendments in this Bill that are different from the UNC Partnership Bills. The first one has to do with the definition of “adjudication officer”, clause 3. So we are amending clause 3 of the Act to delete certain definitions and so on and your clause 3 wants us to delete the definition of adjudication officer, replace it with a reference to the Land Adjudication Act. That is your change.

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So your clause 3 is basically the same as the UNC thing that you recycled, save and except for a change. Well, let us see what is so major about this change to adjudication officer. What is new here? The Explanatory Note of our 2012 Bill and the ones prior, are identical to the Explanatory Note in your 2017 Bill, save and except to change the definition of adjudication officer. What is new? Two and a half years to tinker with this Bill, to give the appearance of having achieved something, done something, two and a half years, 30 months later. Let us look at it. The actual clause, you delete the definition of adjudication, and what do you do? You put the new definition. What is the new definition? What is the new definition you want us to put in?

“‘adjudication officer’ has the meaning assigned to it by section 2 of the Land Adjudication Act;”

Hello, now, what are you amending? When we look at the Act, the Act itself tells us—so there was no need to amend that.

“‘Adjudication Officer’ means the Adjudication Officer appointed under the Land Adjudication Act;”

Section 3 of Act 16 of 2000. Land Adjudication Act, 14 of 2000, tells us:

“‘Adjudication Officer’ means an Adjudication Officer appointed under section 4;”

So there is absolutely—it is like six of one and half a dozen of the other. I mean, really, did it take you two and a half years to come up with this brilliant something? It might help in cosmetics and semantics, Madam, but there is absolutely no change in substance. So we spend time on that. I could go on more with that whole change in it, because even in the Land Adjudication Act, you see where they keep referring, whatever item it is, there is a definition “as per the Act”,

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“as per the Act”. What is wrong? What is so major to change this?

I come to your second amendment, proposed. You are changing clause 18. In clause 18, you want to change “is guilty”; take out the word “commits” an offence and instead insert, what, “is guilty”. Really? I mean, it does not take a rocket scientist and two and a half—if you commit the offense, “yuh” guilty. So again, it is six and—

Mr. Hinds: Would the Member give way?

Hon. Members: No. Sit down.

Mr. Hinds: Would you please give way?

Mrs. K. Persad-Bissessar SC: Why should I give way? He never gives way to me. [*Crosstalk*] I will gave way to you, but not to him. [*Crosstalk*] The Member for Laventille West is bothering us again.

Madam Speaker: Okay, so we all understand that it is a discretion on the part of the speaker to give way. If the speaker refuses to give way, well we all accept that and proceed. Member for Siparia, please proceed.

Mrs. K. Persad-Bissessar SC: Thank you very much, Madam. So here we have again, changing “commits” to “is guilty”, okay, you think that is a tidy way of doing it, go ahead, but again, two and a half years, not a rocket scientist amendment. So that is the second amendment you are proposing.

Third amendment proposed is in clause 21. Again it is the same, changing “commits” an offence, and putting instead, “is guilty of”. Just three of your six amendments that I am saying are different from the ones before. Then you come to, that is clause 21, which dealt with “guilty” and “commits”, and then amendment four. Clause 21 has some other amendments. And basically it is to insert a new section 85. But basically when you look at clause 21 in the 2012 Bill,

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all you have done is to change a little numbering and whatever here, break it up and insert some numbers and it is the same, it is the same. So one other amendment; Bill No. 5, clause 23, guess what this major amendment is?

Clause 23 would make a consequential—*[Interruption]*

Madam Speaker: Hon. Member, your original 30 minutes are now spent. You are entitled to 15 additional minutes to complete your contribution if you wish and therefore if you wish you can proceed.

Mrs. K. Persad-Bissessar SC: I thank you, Madam. I will take the extra time. *[Desk thumping]* Amendments proposed, clause 23 would make a consequential amendment based on the amendment of the term, “adjudication officer” in section 2. You know what it is? Change the capital letter “A” for “adjudication officer” and change it to a common “a”, and change the capital letter for “officer” and put it to a common. Brilliant, brilliant. But there is one amendment, which is clause 20 of your Bill that gives me serious concerns. So those are minor, minor things.

So six amendments, basically a recycled UNC Bill you have tinkered with and now this is the one that I have a really serious problem with. Clause 20 making amendments to section 73 and in this, your explanatory note is identical to our explanatory note. But you know where there is a sleight of hand here, is that the clause is different. So even though you give the same explanatory note as our Bill in your Bill, what you come here now is the same in a sense and what you are amending, whereas before any person could go to the Land Registry and so on and have sight of documents and do searches, this is now changed to delete “Any person” and instead to put, what?—“An Attorney-at-law...or his clerk”.

Hon. Members: Their friend and family.

Mrs. K. Persad-Bissessar SC: Now what about the poor person who cannot pay a

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lawyer to run the search? What you have done is that you made an amendment saying they could do an electronic search, because the Member for Oropouche East pointed out the system is not working, it is down. And up to today I tried, I tried last week, I tried, it is back up when? I tried just before I came into this Chamber and even—it is a hit and miss, Madam. So you are giving poor people, you say, “oh”, do an electronic search? Which poor person have all this set of computer and thing to run search in any case? So you remove that right of an ordinary citizen to go in and search records, why? Why are you removing that right? Why? You have to go and pay a lawyer—I mean, I am a lawyer too, but I could do without those fees. Why are we propping up the lawyers to make more money out of poor people who want a search? [*Crosstalk*] Yeah, I have a Parliament salary I can live on. I am not very extravagant. I can live off my Parliament salary.

So, Madam, [*Crosstalk*] here we are, Madam—some lawyers we will find out about them shortly. I am sure you will tell us if you deign to speak. So here we are, deceptive here, removing any person and whatever. And early, early, the Member for St. Joseph gave me a nice little opening, because he started off with the nurseries in St. Augustine, agricultural land and so on.

Madam Speaker, I have been trying, today I have tried it and this week, this same electronic system which is not working to do a search to find out if the Commissioner of State Lands has transferred land to the HDC at the St. Augustine Nurseries. As Cabinet Minute, by the Cabinet, the Cabinet said even though these lands are for agriculture, the Government, through its Cabinet, mandated the Commissioner of State Lands to transfer the St. Augustine Nurseries to the HDC and we know what that was for.

So when you talk about the condominiums in Aranguez and food basket, is

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that not what you want to build in the St. Augustine Nurseries, Member for St. Joseph? Is it that you do not want me to see what are the terms of that particular document that I cannot search it, even on the electronic site? It cannot be found. I tried it, my staff tried it just before we came here. And that is where I am very concerned hon. AG, through the Speaker, this amendment to clause 73, removing the fact that any person could have gone and search and so on, in the registry.
[*Desk thumping*]

And what is very interesting, another great lawyer in conveyancing, Barry Sinanan, the then MP, Barry Sinanan, when this Bill was being debated in the House in 1999, he said, he asked the then AG, I hope that any person could still go and search and then he said, “oh” I see the AG is saying, yes. He said, I am very happy about that, because if you—these are his words, eh, I am summarizing him. He said that because if you do not there may be politicians who want to hide certain things and do not want the ordinary citizen [*Desk thumping*] to be able to see these things.

Now, I would not attack some Minister who has lands up by the nurseries there and so on, and has lands by the Kay Donna and wherever, wherever, wherever the lands are. I would not got there yet. I would not talk about, you know, lands that I am searching deeds for. I have the deeds here finally, I was able to get them, where a Minister buys a piece of land somewhere in Maraval—

Hon. Members: Who is that?

Mrs. K. Persad-Bissessar SC: One hectare of land, you know, for whatever reduced price—some river something that was about. I will not go there. I will move on because time is limited. So, Madam, the condominium issue, the Member for St. Joseph, but I will leave it for another Member, I will pass it to them.

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I have an issue about the regulations and the forms. [*Interruption*] The AG in his— yeah, I will pass you your deeds for you, if you so wish them. The Minister may make regulations to give effect. This was in the parent law. Eighteen years later no regulations, but interestingly when the Member for San Fernando West was speaking, he said in the period '04 to '05 there were widespread consultations and on April 4, 2005. I do not know if that should read 2015, this is the AG's *Hansard*, page 9. He said:

A report was produced and regulations were settled.

Where are these regulations at? Why do we not have sight of them so we can see how they will work together? Where are the regulations 18 years later and if the AG's statement is correct, 2005, well, where are we now? Thirteen years later, where are these regulations?

Let us talk about money now, because all this added money, all this added work, but you know something? In the *Estimates of Expenditure* for the Financial Year 2018, first of all this one, this one, Madam, deals with the staffing. There is no increase in the establishment, in the 2018 estimates. [*Desk thumping and crosstalk*] No, no, I am not interested in that. Then we have Recurrent Expenditure, again, [*Crosstalk*] 2018 no increase in allocations and then we have, I am not showing it, I am just reading. I was doing that and I pulled it back. And then the Draft Estimates of Development Programme, 2018, again, no additional moneys allocated. So is there going to be, the Member for Diego Martin North/East, the Minister of Finance will be telling us about when he makes his statement later that he is going to give some more money to these various departments to carry out all their work. No increase in moneys, no increase in moneys allocated.

We have already spoken about this long complaint from the title clerks of

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the problems at the—there. So I have about five minutes?

Mr. Lee: Eight minutes.

Mrs. K. Persad-Bissessar SC: Eight minutes, but there are two projects I really would like to speak of. One has to do with the Lands and Surveys Division and one has to do with the Registrar General's Department. The AG spoke a lot about it and the parent law and whatever is about getting survey plans, doing plans, cadastral management and so on. First of all the accommodation at that office for the members of the directors of surveys, [*Crosstalk*] General Post Office, I was told the building was condemned many years ago, to be demolished. The old post office building where the director of surveys, part of the staff is there, condemned, yes. You know the building is in such a bad condition hon. Attorney General you may want to take a look. There is so much more work to be done, dilapidated, walls falling apart, blah, blah, blah. I am not placing any blame, but given this workload that you plan to put, we need to look at it. What is interesting I saw a photograph, the door says, "Exit", "Exit" on the door. "Do not open". "Exit". So it is like a fire trap, but "Exit", you cannot open, you cannot get out of the building.

So it is really bad, the accommodation is really bad, the staffing is very bad, very understaffed, going on for a while now. And in addition, the Director of Surveys, there is no substantive Director of Surveys. I am told that we did some—interviews have been done; two sets of interviews and none, no one is appointed. Very bad state of affairs.

Then there are issues of corruption at that land and surveys and throughout the whole system because they are all interlinked and inter-related with the CMOH, with health, with the local government authorities. That is a serious matter, because they all interact. If you have to get a plan approved you have to

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send it down to public health, all the others. And there are serious— I have documented things that people sent me but that is a matter... AG, you want to follow the money? Maybe you should put some of these officers under the FIU and put them as PEPs, [*Desk thumping*] PEP, because when they cannot get the plan done fast enough you know what happens, you may want to put them under your follow money, the follow money track that you have. That is lands and survey.

So, let us look at the project. It is called CMIS, the Cadastral Management Information Project. This project began—based on a contract that was signed by, I believe it was signed in— Dr. Tewarie was this the one you signed? Way back. [*Crosstalk*] I have four minutes. This project began—the state of play in this project base, there is road map and they completed the project. This was for the Cadastral Management System for the Lands and Surveys. Now this whole land law package we are putting will not work without that Cadastral Mapping System in place in surveys, [*Crosstalk*] CMIS, it finished in 2015, what is the state of play?

I have been seeing the PMR's for these. Thank God these things are online. So when you go up online, this is IDB loan, you will see where we have reached. And if you look at the PPMR or the updates going forward you will see, look, we were supposed to have X amount of these digitized scanned on the system, not happening. And so you will see 2016, 2017, it is the same amount, 352 with an expectation to do one point something million. Remember a parcel of land has to come under this unique parcel reference number. Not going to happen.

Madam, we may be here, not me, some will be here, how many years we said, 18? Eighteen years later since we passed them in 2000 and this may be 18 years later, because we do not have the infrastructure. I will ask through you, Madam, AG, please take a road map, the project road map to get the CMIS, the

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Cadastral Management Information System because I do not think you may be fully aware—I know the AG's office is very busy and some of these things get swept by the wayside.

The other project that you may want to look at is the one strengthening the information management at the RGD's department. Again, please take a look. This is the one which tells you so many parcels, up to over a million parcels but we have only done a very small portion. This is the one, I believe, was signed by the then hon. Minister Dr. Bhoë Tewarie; [*Desk thumping*] it was signed in 2014. And that project for assessment and making recommendations has been completed and you have the updates for the few years since 2015. This will help a lot if you really want to get it done.

So AG I commend your Government for some words you said when you started, which is, the continuity of successive administrations. But I fear the 18 years nothing happened, that we will go into another 18 years without this if you do not do the infrastructure. And what time I am stopping? Two minutes, one minute?

Mr. Lee: 3.30 p.m.

Mrs. K. Persad-Bissessar SC: Thirty, okay. And while you are looking at that, we are talking about titles to land, really for poor people, we talk about land; we bury our navel string in land. It is such a vital commodity, such a vital asset for all of us. The registration process is very, very important. Can you also take a look at what has happened to the Land for the Landless Programme? Over 400 persons selected on national TV [*Desk thumping*] There was a draw, qualified—

Hon. Members: All over the country.

Mrs. K. Persad-Bissessar SC: All over the country. And again, it was not for

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some or the other. There was a draw, I think it was a random draw. Can you please have a look because right would have been accrued when they came in that draw, land for the landless as we talk about land.

So with those words, Madam, I thank you very much for the time and the Parliament's time. I commend you AG for the continuity but I think there is still so much more work to be done. We will be looking to support you but I still want to hear about the amendments to section 73 where you will be leaving out the ordinary man, the poor man. Anyone could go in and try to find—search. Do not send me to the electronic because I do not have—the person I am speaking of may not have the computers. And then even when I go it is not functioning properly. The root of it all is still the manual records and we should have access—every citizen should have access as they have had overtime. I thank you very much.
 [*Desk thumping*]

3.30 p.m.

Madam Speaker: Member for Moruga/Tableland. [*Desk thumping*]

The Minister in the Ministry of Education (Hon. Dr. Lovell Francis): Good afternoon, Madam Speaker. Good afternoon to Members on both sides of this House. It is my absolute pleasure to stand to make a contribution on this Bill this afternoon. Madam Speaker, I have the distinct pleasure of “once again” speaking after the Member for Siparia who is a lawyer of some note.

Mrs. Persad-Bissessar SC: What did you say?

Hon. Dr. L. Francis: Of some note, supposedly. And I could make the error of attempting to respond in any coherent way to something I have heard before, which is 45 minutes of attempting to, once again, support or justify a term in

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Government that most citizens in this country find unjustifiable, but there will be no point to that—

Dr. Gopeesingh: Admission is good for the soul.

Hon. Dr. L. Francis: As has often been the case in responding in this way, there is no point in it. Madam Speaker, I really want to commend the Attorney General for bringing this Bill to the floor, a good Bill—

Hon. Member: A plagiarized Bill.

Hon. Dr. L. Francis:—and a Bill that has been adjusted and improved by the PNM. [*Desk thumping*] And there are a number of ways that one could respond to this issue. One could go down the legalistic way, and lawyers abound in this House on both sides, and perhaps it is best left to them to debate and look at the fine points of the legal arguments involved here. One could go down the pedantic common “a”, capital “A” methodology of the Member for Siparia, or one could understand that even though abstract, and even though legalistic, a Bill of this nature has the potential to make a fundamental impact on the lives of a number of people.

Madam Speaker, I say so, given the fact that I am the representative of a constituency within which issues of title and issues of land registration are of poignant, everyday importance. I was at Gran Chemin in Moruga this morning and something interesting has happened. A telegraph cable that has not been seen for generations has been unearthed and is now a spectacle in the community. At very low tide you see this cable that was laid sometime in the 1890s, meaning that for a while, even though often forgotten, Moruga was a significant part of a communication system that operated in this country. That

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cable is only now visible because of the amount of sea erosion happening on the coastline. What is happening in Cedros and other areas is very much obviously affecting the coastline of Moruga.

Mr. Padarath: Madam Speaker, 48(1).

Madam Speaker: Member for Moruga/Tableland, I am going to give you some leeway to develop your point within the context of the Bill.

Hon. Dr. L. Francis: Thank you, Madam Speaker. So I will help the Member for Princes Town with his lack of historical comprehension. Madam Speaker, we live on a very small island, a very finite land mass, and if it is normally the case that land is power and land is significant on a land mass such as ours, as small as it is, it is absolutely so. Land is very critical. And, moreover, given our history of colonialism, land and the ability to show title, or the ownership of that land, was absolutely critical.

Madam Speaker, it has been our history that for very long only certain people were allowed to have, or to show title, and the ability to own land and to show title for that land was a struggle and a fight for the majority of this nation. That history is supposedly long gone, but there are some parts of Trinidad and Tobago where that struggle is still ongoing, and I happen to represent one of the constituencies where the fight for title is ongoing.

Madam Speaker, I grew up in a very pristine community, a number of loving characters, a number of colourful characters, but there was one gentleman who lived across the road from me, and his name was Mr. Joseph. As a child I never knew whether his first name was Joseph, or his last name. Everyone called him Mr. Joseph. One of the main reasons why he was called

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such is because he was one of the few persons in the village who was actually an owner of land and actually someone who could show title, and that conveyed on him, or rested on him, a certain gravitas that the typical person in the village did not have. Title was important. Title is important.

Hon. Member: Is that why you are “Mr.?”

Hon. Dr. L. Francis: I am not called “Mr.”, I am called “Dr.”, just like you, just a different kind.

Madam Speaker, the issue of title remains important, and I will give you a number of examples existing right now that in their own way help to validate the fact that this law is now standing once again on the floor of this Parliament. It is well known by now, even though a few years ago it was not so well known, that there is a community in my constituency called the Merikin people. They, of course—a very short history—are descended from enslaved Africans who fought for the British against the Americans in the War of 1812. At the end of the War they were transported to Trinidad and settled in the south of Trinidad, specifically in Moruga. Each family was granted land by the Crown. So they were recipients of land long before Emancipation and long before it was actually legal for people of African origin in this country to own land.

The caveat to all this is, given the circumstances of the society at the time, they were never granted title to those lands. Madam Speaker, fast forward 200 years. The descendants of these people still live in the constituency of Moruga/Tableland and the Member for Naparima, if he has not lost his identity entirely, knows much about this, because he is descended from the same history. They live in First Company, Third Company, Fourth Company, Fifth Company,

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Sixth Company, and they exist in a peculiar and confusing situation in terms of the title for their land. They live on what they still call in 2018, Crown Lands, or Granted Lands, or Minus Lands, and they exist in a vortex where the issue of title is concerned. So it is the case that each family was granted 16 acres reminiscent of the whole Cedula of Population arrangement, and this land has been passed down from generation to generation for two centuries in the absence of any title.

So basically this is what happens: If you are descended from one of these families, you have an ancestral idea of the parcel of land granted to your family, and let us say you want to build a house, you will go to whoever is the patriarch of the family existing today and say, “Okay, I am having a family”, or “I am old enough, I want to build a house.” And if he is of that mind he will simply say, “Okay, you pick a portion”, or he will guide you to a portion, or however the particular family chooses to construct the thing. And you get a piece of land and you build a house. But understand, there is, and has been, for two centuries, Madam Speaker, no legal title to this land.

So it is absolutely impossible for anyone from any of these communities to go to the bank, get a loan. It is absolutely impossible for the patriarch or anyone in charge of these lands to decide, “Okay, we are going to survey and parcel this land.” It is absolutely impossible for you to decide, “Maybe I want to sell this land and move on”, or “Maybe I want to invest or mortgage or do any kind of financial transaction that any other person in this country who has title is privy to and is able to.” It is absolutely impossible.

So we have a peculiar situation here with a very large community,

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numbering in the thousands of people, who control ostensibly large parcels of land that they have no title to and they exist in absolute legal limbo. Now, I am by profession, an historian, so I was historically well aware of the circumstances. Very early in my tenure I went to the Attorney General and I explained to him this entire situation. Added to that, in front of one of the joint select committees that I am a member of, I was actually very fortunate to get some of the elders of the community to come and speak in front of the select committee on the particular and peculiar issues that they face, historically.

Madam Speaker, our Constitution gives people the right to own property. We have a very absurd, very ironic historical situation where we have citizens who have been here; their families have been here for two centuries and they do not have that constitutional right to show title for lands that they have owned. If it is that this PNM Government now, via this mechanism, is able to ensure that lands are properly registered, we will have righted a 200-year wrong, and that alone—[*Desk thumping*]
—Madam Speaker, that alone is well worth the legalese and the abstract discussion, and the comma here and the capital “A” there and the common “a” there. [*Desk thumping*] Because done properly, a land registration has the ability to give to thousands of citizens—and the fact that they are from the constituency that I represent does not make it any more or less significant. The fact that they are citizens and they have a right to this [*Desk thumping*] is of absolute importance.

So, Madam Speaker, they are merely one example of the kinds of headaches that occur in rural areas where land tenure is concerned. I could point to a number of others. They might be less prosaic. It does not mean that they are

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less significant. Madam Speaker, anybody who has lived in a rural constituency has heard something like this before: You own a piece of land for which you have title, wherever you got it from, and maybe for a month or two you encounter difficult times, and you do not have money for maybe basic things; to pay a bill; to buy groceries, whatever it is, and what was customary is that you would go to the local shop owner and you will say to him or her, “Well, hold this deed of mine in lieu of the money I will pay to you when I get back on my feet.” And that kind of arrangement was customary, or sometimes maybe it is customary today in a limited scale in rural communities. And what often happened was when the real landowner went back to the person who they pawned their deed to, the person has mysteriously forgotten. They cannot remember the transaction; they never received any deed. And because in rural communities you oftentimes did not have the kind of funding to go and find a lawyer, or there was not a lawyer present or there was not one in your family, many people lost their land. And it sounds ridiculous; it sounds absurd, but it happened every day.

Madam Speaker, in my community now there are many people who claim to be landowners that if you really investigate in even the most cursory way, they do not own any land. We have families that have lost lands for generations by no fair feat. We have people who had friends back in the day in the Warden’s Office and if you spoke to the right person, and you provided the right inducement, or you paid the right tax, your land was lost.

Madam Speaker, it is now the case in Moruga and a number of rural communities—I am sure the Member for Mayaro, if he were here—

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Mr. Lee: Madam Speaker, 48(1). If the Member would just tie in.

Hon. Member: Tell us which part—

Madam Speaker: Member, please proceed.

Hon. Dr. L. Francis: Madam Speaker, thank you.

Once again, the Member for Barataria/San Juan proves his lack of comprehension. [*Crosstalk*]

Madam Speaker, this Bill is about setting up a registration for land. I am talking about how these issues can affect the lives of people, but perhaps the Member has never met a person so he does not know. Madam Speaker, I am aware of families in my community that have laboured—in fact, I will use the correct historical term—that have sweated on estates providing labour like beasts of burden, and then by accident they found out that the lands that they were sweating on belonged to them.

Madam Speaker, it is now the case in many rural communities that title—correct title—for land is more often than not only found out by accident. And I will give an example of an accident. In the 1990s when I was a primary school teacher, a pipeline company called API came to Moruga as part of that large pipeline that they were running from Guaya to Point Lisas, and the thing about that was that, given the nature of how they operated, they had to determine the provenance of land, so they did the kind of search that the typical citizen in a rural community either cannot afford to, is not aware, is not able to organize. And because of that pipeline passing through parts of the community, a number of families that had their land removed from their ownership by all sorts of scurrilous and spurious means, had their lands returned to them.

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We are a democratic Government. We have been for 50 years. We have thrown off the shackles of colonialism. It should not be in this day and age that a fundamental right, guaranteed by our Constitution, can only be affirmed or carried through by accident, when we have a Parliament that has functioned for generations that makes statutory laws.

Madam Speaker, that is untenable. I am not a lawyer. I understand the law. I could go through the clauses and I could talk all sorts of abstract things—

Mrs. Persad-Bissessar SC: But you would not do that.

Hon. Dr. L. Francis: Because there is no point in it. Because there are people here better qualified, or supposedly better qualified, to do that.

Mr. Lee: Madam Speaker, 48(1), please, Madam Speaker.

Hon. Dr. L. Francis: Madam Speaker, this law, properly constituted, the registry it hopes to create, properly formulated, digital or otherwise, can make a leap in terms of something absolutely critical to our citizens. If we are able to find, via this law, a fair and legal and right way to ensure that title is conferred on whom it should be conferred, to ensure that title can be transferred to those who they deem it should be transferred to, to ensure that corruption and interference, and inducement does not interfere with that process, then this Parliament would have done its job. [*Desk thumping*] This Government would have done something great for the citizens of this nation.

It is nice to talk about the law in a very abstract and aloof way, but oftentimes the law affects the lives of people in a meaningful way. If at the end of a process, regardless of how long it takes, the Merikin people of Moruga can hold up in their hand the title that they have been denied for two centuries, then

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this Parliament would have done its job. [*Desk thumping*]

Hon. Member: Do not forget Tobago.

Hon. Dr. L. Francis: And Tobago.

Mrs. Persad-Bissessar SC: And Tobago.

Hon. Dr. L. Francis: And maybe Chaguaramas. Because people of our country have had their titles taken away in ways that are questionable. And if it is that the Parliament can right, regardless of how long it takes, historical wrongs, that is our job; that is our function. Madam Speaker, I am not just here speaking for my constituents—speaking for my constituency—I am sure other MPs, if they did the research, or if they were attuned to their constituencies, would understand that these situations exist therein. And the law is made for man, not man for the law, and the law must make things better.

So if the Attorney General brings a law that, however it is worded—we will always sort out the kinks, but if properly implemented can fundamentally impact on the things I have talked about, then my standing here to contribute and support it this afternoon would have been of some use.

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

ARRANGEMENT OF BUSINESS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much kindly, Madam Speaker. Madam Speaker, I beg to move that pursuant to Standing Order 50(3) that this debate be adjourned to later in the proceedings to allow the House, by agreement between both sides, to revert to “Papers” and “Statements by Ministers”. Thank you, Madam Speaker.

Question put and agreed to.

PAPER LAID

11. The Tax Administration Diagnostic Assessment Tool Performance Assessment Report on Trinidad and Tobago. [*The Minister of Finance (Hon. Colm Imbert)*]

STATEMENT BY MINISTER**Tax Administration Report on Trinidad and Tobago**

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. Madam Speaker, I had the privilege just a few seconds ago to lay in this honourable House the December 2017 Tax Administration Diagnostic Assessment Tool or (TADAT) Performance Assessment Report on Trinidad and Tobago. The Report was prepared by an International Monetary Fund technical assistance mission which visited Trinidad and Tobago during the period September 20th to October 3rd, 2017. The Report has identified the main strengths and weaknesses of our tax administration system through the application of a newly introduced assessment tool which allows us to gauge the performance of our tax administration with clear guidelines and priorities for reform.

It has long been recognized that our tax collection system is under-performing although we have made substantial and significant progress in reforming the taxation system for improving domestic revenues. At the beginning of the 1990s we introduced the value added tax which had a great revenue potential by ensuring an adequate and sustainable base with minimal exemptions. In the early 2000s, we reformed the income tax regime on both individuals and corporations by lowering rates and removing exemptions.

Madam Speaker, despite the implementation of those best practice tax

instruments over the last two decades, our revenue administration continues to suffer from serious issues with its organizational structure and governance, and non-compliance. It was these considerations which led the PNM administration over 10 years ago to initiate the process to put in place the Trinidad and Tobago Revenue Authority. This new authority was intended to integrate the Customs and Excise and the Inland Revenue Divisions into a single organization which would have greater flexibility and autonomy, allowing for improved management and greater efficiency and effectiveness in the collection of public revenue. It would have embraced best practice standards in domestic tax administration.

Madam Speaker, it is unfortunate that the former UNC administration brought this Revenue Authority model to an end, and with it the tax reform and modernization agenda which would have enhanced tax compliance and improvement of service delivery to taxpayers, among other things. However, we have resumed work on this project and will, in the near future, advise this House of the progress made, as well as introduce the necessary legislation to reform our system of revenue collection. The TADAT Report provides a road map which would guide the Inland Revenue Department in the first instance, and subsequently the proposed Revenue Authority, in strengthening domestic revenue mobilization.

It has delivered an objective and standardized assessment of the most critical outcomes of our system of tax administration. The report has focused on nine key performance outcome areas, or POAs:

1. Integrity of the Registered Taxpayer Base;

2. Effective Risk Management;
3. Supporting Voluntary Compliance;
4. Timely Filing of Tax Declarations;
5. Timely Payment of Taxes;
6. Accurate Reporting in Declarations;
7. Effective Tax Dispute Resolution;
8. Efficient Revenue Management; and
9. Accountability and Transparency.

These POAs are informed by 28 high-level indicators. A four-point scale has been used to score each dimension and indicator, with a score of “A” denoting that the tax administration demonstrates strong performance and follows internationally accepted good practices; “B” representing that the tax administration shows sound performance, fairly close to internationally accepted good practices; “C” meaning that the tax administration just meets the minimum performance standards in that area, and “D” denoting inadequate performance where the minimum standards set in “C” are not met, or insufficient information to determine level of performance. Madam Speaker, the TADAT assessment in the December 2017 Report is instructive. Through a diagnostic approach, it assesses outcomes in relation to the administration of our major direct and indirect taxes which are critical to a Central Government domestic revenue: corporate income tax; personal income tax and value added tax. It underlines the relative strengths and weaknesses of our tax administration.

Madam Speaker, allow me now to share with this honourable House the

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actual assessment of the Performance Outcome Areas and their associated 28 high level indicators. In respect of POA 1, Integrity of the Registered Taxpayers Base, the scores are: Accurate and Reliable Taxpayer Information—D, the lowest score; Knowledge of the Potential Taxpayer Base—C.

In respect of POA 2: Effective Risk Management, the sub-indicator scores are: Identification Assessment Ranking and Quantification of Compliance Risk—C; Mitigation of Risks through a Compliance Improvement Plant—D, the lowest score; Monitoring and Evaluation of Compliance Risk Mitigation Activities—D. Identification Assessment and Mitigation of Institutional Risk—D, the lowest score.

In respect of POA 3: Supporting Voluntary Compliance, the scores are: Scope Currency and Accessibility of Information—D; Scope of Initiatives to Reduce Taxpayer Compliance Cost—the lowest score, D; Obtaining Taxpayer Feedback on Products and Services—C.

In respect of POA 4: Timely Filing of Tax Declarations, the scores are: Untimed Filing Rate—D, the lowest score; Use of Electronic Filing Facilities—D, the lowest score.

In respect of POA 5: Timely Payment of Taxes, the scores are: Use of Electronic Payment Methods—C; Use of Efficient Collection Systems—A; Timeliness of Payments—D; Stock and Flow of Tax Arrears—D.

In respect of POA 6: Accurate Report in Declarations, the scores are: Scope of Verification Actions Taken to Detect and Deter Inaccurate Reporting—D-plus. That is still the lowest score.

Extent of proactive initiatives to encourage accurate reporting—D; Monitoring the

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extent of inaccurate reporting—D.

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In respect of POA 7: Effective Tax Dispute Resolution, the sub-indicator scores are: Existence of an independent, workable and graduated dispute resolution process—C; Time taken to resolve disputes—D; Degree to which dispute outcomes are acted upon—B.

In respect to POA 8: Efficient Revenue Management: Contribution to government tax revenue forecasting process—C; Adequacy of the tax revenue accounting system—D, the lowest score; Adequacy of tax refund processing—D, the lowest score.

In respect to POA 9: Accountability and Transparency: Internal assurance mechanisms—D; External oversight of the tax administration—C; Public perception of integrity—D; Publication of activities, results, and plans—C.

Madam Speaker, this finding of inherent weaknesses across the board in our tax administration has not come as a surprise and we must make every effort to correct the deficiencies that have been identified in a timely manner. Accordingly, the proposed Revenue Authority will embrace best practice standards in domestic tax administration. It will improve efficiency and domestic revenue mobilization and provide fast and efficient quality service to taxpayers through simple, transparent, and up-to-date procedures. It will enhance staff competency and productivity.

The 2017 TADAT Performance Assessment Report represents a useful baseline of tax administration on which the Revenue Authority would build.

I thank you. [*Desk thumping*]

Madam Speaker: Member for Caroni Central.

Dr. Tewarie: 24(4), Madam Speaker.

Madam Speaker: Yes, you may proceed.

Dr. Tewarie: Question to the hon. Minister: Did the report assess the tax leakage in the country on the basis of their survey; and how long it would take to plug that gap?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Madam Speaker, one of the indicators speaks to collection of revenue. For example, the scope of verification actions taken to detect and deter inaccurate reporting, and extent of proactive initiatives to encourage accurate reporting, and monitoring the extent of inaccurate reporting for which the scores were all D, the lowest score. In terms of the time to deal with this, this is why we need to put in place a revenue authority.

Hon. Member: But the quantum.

Hon. C. Imbert: No. It is an organization tool which looks at the organization and the weaknesses in the organization. So it looked at the BIR as an organization and it identified weaknesses. It did not go to the actual quantum, the estimates of revenue lost.

Madam Speaker: Members, only one question is permitted.

REGISTRATION OF TITLES TO LAND

(AMDT.) (NO. 2) BILL, 2017

Madam Speaker: Hon. Members, the debate on the second reading on the Bill entitled a Bill to amend the Registration of Titles to Land Act, 2000 will now resume and the debate will continue. Member for St. Augustine. [*Desk thumping*]

Mr. Prakash Ramadhar (*St. Augustine*): Thank you very much, Madam Speaker. The Member for Moruga/Tableland I felt made a very noble effort to put things in perspective and to really appreciate that the law we all know was intended to serve

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the interest of our citizens, but I think he hit the nail on the head and hit the Attorney General on his head at the same time. What we have here is the creation of a false hope. Once again, unfortunately, that this whole new regime, a quantum leap in the way we do business of registering lands can be effected now. It is without doubt that we need a new system, and it has languished, of course. The laws have been on our books since the year 2000, and indeed we had made efforts in 2011 and 2012, thereafter, to bring and to move forward to provide the necessary mechanisms, the legal mechanisms at least to give effect to this new regime, but, Madam Speaker, permit me this.

I went through the *Hansard* of the Attorney General, who I have great respect for, and it is obvious that the Attorney General in piloting this Bill did not even attempt to explain what this whole new regime is all about. There was a lot of historical content going back to hundreds, maybe a thousand years of British feudalism, took us to Australia and the Torrens system, but did not spare us a moment to explain what this new system is about, how we are to access it, what are the steps necessary to at the end receive a title that is unimpeachable.

So, Madam Speaker, having said that, I ask the question: Who really in this Parliament, apart maybe for the Member for Siparia and a few select others, truly understand this suite of legislation? I have had cause to speak to many lawyers in the last several weeks, those who practise in the area of conveyancing in land law litigation before the courts, and it came as a bit of a surprise to me, as it was then when I was Minister of Legal Affairs, that very few persons in the field and in the practice in this area understood what this new regime was all about.

And therefore, if that is so—and we have heard a lot from the Attorney General in condemnation, not directly, but certainly with the intent to suggest that

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under the Partnership Government we had allowed the Bill to have lapsed, that there was something really wrong and amiss there, but he as the champion of the proverbial future is taking it forward and we are here now to deliver.

Madam Speaker, let me put on the record there was good reason in 2011 and onwards for the Bills to have lapsed, one of which was—my friends may have forgotten that during that period the Parliament of Trinidad and Tobago may possibly have never seen an era of activity where laws were brought to the Parliament that served the interest of the people for their protection first of all, their physical protection. We were dealing with anti-gang legislation, we were dealing with—

Mrs. Persad-Bissessar SC: Anti-terrorist.

Mr. P. Ramadhar: Anti-terrorism matters, we were dealing with insurance matters. It is a matter of record and, therefore, the priority that we have in that law, unfortunately, fell under the priority to protect our citizens and our economic well-being in this nation. So it lapsed.

Mr. Hinds: Better than mission.

Mr. P. Ramadhar: Yes, I admit we allowed it to lapse. Not because we wanted it to lapse, but because the Parliament did not have the time to deal with those laws. [*Desk thumping*] Maybe we have forgotten the enormous wastage of parliamentary time when attacks were made on the Members of the then Government, Motions of no confidence, after Motions of no confidence, after Motions of no confidence. Part of the propaganda of the Opposition of the day to undermine the legitimacy of the then seated Government.

Mr. Hinds: Oh Lord!

Mr. P. Ramadhar: Yes, oh Lord, it is the truth. [*Laughter*] And that in a large

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part—and the citizens will recall, and we will remind them of the things that delayed the Parliament from doing all that we wished to have done. But, Madam Speaker, on the point whether it lapsed then—and if it is so important to this Government how come the Attorney General allowed it to have lapsed last year under their governance? [*Desk thumping*] But I am not here to cast blame. I am not here to cast blame.

Let me tell you one of the things that the Partnership Government, under the leadership of the Prime Minister Kamla Persad-Bissessar, always maintained is that if we bring law it must be met with the reality on the ground. We were not of the belief that we will just dazzle with brilliance and other things by bringing law that could have no real-world impact and consequence. As the Minister of Legal Affairs, I can say that when I went into that Ministry, which with all due respect is one of the finest and most important Ministries in the country having been created literally from ground up by the Member for Siparia [*Desk thumping*] and serves almost on a daily basis about 2,000 of our citizens, that there were things there I felt wretched over. That this building, and the one we speak to is on South Quay, the place was in a state of dereliction, and I do not even remember who was the Ministry who preceded me and I shall not even try to remember.

But one of the first things we needed to have done in that Ministry was to upgrade basic things like the environment within which the employees had to work. The smell and the odour [*Desk thumping*] emanated was of the old, what shall I say, an old hospital. It was non-conducive to productivity for smiles and happy greetings to the 2,000 who would have come to that Ministry, and we took a decision, let us upgrade the facilities for those who worked there and we did. I do not say that as if it is some great thing. It a matter that ought to have been done, but

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we did it. I recalled the morning, it was around six o'clock I got a call from Mr. Jack Warner, who was a Minister in our Government at the time, to say there was a line-up outside the Ministry. It was raining that morning and the people were out in the weather. I shall not go into all of that, but we created an environment when no matter what time—Member for Siparia, that Ministry which you created became a home and a safe and happy place for people to have visited. [*Desk thumping*]

We very able to have removed the delay for birth certificates in San Fernando for more than a year to a matter of minutes [*Desk thumping*] for the production of any document. Once again, not a matter of months or weeks, but a matter once again of minutes to remove corruption and I want to get to that and I will leave that for another segment of what we had to deal with. So the fundamentals had to be put in place and I am so happy if the Attorney General could tell us now that the problems that we had that when we went into the vault, where the deed documents, the root documents, many of them were kept in such terrible conditions that if you were to just touch them they will fall into dust and decay.

Dr. Gopeesingh: Disintegrate.

Mr. P. Ramadhar: Disintegrate to the touch. Brittle, rotten, or whatever, and we then—when I say “we”, it is not me eh, and I want to put some names on the record: the former, now deceased, God rest his soul, Permanent Secretary Mr. Bernard Sylvester; the RG of the day, Susan Francois; the present RG, Karen Bridgewater; Mr. Sandy; Nicole Moonan; a host of others. What amazing public servants they were. In the horrible conditions that they existed in, they were able to have done so much, but we needed to preserve the documents. And let me tell you, Member for Moruga/Tableland, that there are persons in this country, yes, who

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have deeds in hand, but if you had to do a search beyond what they have, the documents, the root for their titles cannot now be located, one; or two, if they are located they cannot be touched; and therefore, three, cannot be accessed.

One of the big projects that we had to undertake in that Ministry was to preserve and digitize, moving backwards. We could not go to the oldest first, but from the newest backwards and I wait with bated breath because the entire new system that is required, if we are to make this thing not just law, but to make it real, will require digitization of all those records.

When I went in as Minister there was a small percentage of those records that had been done, and as the Member for Siparia has rightly pointed out there may be a million or more documents to be digitized. It is an enormous task. So I wait now to hear what level, because the work had started, it has progressed, and I hope it had continued after we demitted in 2015 to a point that we are in a position to say 80, 90, maybe 100 per cent of the documents has been digitized, so that the new system once we plug it in, up and running and we go, but I am not confident of that. The reason I am not confident of that is the reports I get almost on a daily basis of what has happened. Since we demitted office it seems that all the standards have fallen in the Ministry. [*Desk thumping*]

I do not know who caused it, what has happened, but the reports are there. We saw it on the news not long ago where our citizens in San Fernando, in particular, they were—I mean, out in the weather waiting they said for sometimes not just hours, but told to return the next day, and the next day, and the next day for documents that they had grown accustomed to in those glorious years of the People's Partnership of peace and prosperity [*Desk thumping*] of '10 to '15 when they would get documents in minutes. They were given numbers; very short, 10,

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15, 20 persons who could be attended at in San Fernando, and equally in Port of Spain. When we were doing 2,000 in a day, I do not understand how we could arrived—and I hope the numbers are wrong that have been given to me—to 100 to 200. What has gone wrong? I do not know.

Mrs. Persad-Bissessar SC: PNM in power.

Mr. P. Ramadhar: That PNM has now become—and I want you all to note this, the people are now saying the People's Partnership, the PP Government, represented peace and prosperity, and the PNM now represents pandemonium, noise and mayhem. [*Desk thumping*]

Brig. Gen. Antoine: The COP.

Mr. P. Ramadhar: You need some good police on that side, chief. If you want to follow the money, we will talk about that in other course.

Mr. Hinds: The COP represents the cemetery.

Mr. P. Ramadhar: Yeah, but I am here standing, right, and in the age—[*Desk thumping*] [*Interruption*]

Madam Speaker: Member, do not be distracted. Please direct your contribution this way. Do not be distracted

Mr. P. Ramadhar: I would not be, but it is just coincidental as we approach Easter, the time of resurrection of our Christ, that even though they believe are dead can rise. Watch yourself. [*Laughter and desk thumping*] For he who has no faith I understand why they would think that way. But we are on this point that when we went into Government the people of San Fernando, yes, there was a Ministry office, and I put it that glibly, of Legal Affairs, in San Fernando. But under the direction of our Prime Minister of the day, she said look, you cannot have the people of San Fernando—all of South including the Members and the

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constituents of Moruga/Tableland have to come to Port of Spain on basic things; to make that a fully functioning Ministry so that whatever you could achieve in Port of Spain you could achieve in San Fernando [*Desk thumping*] and we did it.

Mr. Indarsingh: Tobago.

Mr. P. Ramadhar: No, I am coming now. Wait, it is plenty you know. [*Laughter*] We did it. Not just did we do that there. The office in Arima—and it is a matter I could not believe this actually happened. But if you look into the newspapers you will see many letters of commendation because we also in Arima put a full-fledged Ministry under the direction—not just the instruction, you know—of our then Prime Minister [*Desk thumping*] to put a full-fledged Ministry in Arima to serve the people of D'Abadie/O'Meara, Toco/Sangre Grande, Lopinot/Bon Air, you name it, all of that.

Mrs. Persad-Bissessar SC: If it is still there.

Mr. P. Ramadhar: I think they shut it down. I will leave Tobago for a moment because that is a very special, and it is a love thing with Tobago. It is a Tobago love thing and I will talk to you about that. The hypocrisy of the PNM will be exposed by not what they say, but what they have done. [*Desk thumping*] You know what, let me deal with it now.

We believed in building bonds and bridges, a sea bridge, an air bridge, but certainly a connection—

Madam Speaker: Member for St. Augustine, I have given you a lot of breadth because I understood you were saying that there needed to be some sort of groundwork. Okay? So I think you have laid the groundwork, you have answered that. Could you kindly move on, please?

Mr. P. Ramadhar: Therefore, we are ready to launch.

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Now, Madam Speaker, we have heard that this whole new system is to create a dynamic method to grant land titles in Tobago for the first time. I was jarred to have heard it. I could not believe that in this modern day and age that things that are recorded both visually, and audibly, and in the press could be denied. You know one of the first things we, as the People's Partnership Government, did in Tobago, we opened one of our offices right across the court from the Magistrates' Court and High Court of Tobago so that citizens could more easily access all of the documents that they could not in Tobago, so that they did not have to take any boat to come. [*Desk thumping*] Thank God, they did not have to fly over here to get it.

Hon. Member: Which boat?

Mr. P. Ramadhar: Whatever, that is what I am saying. So now they could stay right in Tobago and get all the documents. I hope you have not shut that down, Mr. Attorney General?

Madam Speaker: Member, again as I said, I think the point you were making was—that was your initial point—to answer something that was said about lapsing, and you showed that you had done certain things. Could you kindly go on to your next point, please?

Mr. P. Ramadhar: I have finished with the lapse now. I am dealing frontally with this thing [*Desk thumping*] that this new system that they want to put in place will provide some level of succour to the people of Tobago that they will get their land titles. [*Desk thumping*] Listen, it is in written writing, in photographs, is in electronic everything. On the 14th of January, 2013, I was there myself—that is the day I got “buff” for asking for a coffee in the hotel—and I left and went to meet my Prime Minister at the MIC facilities. Member, Minister of Tertiary Education

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of the day—fantastic morning it was—where we distributed minimum of 19 titles for the first time for the people of Trinidad and Tobago. [*Desk thumping*]

Mrs. Persad-Bissessar SC: Tobago titles.

Mr. P. Ramadhar: The man who was—I forget his name, but 90-something years old and he cried. He wanted—I agreed with everybody who spoke and how important title is. This man never believed that he could live to see the day, and under a non-PNM government to get land title in his hand and he got it. [*Desk thumping*] That did not just happen, you know. That took work because under again—and forgive me Prime Minister for exposing the amount or sometimes pressure you put on your Ministers.

One of the first directives to the Ministry of Legal Affairs was to deal with that issue of land for the people of Tobago. [*Desk thumping*] So we went, and we searched, and we found there were at least three reports under inches of dust. Of course, we dusted it off, look to the reports, good work. Good work, not a single moment of action was taken on it. I went to meet, out of due respect, the Chief Secretary of Tobago, Mr. London. He greeted us graciously and we said this is why we are here. We want your cooperation, and we put together a committee led then by the Member for Tobago West and many of their leading lights, of citizens of Tobago, senior members of the staff of legal affairs, and lands and surveys and so, and they created the report. And out of that report—remember we came in in May 2010, eh. It was not easy, but we put the resources into the ministerial offices in Tobago, put the manpower and the will, and they worked assiduously and we were able to have achieved that mile mark.

So to hear that for the first time this new system is going to help the people of Tobago, nothing could be further from the truth. [*Desk thumping*] It has been

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done and we left systems in place for it to continue. What did you do? Did you murder it? Did you kill it? What, what, what? [*Desk thumping*] Madam Speaker, with all honesty I stand before you, this is the unmitigated truth, but we are regaled repeatedly in this Parliament that the Partnership did nothing. We were unhelpful and unkind. The truth stands on its own feet. We do not need anything else.

Madam Speaker, having said all of that, I think it would then be incumbent upon an extremely able Attorney General to tell us, because he always believes in evidence-based decision making, on statistical evidence, as to which percentage of the lands of Trinidad and Tobago have been surveyed thus far? I ask also, which I already did and I shall repeat, what number, what percentage of deeds and/or any other land documents have been digitized?

I ask also for the Attorney General to tell us what new manpower has been put in place; what new equipment would have been purchased; what new systems have been designed; what new physical locations have been provided for this enormously, quantum leap into the future for land title registration? [*Desk thumping*] Because as I remember, that structure that housed the Ministry of Legal Affairs, and the new building, the one that was designed specifically for the Ministry of Legal Affairs, the vault in that building did not have the specifications necessary to house documents—

Mrs. Persad-Bissessar SC: The new building?

Mr. P. Ramadhar: The new building—and they had to change the entire fire mitigation system. You cannot have documents with one of the old-time sprinklers. If you have a fire, it spray down and wet down everything. So they had to change it to gas. I do not know where that has arrived at. So we still use the old—Milady, I know you know about the old vault. One of the things about that vault when we

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became empowered and responsible—

Madam Speaker: I just want to remind you that you are talking about a Bill to amend the land registration of title. Okay? So while I understood before, I want to remind you of what is before us. Please.

Mr. P. Ramadhar: I am most grateful to you and that is the point, and that is why I am hastened to your word that it is about that foundation and set of documents upon which this thing must be built. [*Desk thumping*] So the vault—I was making the point the old vault, it was as porous as you could get. Persons had access to it and I could not believe—here it was we were hearing for years of persons who lost their property because of fraudulent deeds and so, and no steps had been taken to ensure that anyone who had access they had the highest level of clearance and security. So we had put things in place. We put video cameras on it, electronic monitoring so that the moment anybody goes in there—then we prequalified only a few to have access then, and the moment they entered it was registered—RFID, I think they called it—and a host of other electronic surveillance equipment to secure documents.

And out of that, Madam Speaker, notwithstanding that however, there were persons that we found who went in—I do not know if in collusion with others—who had no authority and we saw them ripping out—you know about this, Mr. Hinds.

Mr. Indarsingh: What?

Mr. P. Ramadhar: No, it happens—ripping out old deeds and sticking it into their pants and going out. We were able to have called in the police, to have arrested and prosecuted persons who were involved in stealing deeds and putting in false documents in that vault. So there is a lot of work that had to be done, and if it is

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that my friend, the Attorney General, is now saying that he is ready to proceed, congratulations to the PP Government for the work that we did before in preparation [*Desk thumping*] and congratulations to you for having furthered it, but I take no confidence that you are yet ready because—[*Interruption*]—I know, I have more. Much more.

Madam Speaker, I have more to say. I am looking at the time and I would just want before we take the break for tea to deal with one aspect that caused me some real pain, when it was said in a tone of condemnation and of blame on the former Minister of Legal Affairs, this issue of the IBM licence. Mr. Attorney General, Mr. Attorney General, tell us when you wind up, or whenever, the licence that I took a decision not to renew on the advice of those who knew better in the system, you know what it was? [*Interruption*] No, no, no, I will tell you what happened. Madam Speaker, would you believe Trinidad and Tobago, an independent nation, a sovereign state, a licence we inherited says this, that the owner of the licence to use electronics for the searches owned the information—

Hon. Members: What?

Mr. P. Ramadhar: Member for Chaguanas West, they owned the information—
 [*Crosstalk*]

Madam Speaker: Hon. Members, it is now 4.30 p.m., we shall now take the suspension. This House is now suspended and we shall resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker: As we resume after tea, I will recognize the Member for St. Augustine. You have three more minutes of your initial 30 minutes speaking time

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and you have your additional 15 minutes. Do you care to avail yourself of the 15 minutes one time?

Mr. P. Ramadhar: I will be most grateful.

Mr. Deputy Speaker: All right. So proceed.

Mr. P. Ramadhar: Thank you very much. [*Desk thumping*] Mr. Deputy Speaker, when we took the break for tea, I was on the point of the condemnation by the Attorney General in the former Minister of Legal Affairs not having renewed a contract or licensing of a system that was used to basically control all the electronic records of this sovereign nation of Trinidad and Tobago. I had been making the point and for continuity, I shall say this. That it would have been unacceptable in the extreme for a sovereign nation and a government that cares about its people and the security of its official documents, and as everyone has said, title to land is crucially important.

And it came to my attention then, in 2010, that this licensing agreement allowed a foreign entity literally to own the intellectual property which is the database for land titles. If I am wrong, I wish to be corrected but that is my understanding. And that we had to pay an exorbitant amount of money into the millions of US dollars for the privilege of using the system. I thought that it was a noose around the neck of Trinidad and Tobago and wanting to ensure the safety, to ensure the protection of our data, we said we had to do it differently, and instead of renewing the lease or the contract that came up for renewal, we decided then that we will continue the system but not as a full five year, or whatever the term was at the time, contract, but to allow payments, as we proceeded, with an instruction to the Registrar General to facilitate some other means, a new system to be employed.

And to that end, as the Attorney General rightly had pointed out, there had

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been a loan negotiated by the Government for the development of the Registry and for the provision of the registration of titles and a host of other things. And in fact, Mr. Deputy Speaker, it will be important to note, that in the years 2011 to 2014, there was a midterm policy framework entered into by the Government of the Republic of Trinidad and Tobago, and it was for a four-year national development agenda and if you would permit me, Mr. Deputy Speaker:

One of the framework's main thrusts is to expand investment, both local and foreign. The Government of the Republic of Trinidad and Tobago has identified improving the ease of property registration as a measure that would promote investment. The Government's decision to focus on improving the ease of property registration is supported by studies which correlate property rights, protection and investment.

So that money had been sourced to do these things and now, where we were met with this, as I say, noose around the neck of Trinidad and Tobago, that decision was taken not to renew and to further efforts using the IDB resources, possibly, to find another possibility to do it.

But the Attorney General, I am sure, would have kept us updated as to whether they have, in fact, been able to have achieved that or whether we have renegotiated—and I know he is a great negotiator, with Massy and others—and to continue the thing. So I really do want to hear then if it is renegotiated, whether the intellectual property resides in the owner of the technology or in the people of Trinidad and Tobago. That is crucially important.

So, Mr. Deputy Speaker, there was another issue and it is this. Registration of land titles is important, yes and it was at one time, the one place that you could these things was in Port of Spain. But we have old people, in particular, who are

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interested in ensuring continuity in terms of passing on their property to their children and their grandchildren who wanted to confirm sometimes that their title was updated and they would have no choice but to leave from Cedros, Icados, Laventille, Tobago, Point Fortin, you name it, every corner, Toco, to come to Port of Spain to do it. And when I had referenced earlier the opening of the offices, full-fledged offices in Arima, and during the tea break, I got a call from former Member of Parliament, Mr. Rodger Samuel, who has advised me that even though the doors might be open in Arima, basically it is as if it is closed. Something has gone wrong in terms of the provision of services.

But, one of the things to ensure that land titles and other things, other documentation and access to the population was made readily available, Mr. Deputy Speaker, and you, I know you are a very practical man, would appreciate this. What we did is that we opened 14 offices, regional offices in every corporation. What we did with the assistance of the then Permanent Secretary was to negotiate with the regional corporations to give us a room, free of any rent, and what we did, with the assistance of that great team from Legal Affairs, under the guidance of Ms. Bridgewater, Mr. Sandy, Ms. Moonan, is that we put equipment, computer in each of those 14 offices and trained staff at the head office and put staff, Member for Port of Spain South, in those offices so that our citizens did not have to travel to Port of Spain but they could travel to a close location.

Contrary to all that have been said in the propaganda, do you know the first office that we opened in Trinidad? Do you know where it was? Member for Point Fortin? In Point Fortin. We opened in Diego Martin. We opened in Chaguanas. We opened in Sangre Grande. We opened everywhere. My heart breaks and bleeds when I have received reports that they have closed many of those offices. I do not

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know why, maybe there is good reason but what I do know is that access to the people's business has been severely curtailed by those actions. What we also did, because registration of titles, as I mentioned before and the old people, the elderly in our society always want to ensure that things are done well, but when they do pass, what we also put in those offices was an access to a registrar of death. So that on weekends even—

I remember years ago, my brother-in-law's father had died at Mount Hope and we needed to get a death certificate and we had to search—I did not know Tunapuna as well as I do now, Sir—up into the hills to find a Registrar. It was not an easy task and when we got to the Registrar's home, he was cooking and we had to wait until he was finished with his business and—I mean, I understand these things but in the grief that we were enduring, we had that further burden of first finding a registrar and then, two, making ourselves available to his convenience. And we thought that it was wrong and when we were given the authority to fix things, we did. So I really do hope, if it is that they have closed offices, to revisit this thing to ensure that access is made available throughout the length and breadth of Trinidad and Tobago.

But, Mr. Deputy Speaker, in relation to the electronic recording of titles and this new system, we must not avoid what culturally is a reality. In our country, there are many who still believe that unless you hold the paper, you do not hold anything, and therefore the transition that I have heard of, which we must do over time certainly to go completely paperless and electronic, we must bear in mind that the new system must also cater for those who wish to have the old-time document, a tangible thing, a paper that they can hold, feel and read as a sense of comfort to our citizens.

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And therefore, I ask the Government to move cautiously, if we can proceed in the immediate near future, to the adoption of this new system to appreciate that need so that there must be, at least, Attorney General—and I know that you listen and when good ideas come to you, you do take them on board, and I am sure almost, because of the staff that we have at Legal Affairs, they, too, would also endorse that we must maintain a dual system of the paper and of the electronics. To do otherwise is to avoid the reality of our people in Trinidad and Tobago.

Now, Mr. Deputy Speaker, I am very passionate about human rights, property rights, civil rights and a host of other things, but in every system, there are always failures. As it is now, you can have a certified copy of a deed. You are the true owner, the legitimate owner and you can be the victim of the worst of things. *[Interruption]* “Yaahhh”, I will tell that story another day. I myself was a victim, my family and I—and in fact, let me talk it before somebody else misrepresents it.

In 2016, where I live, beautiful place, the property next door, the bank had seized it from its former owner. An agent for sale came to us and said—and I speak because I speak as a family, not just myself—that this place is for sale and there were several persons who were interested in purchasing this property, but because we lived next door, they also wanted us to know if we had any interest to purchase it, because maybe one of those who might have been interested may not have been of the best character. As a matter of ensuring peace and a quiet enjoyment to the property, we bought the property from the bank legitimately, purchased this thing in December of 2016. What happens at the end of January of 2018, on a Saturday evening, a band of men who we thought were bandits came and attempted to cut the lock to enter that property next door. *[Interruption]* It is most relevant because it deals with title. *[Desk thumping]* We called the police and they arrived within a

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short period of time. [*Continuous crosstalk*]

Mr. Deputy Speaker, I am being disturbed but this is a serious business because this is a personal experience of a real-life situation that many in the society have faced and we continue to face unless we fix it. [*Desk thumping*] So when the police arrived, the former owner turned up and said she is the owner of the property. I said, “No, this is not true, this thing was purchased in 2016 in December”. The long and short of it is, because I did not have in my possession, Member for Laventille West, because I did not have a physical possession of the deed and she had an old deed, the police put us out of that property and put her in. They did illegally and I assure you of this, I have spoken to most senior counsel, Mr. Ramesh Lawrence Maharaj, who has agreed to lead an action against the police for what they did. [*Desk thumping*] We had to endure a living nightmare, and I shall not go into the details here but I will make it known to the public as we proceed, because in that environment—you know they had certain media persons—

Mr. Deputy Speaker: Hon. Member, again, tie it in quickly. Right, you have made the point. So tie it in and you can move on to your next point.

Mr. P. Ramadhar: I am most grateful, Mr. Deputy Speaker. The point I am making is, in that period, the most awful allegations were put into the public domain on a total falsehood, and I, as a Member of Parliament, had to, what you say, endure it and wait for the court to decide, which it did last Thursday and we got justice in the courts [*Desk thumping*] after a month and two weeks. Legal legitimate owner but because you did not have the actual deed in your hand, the police took a decision that it is illegal and ensured that a person who was wanting to steal a home, stole it for six weeks. That is not the end. [*Interruption*] Not just

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rent free, we were terrorized.

But the point I am making is that this thing about registration of a title, you could have paper or whatever, but unless the law enforcement in the country appreciate that people have their legitimate rights and are willing to protect it, then none of it matters. You see there are other societies, when things fall apart, when property rights are not protected, and certainly we do not have our physical rights being protected in this country, but I, as a Member of Parliament—and I ask for no favour, except for the protection of the law—became a victim of it, me and my entire family, then I become very afraid of what could happen in this nation. [*Desk thumping*]

It is not without precedent, Mr. Deputy Speaker, and you know of this case, you care about people and you know about this case. Mr. Deonarine Sookdeo, on the 6th of December, 2014, Member for Laventille West, awoke, not because he was finished sleeping, he awoke to the noise of backhoes and heavy machinery. You know Helping Hand grounds, people? Right off the highway. St. Augustine, my constituency. And there presented to him were police officers fully armed, evict the man from his home—“and we not talking” whether it is a humble home or a mansion, a man’s home is his castle, this is his home. It was a substantial two-storey concrete structure, well put and the “kind ah property that all yuh want to over tax”. Right? They put this man out because somebody presented a deed—

Mr. Deputy Speaker: Member, again, the debate is concerning the registration of titles and I know—[*Interruption*—Members, I am on my legs. And you continue to bring stories or instances with regard where the TTPS and you are trying to—“ah doh know” if you are trying to put the TTPS in a certain light. But please be careful, keep it tight and make your point.

Mr. P. Ramadhar: For the record, Mr. Deputy Speaker, there could be no greater friend to the TTPS than the People's Partnership Government and the Member for St. Augustine. [*Desk thumping*] And for those who run amiss of it and give them all a bad name, it is to them, we must deal. But the point I am building to and if you will permit me this so it will become abundantly clear, even to you, that he was evicted—[*Crosstalk*—No, sorry, when I say, for all of us because you have not seen the point and I will make it clear, it is my fault. That he was evicted from his home and in his presence, the building was bulldozed. Thank God for a lawyer named Larry Lalla who turned up, I called him, he went. By which time, of course the building was in ruin, rubble on the ground.

Do you know it turned out, Member for Port of Spain South, that when matters were filed in court, the deed that the police felt that they were acting under law with was a fraudulent one? That is the issue. Member for Port of Spain, you understand these things, the seriousness of this. So you have your legitimate right, you have your deed, you have everything, eh, but somebody come with a fraudulent one and they bulldoze your home under gun by the police, which was the same thing that happened to me at 11 o'clock in the night when 10 police officers with machine guns came to my home to put a person who attempted to steal a home back into possession. So the point I am making, we have to protect our citizens. [*Desk thumping*]

Mr. Deputy Speaker: And Member, your 15 minutes has since elapsed.

Mr. P. Ramadhar: I am finished?

Mr. Deputy Speaker: Yes, Sir.

Mr. P. Ramadhar: Well I take my seat. I thank you very much. [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Mr. Deputy Speaker, for my opportunity on behalf of the people of Laventille West, as I am entitled to do, in this honourable place, to make a short contribution on the matter before us, a Bill to amend the Registration of Titles to Land Act of 2000. In light of the comments of the last speaker, I am obliged to say a couple of words in response en passant if you would permit me, Mr. Deputy Speaker.

Firstly, as I understand it, the police, in all of these matters, are not there to decide on ownership or on title but rather to preserve the peace and to ensure that there are no breaches of the peace, and I am sure that the police are fully aware of that. I heard my friend, the Member for St Augustine, give example of the gentleman—I cannot remember his name—whose house was—[Crosstalk]—Mr. Sookdeo and so on. Unfortunately, these things have happened in this and other jurisdictions.

But I remember the pains of the farmers down at Chaguaramas that generated a massive public march to Chaguaramas in support of farmers who were equally bulldozed in occupation of agricultural lands for many years under the very Government, when the Member who just spoke was Minister of Legal Affairs in this country. So I must just remind him of that and to tell him “do so is not supposed to be so”. I empathize with Mr. Sookdeo no doubt and I equally empathize with the farmers of Chaguaramas and restate the principled and lawful position that the police in the country are not to be the arbiters of any land dispute. As a matter of fact, the measures that are being brought before this House will act as a resolution, as a palliative, if you like, to all of the problems that my friend has just adumbrated and as a consequence, I expect his support for this package and the

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particular measure that is before us today.

The Member for St Augustine, just en passant, Mr. Deputy Speaker, spoke glowingly about the Government of 2010 to 2015, a Government of which he was a part. Some people characterize it as a Government of big borrow, big spend, big waste and big took. The Government of 2015 to 2020, however, is characterized by stability, institutional replenishing and rebuilding, which the measures before this House are a prime and a wonderful example of. [*Desk thumping*] This is about institutional replenishing and rebuilding.

Mr. Deputy Speaker: Member, one second. Member for Chaguanas West, since after tea, you have been constantly making these little outbursts across the floor. Please, try and minimize.

Hon. F. Hinds: I rather suspect that at the risk of getting himself diabetes, he had too much sugar in his tea, [*Laughter*] gives an extra energy. I thank you. The Member for St. Augustine engaged in—I mean, you know, I learnt many years ago that man was designed such that his hands are not long enough to pat himself comfortably on the back and his feet face forward so he cannot kick himself somewhere. But I do not know how the Member for St. Augustine managed it, I see he was engaged in self-massaging for the last 45 minutes. Thoroughly massaged and titillated himself.

Mr. Deputy Speaker, the Member told us and more substantively and he admitted on his legs to this House today that they allowed these measures that the Attorney General presented here today to have lapsed for five years and three months when they were in the Government. He admitted that and the Member for Siparia admitted that as well. They told us by way of excuse, poor excuse I might add, that they had priorities and he was shameless enough to mention anti-gang

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law, one of the worst experiences this country ever had, costing us millions of Trinidad and Tobago dollars, caused us grief, caused us a loss of confidence in the police, in the judicial system, in the criminal justice system, and the gentleman stands here today, the Member, to use that as an example as to why important measures like the one before us today would have lapsed under their gaze.

Rather than criticize the Attorney General as the Member for Siparia did, she should be praising him because in his very busy and hectic legislative agenda, we made room for this important measure in terms of institutional strengthening with the implications for trade and commerce and ownership and title and settlements and some of the things the Member spoke about. So I would want to commend the Attorney General rather than criticize him. They focused rather on the anti-gang laws, the Member admitted and no doubt as well, on the very calamitous clause 34, but that is another matter, we leave that for another time.

The Member mentioned, and properly so, the building and circumstances in which and at which the Registrar's General Office and the Land Registry, so to speak, was situate was not the best in the world, not designed for that in a modern time, and as such there were, for many years, during its occupation there, its existence there, was problematic. The vault and all of these issues, air-condition issues, access issues and certainly, those were problematic. What did our Government do? We developed the Government Campus on Richmond Street and we house the Immigration Department, the Customs department, the Office of the Attorney General and as I speak to you, developmental work is taking place in the basement of Attorney General's tower in order to accommodate the vault.

The work is actually happening as I speak in preparation for the measures that we have inside of here today. All of this being done in very difficult economic

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circumstances. And I would say “let Jah be praised”, we are going somewhere [*Desk thumping*] and I am proud to be a part of this. And the public area would occupy the ground floor of that building and just as is happening as we speak in terms of the Immigration Department which was transposed from Frederick Street to the very Government Campus, we will see that improvement in short order. That is what we do, we build. We are the great architects of the establishment that is Trinidad and Tobago. We build. [*Desk thumping*]

And I heard the Member stumble over the issue of the licences for the data collection platform, storage system and the software. It is quite normal—may not necessarily always have to be so—for Government to contract with firms, international firms that could provide this software. They are across the pantheon of the Government platform. [*Crosstalk*] Across the platform, we have many, whether it is Oracle and many other systems that we purchase. As a developing country, we are at the point now where we must purchase these services and usually the vendors put in licensing arrangements where you have to renew these licences as you proceed over time.

And this is one of the reasons why we established the UTT, we funded UWI and we pay for students abroad on scholarship so that they could get the best that the world has to offer in ICT and other disciplines. So that we hope that they will come and put us in a position one day where we do not have to purchase those services, and that is the whole idea and that is what we do. [*Crosstalk*] And we have to continue to engage these young people but that is all it was about. I did not know the exact details, you know, but I am sure that it was. So when he encountered that, not understanding it, they put it at an end and threw the whole thing into topsy-turvy, and left the Permanent Secretary and the Ministry grappling

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with ways maybe to resolve the problem, some of which probably we are still afflicted by up to this very day but ignorance is a very, very dark condition, especially when you want to spend money on other things, but we will deal with that at another time. There will be time enough.

The Member for Siparia told us about she witnessed when we were dealing with the question of registration of titles to land, the last Government or Government bulldozing people's home and she had to go to court and act as senior counsel and all of this.

Mr. Deputy Speaker: Member, again, the "she".

Hon. F. Hinds: The Member for Siparia, I am so sorry.

Mr. Deputy Speaker: Identify her properly, please.

Hon. F. Hinds: I am sorry, Mr. Deputy Speaker. But, Mr. Deputy Speaker, really there are deeper issues to this. The question is about housing policy. The last Government had one way of dealing with housing policy in this country and traditionally, we have another. Our record shows that you will find public sector housing from the western tip of this country to the eastern tip and in Tobago. All across the country, we developed houses and we make them available to citizens at a substantially subsidized and reduced cost. Their policy was to give out land. You heard them asking about Land for the Landless? And the access to a piece of land and then the persons are left to develop houses. Sometimes one man might be able to afford a wonderful home and his immediate neighbour cannot, so there is a shack next door. We felt that there was a more efficient and a more sensible way of dealing with this and as so, this Sou Sou Land concept and all of that, while it has its value, we had another approach to dealing with the question of housing in this country and ours have and will stand the test of Trinidad and Tobago time.

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Only recently we debated here, and it is all part of the whole issue about registration of title, the valuation of lands, and we passed that legislation in this House, and we found a little objection from folks on the other side. We do not know why. What we do know is that there are some people in this country who do not want to see this situation rationalized and made more efficient and effective, because as I said in that debate, there are some people who hide wealth in properties, there are some people who are occupying properties that they have no title to, and they acquired it within recent times, including former Caroni lands. And any system of valuation and adjudication of land and registration to titles, these are troubling issues, important and good as they are for all of us, most of us, but there are those who would prefer the situation to remain what it is so that they could continue to enjoy that which they did not work for.

But as the Attorney General, acting in the public interest, always in the best public interest, bringing these measures, piece by piece, establishing a structure, an institution, a regime, what will happen eventually is that all anti-slopers will be found out. There will come a day when they will have to come out of the hole like “zandolee”, and declare: “dis is mine if yuh really want it.” [*Desk thumping*] That is what is worrying them. Because they are on record as encouraging people to occupy state lands in this country. They are. Those are the facts.

Mr. Lee: Standing Order 48(4). “They”.

Mr. Deputy Speaker: Member, you care to clarify the “they”?

Hon. F. Hinds: Whether day or night, they did it. [*Desk thumping and laughter*]
 They did it.

Mr. Deputy Speaker: Member, Member, Members, Members. Again, Member for

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Laventille West, I really do not think that is the context that you used it, so please clarify the “they” or if not you move on to your next point.

Hon. F. Hinds: I am terribly sorry, Mr. Deputy Speaker. I heard the comment from across the floor and I thought I heard “day” so I was responding to that. My apologies, I will move on. [*Crosstalk*] I will just move on. I will move on.

Mr. Deputy Speaker, during the course of the contribution of the Member for Siparia, the Member observed that the measures that are brought here today in this Bill were markedly remarkably similar to that which they allowed to lapse on three occasions. And rather than bury their heads in UNC collective shame and embarrassment—[*Crosstalk*]

Hon. Member: That is insulting.

Hon. F. Hinds: Nothing is insulting about that. Shame?

Mr. Deputy Speaker: Members. Members. Overruled.

Hon. F. Hinds: Thank you very much. Let me repeat it. Rather than bury their heads in collective UNC, ex-government, embarrassment and shame—[*Interruption*]

Mr. Charles: Standing Order 48(4). I will not accept that.

Mr. Deputy Speaker: Overruled.

Hon. F. Hinds: The Member for Siparia told us here, with great aplomb, that one of the minor changes that we have made is to change the word “commit” in the context of “commits an offence” to the words “is guilty of an offence”. And I rose as an attorney-at-law—I am no Senior Counsel—

Dr. Francis: Neither is she. [*Laughter*]

Mr. Deputy Speaker: Members, listen. Members, again, the little outbursts when the Member is on his feet, let us try and minimize it, and if you are saying it, say it

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in hushed tones. At least it does not reach the Speaker's Chair. [*Crosstalk*] Member for Chaguanas East, please. Please. Proceed.

Hon. F. Hinds: I thank you warmly yet again, Mr. Deputy Speaker. I am no Senior Counsel, but I felt confident that any Senior Counsel worth his or her silk ought to easily recognize that that is not a minor change, that is significant. Where we use the words “commits an offence” it suggests, or where we use the words “guilty of an offence”, it suggests that a decision has already been made by those who must charge. Because as far as they are concerned, without investigation, the person is guilty of an offence.

But there is a larger point. The point is of constitutional effect, and it is that a person, under our Constitution is presumed innocent until proven to be otherwise or guilty. And that is a constitutional position that any silk worth his or her silk should know. I rose to my legs and I sought to get the attention of the Member for Siparia and I was flatly rejected, much like Mickela Panday, but it has to be recorded as the truth. But that is all right, and I see the Member for Barataria/San Juan today in a green shirt. He is saying something, but we will come to that.

Mr. Deputy Speaker, in these measures, it is envisaged—[*Crosstalk*] it is envisaged that the office—[*Interruption*]

Mr. Deputy Speaker: Silence.

Hon. F. Hinds:—that the office of the adjudicator of lands, in one of the measures that will come, and that is the next one we will debate, but the point is this Bill makes reference to it and the valuation Bill as well., the office of the adjudicator. And when this labyrinth of legislation is eventually put together and on the books, it will lead to a situation where the adjudicator, having taken office, will have a duty under these laws, to record title and to adjudicate upon all lands in Trinidad

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and Tobago, every piece.

And in accordance with clause 85, the present and existing titles and ownership will not be affected. It simply means it will be recorded by the adjudicator. It will be surveyed and adjudicated and settled and title recorded. So we will be off to a brand new or fresh start.

And that is the logic and that is the common sense and the rational position offered by the Attorney General here today. To my mind, irresistible in logic, in common sense, in intellect. To my mind, unassailable, and that is why all the positions coming from the other side have been as fleeting and as empty as I am sure a reasonable observer might find. So we will be off to a brand new and fresh start in terms. [*Crosstalk*] Yes.

And then the adjudicator will pass these records of title over to the Registrar for registration in accordance with the measures before us here today, in new folios. So we will now have full knowledge of who owns what and some of the issues raised by the Member for St. Augustine, and feebly by the Member for Siparia—

Hon. Member: Feebly?

Hon. F. Hinds: Yes. Yes, meaning of feeble—[*Laughter*]—yes, will be immediately resolved. So for that reason alone, if I may borrow the words of my friend from Moruga/Tableland, that young, bright historian, man of quality speaking. [*Desk thumping*] For that reason alone we must support these measures. We must support these measures.

The two systems that we now know will be maintained. As the Attorney General explained, and those who would have dealt with these matters either as lawyers or as house owners or property owners would have explained, the two

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systems, the old common-law system of transposing titles, and so on, by deeds, as opposed to the Real Property Ordinance arrangement where we transferred by Certificate of Title and these measures here will move from what is called Certificate of Title to Land Certificate, basically the two systems will continue. But now we will be operating in full knowledge of it all.

And as I said, clause 83 itself preserves all the rights that now exist. It is simply that they will all be recorded and then you have the adjudicator, which we will deal with a little later, who would resolve any issues and make decisions and then pass those to the Registrar for registration accordingly. And that is basically the core of how this thing is supposed to work.

What could be troubling my friends on the other side about this? What would have troubled them to the point where three times they brought these sensible measures to this House and left it well alone to lapse, and the country continued to wobble along in traditional squalor and do not want to compliment the AG for sorting it out here today? Look, I want to salute the Attorney General and the Government of Trinidad and Tobago. [*Desk thumping*]

In my own constituency, only last Saturday—and as I remember that, I have to express a little personal pain. I saw a citizen mouthing off on live Facebook only yesterday, talking about who “dey cyah see and which MP dey not seeing and all ah dat”. Mr. Deputy Speaker, and this is not self-praise, this is a statement of truth, those who work with me in Laventille West will tell you we work every single day in the interest of our community and we work every single day in the interest of this country, from the Cabinet and from the Government. And it pains me to hear people who have no contact with you, “no nothing”, just glibly mouth off ‘bout dem eh doing nutten and we cyah see dem”. Well, I do not go to heaven. I may

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look like that. I am always right here on this earth, and always somewhere, apart from the four and a half hours we might sleep when the night come.

Every one of us, on both sides—I do not like talking for my friends on the other side, that is a risky business—but I am sure in this country every single Member of Parliament must work, and work real hard for the little that we get. We do it out of commitment to this country. [*Desk thumping*] And it is the truth. And it sickens me when I hear people who have no—I mean you hear them.

I heard a citizen yesterday describing a high office holder of this country as incompetent; a qualified man, holding high office. Whatever you think. I heard a citizen describing this high office holder as incompetent. Those things, you know—but this is Trinidad, where if you ask three people their opinion you would get five. But that is not the point.

The real issue here is this, in my own constituency I met on Saturday with a group of about 60 residents and they are only 60 of about 450 I am told, who have been in occupation of privately owned lands for 40, 50, 60 years in the Mapp Lands area, Snake Valley area, in my own constituency in Laventille West.

Recently, relatively recently a new owner bought over the title to that land, buying it no doubt with full knowledge of those who are in occupation and is now trying to sell these lands in the respective household plots to these people at all kinds of prices, prices that scare them, that they cannot afford. So they came to see the Member of Parliament and we have had a series of meetings over the last few months. We met last Saturday and we continue to meet as I put together a team to speak on all of their behalf, with the new owner of these properties, to see whether we could get the best interest for these people whose grandfathers and whose—

Land is the basis of wealth. People have fought and bled and died for land. A

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system of slavery developed over land. A system of indentureship developed over land. Land is critical, and the people of Mapp Lands in Laventille, they understand that. So we are trying to work this out. But I can tell you one thing, the measures that are before us today will certainly be of value to them going forward. And I stand by them as Member of Parliament, as we do this.

The Attorney General dealt with the particular issues of Tobago, quite lucidly I might add, and one of my colleagues on this side will deal more emphatically with those issues in this very debate, I anticipate.

The Member for Siparia I must tell you, en passant, the Member for Siparia, criticized the Attorney General and our Government about poor accommodation of the building and all of that; the very Member you know. The very Member as a Minister of Education, oversaw the purchase of “ah” old warehouse on Sackville Street, at great expense, that within one week of purchase was deemed unfit for human habitation— stands cold and empty to this very day—to put a model school for the children who made less than 30 or so per cent in the SEA. She was quite prepared, the Member for Siparia, as Minister of Education, administering state policy to dump those children inside of that building that was declared unfit for human habitation. I called it “Kamla Sec”.

Fortunately, the Government changed, and those very children were put in more congenial circumstances more conducive to teaching and learning, and if the Minister of Education, another very distinguished contributor, upon on whom an attack was placed in this place. But through the power of the Most High—
[Interruption]

Mr. Deputy Speaker: Member.

Hon. F. Hinds: He came out surfacing.

Mr. Deputy Speaker: Different point.

Hon. F. Hinds: I thank you very warmly. But God is such a great God, somebody admitted that they did wrong, and it is now on public record.

Let me turn swiftly to clause 12 of this Bill, which seeks to amend sections 24 and 25 of the Act where, as I alluded to, en passant, and just for the benefit of the citizens of this country, where we will move from what is known as Certificate of Title to Land Certificate. And very significantly in clause 13, we seek to amend section 29 of the Act, in fact to repeal it, and replace it with a following section 29, which says, and I quote, permitting me, Mr. Deputy Speaker:

“29. An instrument or document evidencing a dealing has legal effect and passes an estate or interest in land when a memorial is endorsed on the folio under the signature of the Registrar.”

What does that mean for the benefit of the layperson? It simply means that once the Registrar signs the folio, the interest or the estate or the title is deemed to have passed from one owner to the next. As it now exists, it is on the Certificate of Title that this endorsement is made. And that endorsement, based on the slowness and the bureaucracy of the system, could take a very long time, from the day it was executed, from the day the interest was supposed to have been transferred or the estate or the value, the property. It could take a long time between that and the signing and accept or receipt of the Certificate of Title. This is a significant advance on that inefficient position. This says from the day the Registrar signs that folio, the transfer is effective. That makes a lot of difference. So again, a sensible—*[Interruption]*

Mr. Deputy Speaker: Member your initial 30 minutes has expired. You have an additional 15. You care to avail yourself?

Hon. F. Hinds: “Defitively”, Mr. Deputy Speaker.

Mr. Deputy Speaker: Proceed.

Hon. F. Hinds: You would not find that one in the dictionary. That is mine. But I mean yes.

Clause 14 seeks to amend section 30 of the Act by repealing subsection (1) and substituting that with a section. I would not trouble us Members present to read it. In fact, I think for the benefit of the viewers I should. It says and this is the substituted. The side note:

“Rectification by Registrar

The Registrar may rectify the Register or any instrument presented for registration in the following cases.”

So this really outlines the circumstances by which the Registrar, the person with the ultimate responsibility for these titles, their accuracy, their record, their preservation, because all of these are very public documents. If I have to do a transaction in land, I want to be able to go somewhere and see what is the status of that land, who owns it, in what circumstances, at what price and at what date. All these are very pertinent facts, germane to any decision I must make to purchase title.

So this new provision is identifying, Mr. Deputy Speaker, the circumstances in which the Registrar may change or rectify what is on the record.

“(a) in formal matters and in the case of errors or omissions not materially affecting the interest...”

So if in the opinion of the Registrar, legally trained as she is, hard-working as the incumbent certainly is, and who must be commended, because while we debate these matters in this House a lot of work was done behind the scenes to get us to

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this point. I want to commend the Registrar and her staff, the lawyers at the Attorney General's office who have been working assiduously, week after week to get us to where we are. So that, if in the opinion of the Registrar there is any matter that does not materially affect the interest or the title, a rectification can easily be made. It is allowable in law.

“(b) in any case at any time with the consent of all parties interested;”

So, in terms of interested parties, if there is consent, a rectification can be effected or made by the Registrar.

“(c) where upon resurvey...”

As I said, the lands would be resurveyed and the adjudicator will then settle them all to pass on to the Registrar.

“(c) where upon resurvey, an area shown in the Register is found to be incorrect, but in such case the Registrar shall first give notice to all persons appearing by the register to be interested or affected of his intention to rectify;”

So if the Registrar identifies some kind of incorrect registration, she has a duty in law to notify all affected or interested persons, and once they are notified and hopefully agree without challenge, then it can be rectified accordingly. And if perchance they have any query or dissatisfaction with it, this is where the adjudicator, which we will come to a little later, will play a significant role.

And finally, in this provision:

“(d) upon receipt of any decision...or the Land Tribunal.”

We have another part of this package. It is all patchwork coming together to make us a wonderful legal labyrinth or quilt that we can sleep and rest comfortably on, if I may use a metaphor.

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And so, Mr. Deputy Speaker, clauses 12, 13 and 14 make major advancements on what now exists. As I said at the top of my short contribution, in an attempt to rationalize this business of registration of titles and all of the peripheral matters that must come in place, I give my friend, the Member for St. Augustine, the assurance. He did not have to plead his case here. We all read in the newspaper about his personal troubles with his neighbour. Nobody asked him that. He has come today and he has given a version of the story. But as a lawyer I know there are always three sides: his side, “she” side, and the truth. And the truth shall set us free.

I have heard the Member for St. Augustine in this House already make loud claims that I on my personal investigation found not to be so. But I have no axe to grind in this matter, so I will leave it until another time.

So, Mr. Deputy Speaker, I promised you a few words, and with those few words I would like to say to my friends on the other side, what is in front of you reflects good sense, deep thought, intellectual pursuit, and it is simply good for Trinidad and Tobago. And for those reasons alone, I urge you to cut out the time-wasting and lend your support to these matters, and you will be doing so unusually in the public interest of Trinidad and Tobago. I thank you. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Mr. Deputy Speaker. I wanted, first of all, in my contribution to this Bill, to deal with a few clauses and to raise some questions about them, and to talk a little bit about the business of land. Because in our system, under our system of public administration, you have basically a ministry responsible for the legal matters related to land. It may be based on the evolution of that Ministry, Attorney General’s Office or Ministry of Legal Affairs, and now it is the Ministry of Legal Affairs that deals

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with the business of the registration of land and the registration of land Bill will cover both state lands and private lands.

And these Bills, the year 2000 parent Bill, as well as the amendments to that particular Bill, and the Bill we are debating here now is a Bill to amend the Registration of Titles to Land Act, 2000, and the amendments to that. The Bill that we are debating now really acknowledges that there is a deficiency in the registration process, which we are seeking to fix, and we spent 18 years to get to this point to try and fix it.

But there is another administrative aspect of land, which is that there is always a Ministry under whose jurisdiction land falls. In the current administration, land falls under the Ministry of Agriculture, Land and Fisheries. In the last administration, the administration in which I served as a Minister, there was a ministry responsible for lands. And in addition to that, there is always a Ministry involved in planning, for development purposes, where permissions are granted both for the development of state lands, as well as private lands. So when you are dealing with the business of registration of titles to lands, you are not just dealing with the issue of registration, you are dealing with the business of land ownership, property matters, and you are also dealing with the matter of development.

And having said that, I want to frame my contribution in the context of this understanding of what we are doing here today. But my colleague and friend, the Member for Laventille West, I could not let him get away with some of the things that he said in his contribution. You know sometimes—[*Interruption*]

Mr. Hinds: “But ah did not tell yuh nutten.”

Dr. B. Tewarie: You know sometimes—no, “yuh did not tell me nothing” —I think that he plays the role in the Government of, first of all, entertainer. I think

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that is a personal choice. [*Desk thumping*] Secondly, he plays the role of protector of the realm. You know he has to defend the realm, and he has to make sure that he secures the realm. And he makes his pitch to the supporters of the realm, the Member of Laventille West. And the third role that he plays is the role of agent provocateur to the Opposition and basically—[*Interruption*]

Ms. Cudjoe: Mr. Deputy Speaker, Standing Order 48(1).

Mr. Deputy Speaker: Member, one sec. I have a Standing Order. In terms of?

Ms. Cudjoe: Standing Order 48(1), irrelevance. [*Crosstalk*]

Mr. Deputy Speaker: Members, Members, Members. Members, I am on my legs first of all and I am making a judgment. Kindly proceed.

6.00 p.m.

Dr. B. Tewarie: Thank you, Sir. [*Desk thumping*] So the Leader of the Opposition, for instance, when she made her presentation she acknowledged the journey from the 2000 Bill to now, and the various attempts to bring it to the floor of this honorable House.

But she said that except for certain reservations that she had, the Leader of the Opposition indicated that we would want to support the Bill. Because basically, it was a Bill that had its birth so to speak—had its birth in a certain administration 18 years ago and which we had in fact agreed to bring to the Parliament.

But yet the Member, he spoke as if we were opposed to certain things with the Bill, he imputed motives. And I find it really, really problematic the kind of presentation that he made before he got into some of the clauses of the Bill.

He talked about the Chaguaramas farmers, the Member for Laventille West talked about the Chaguaramas farmers. I would not say anything about that except to say that the matter of the Chaguaramas farmers was settled in court. It was a

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matter that came before the court, it was settled, and the court settled in favour of the Chaguaramas Development authority that is a fact of law and a fact of history. [*Desk thumping*] Any other thing is an interpretation or a political stance on the issue.

He talked about the fact that, the Member for Laventille West, he talked about the fact that his Government speaking on behalf of—playing the role of protector of the realm, he said that his Government is a builder. So I just want to take the opportunity to remind this honourable House and to remind the population of how well they have built the sea bridge, [*Laughter and desk thumping*] how well they are building the air bridge [*Desk thumping*] and how perfectly they are building the Tobago economy. [*Desk thumping*]

I could say more on this, Mr. Deputy Speaker, but I will leave the contribution of the Member for Laventille West with only one more point and that he pointed out that there was a difference in the approach to housing and property ownership policy between his Government and our government and I want so say yes, that is true.

Our approach to land and property and home ownership is to spread the business of land ownership across the population; that is the first thing. And the reason for that is because land ownership and property ownership is the beginning of the process of capital accumulation in the notion of land, labour and capital. [*Desk thumping*]

The second thing is that we are committed to the notion of home ownership because when you have massive home ownership in a society with the notion of property ownership people have a stake in the society; they also have a stake in the financial side of the economy, because they now own equity and therefore they can

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be a player, a “leverager” of an asset which is theirs and has property value, to make a difference in the economic system for themselves and their family.

And the third thing is that we believe in employee share ownership. We believe that if employees in a country, whether they work for the State or whether they work for the private sector. If they own shares, you are likely to get higher productivity, you are likely to get greater company loyalty, and more than that, in addition to all of these things you are likely to get a certain amount of stability in your labour participation pool in the economy that you are trying to develop.

So, I want to emphasize that there is a difference in policy between the Government and the Opposition, and that the big difference in policy is that we believe in widespread land ownership; we believe in widespread home ownership; [*Desk thumping*] we believe in widespread employee share ownership so that a worker is not simply a wage earner in this society. [*Desk thumping*]

I move on now to the Bill itself, and I want to say that there are some issues raised here that I want to perhaps spend a minute or two on.

The first thing is the issue of the digitization. I want to say it is a hopeless exercise to talk about the business of registration of land unless digitization is at the centre of that process. [*Desk thumping*] This is the 21st Century, Mr. Deputy Speaker, it is not the 18th Century. And in the 21st Century if you are going to have a registry of land ownership you might have it in books that is fine, but the place to have it is to have a digitized system in which every single piece of land is recorded.

The second thing is that I want to mention in relation to digitization, and the Leader of the Opposition mentioned it, that there was a cadastral management system at CMIS project that we supported, and got off the ground that needs to continue to be supported now.

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And secondly, the geographic information system. We established a board to develop and overlook the development of that—I do not know if the board exists, I think the board was summarily fired during the ascendancy to office of the last administration, if I am wrong I can be corrected. But if you are serious about land in this country you need to deal with the cadastral management system and you need to deal with the geographic information system in the mapping process and in the delineation of boundaries, et cetera, so you understand the ownership of land and its links to the registration process.

I do want to say though, as I go into the particular Bill, I want to say that I think the Members on this side had already indicated that the Land Registry has in fact collapsed and is very, very dysfunctional. I think they did so on the basis of anecdotal instances that they put forward and also the Attorney General himself admitted—he did not admit that it collapsed, but he did admit that there were problems with it and I will take that.

I move on, and I think the other thing we need to admit as we deal with this business of land registration, Mr. Deputy Speaker, is the fact that fraudulent transactions occur, and if you are going to have a Land Registry and you are going to have land registration and you are going to have a log of a land registration. Then the admission or the acknowledgment of the reality of fraud in the system needs to be taken into account.

The Member for Siparia, and Leader of the Opposition, also linked this. I mentioned the Registry, the ownership of land and the development of land. But she also linked this to the ease of doing business. And it is true in our time there was a link between the Ministry of Trade and Industry and the Ministry of Planning and the objective was, of course, in the ease of doing business to address

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this issue not only of land registration, but land transfer as a factor in the ease of doing business process. And we were using models that had been established elsewhere and using I think the World Bank at the time, I am not sure if the IDB was involved in that project, I cannot correctly remember now, but we were using that. I think the European Union was also involved in that particular project. But the ease of doing business is something that is facilitated by the land registration, the effective land registration process.

So I want to go on to the Bill itself. I have some notes here on the Member for St. Joseph, and I have some notes on the AG's contribution. But I think those have been adequately dealt with by other Members on our side, including the Leader of the Opposition and the Member for Oropouche East. So I will go on to some of the substantive issues in the Bill.

As has been said here before, this Bill was assented to on July 13, 2000, but it was not proclaimed. When you look at the Bill, that is to say the original Bill that is now being amended— When you look at the amendments, sorry, to the original Bill, at one level the amendments may be regarded as administrative or cosmetic, so there is that. At a second level there are ambiguities in the parent Bill that are being addressed in this Bill in order to clarify certain things in the Bill. Thirdly, there are certain processes that are fine tuned within the working functions of the Registry under this Act. So you have the appointment, for instance, of the people who will be in charge, and secondly you have a process by which this is done.

And from the parent Bill, what you have really in the Bill is the centralization and streamlining of land registration in Trinidad and Tobago and if you centralize and you streamline, that would add structure and consistency which is currently lacking in the conveyancing industry.

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So, it is a useful Bill which is why the Leader of the Opposition said that we have no problem once we get clarification on certain things, once we look at certain things in supporting it. But that does not mean that the Bill does not need to be carefully looked at. Because the Leader of the Opposition was right, this Bill is 18 years old and the world has changed 1,800 times since 18 years ago.

And the whole situation in Trinidad and Tobago is something this is worth looking at again if we are going to finally proclaim this Bill with amendments. And therefore, a review of the Bill which need not be a long process is something that might be useful for this particular Bill, because I want to note and I think the Attorney General would admit this: there is no overhaul of the registration process itself by either the Bill itself or the amendments.

There is no real overhaul of the registration process and the amendments, and I am not sure that the links between the Registry and the land ownership Ministry in terms of the designation of lands and the Ministry of Planning, I am not sure—that is to say having to do with the development issues, I do not know how well integrated those are going to be if we do not have the cadastral management information system and the geographic information system in place, and intact.

So I want to raise some issues. I raise the issue of fraudulence. There are no penalties that I can discern in this Bill or in the amendments that are included in respect of actual fraud committed in the Registry or by the general public.

6.15 p.m.

The Attorney General can correct me if I am wrong, but I do not see in the Bill or the amendments, any penalties with respect to actual fraud committed in the Registry. Do you want to clarify?

Mr. Al-Rawi: Member, I am so sorry to do this, but just for guidance, Mr. Deputy

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Speaker, what the hon. Member is discussing is very relevant, but it is squarely anchored in the Land Adjudication Bill, the GIS mapping, the cadastral. Quite a few speakers have spoken, and I do not want to interrupt the hon. Member, but I am wrestling with where the boundaries of the other Bills in anticipation begin. So I do not want to raise an objection per se, but I would like the hon. Member to be sort of guided to the Bill with your direction. I am just raising an observation, because it is squarely—the entire system of mapping, et cetera, is in land adjudication, and then there are processes that go to the tribunal. This is the disadvantage of doing these Bills separately, because they are intended to be articulated together.

Mr. Deputy Speaker: Member, again, in terms of the explanation given by the AG and with the other Bills to come, you know, at least, let us see how quickly you can tie in the point and, you know, you can move on to the other point, but you are going fine.

Dr. B. Tewarie: Okay. Mr. Deputy Speaker, all I will say is that the issue I am raising here is the issue of penalty for fraud, and we must have penalties for fraud, because you cannot assume that we have an incorruptible system, you cannot assume that people will be above the law, you cannot assume that there are some people who are all powerful and cannot be touched, and you cannot assume that the issue of fraudulent activity will just be ignored by the Bill. So, I want to emphasize the need to include that in the Bill.

Item 14 of the Bill, which amends section 30 of the Act, a few questions arise, Mr. Deputy Speaker. There is a notion here of formal matters, in part (a) of section 30(1) and (2) of the Bill. It is very difficult to say what formal matters covers—what the term “formal matters” covers—and I think that there is need for

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some kind of definition of that, so it is clear that it is not a catch-all phrase for everything, and it is well defined as to what these “formal matters” are.

Then another issue is, should there not be a cap or a limit to the number of persons from whom consent is required to make rectifications in the register? For instance, this notion of interested parties, anybody could be an interested party, but they must have either a financial interest or they must have some claim to beneficial interest in the property that is being registered. So I think that needs to be circumscribed, so it is just anybody who could declare an interest. It has to be tied to some notion related to the business of landownership and the registration of land.

Mr. Al-Rawi: Again, that is in the adjudication process.

Dr. B. Tewarie: Okay. If you say so.

Mr. Deputy Speaker: Members, one sec. Again, hon. AG, in terms of the information, you may have it at your fingertips, in terms of the Bills that we are debating, but when we come to the information that is being divulged, at this time, we will have to see how it goes in order for the Member to make his contribution.

Mr. Al-Rawi: Not engaging at all, and I apologize to my learned colleague. Hon. Deputy Speaker, they are in the other Bills which are on the Order Paper and, therefore, we have anticipatory notice of that. The difficulty in the Opposition’s approach in separating out the Bills is that all of what my learned colleague is saying, beneficial ownership is addressed squarely in the adjudication Bills. So it is difficult to have this sort of arrangement. I just say that for the record.

Dr. Gopeesingh: AG, we cannot anticipate.

Dr. B. Tewarie: Okay. Mr. Deputy Speaker, I think you know as well as the Attorney General, he knows that there is a Standing Order against anticipation of a

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Bill to be debated. That is the first thing. And, secondly, I am raising these points in relation to this Bill. When the Attorney General comes to debate the Bill he is referring to, he can explain it contextually. You know, that is what a Parliament is for.

Mrs. Robinson-Regis: Mr. Deputy Speaker, Standing Order 51. That Standing Order is very clear and if I may be allowed:

“(1) It shall be out of order to anticipate a Bill by discussion upon a motion dealing with the subject matter of that Bill.

(2) It shall be out of order to anticipate a Bill or a notice of motion by discussion upon an amendment, or a motion for the adjournment of the House.

(3) In determining whether discussion is out of order on the grounds of anticipation, regard shall be had by the Chair to the probability of the matter anticipated being brought before the House within a reasonable time.”

And, Mr. Deputy Speaker, at this time, the information that is being debated or discussed by the Member is in the Land Adjudication Bill and it is also in the Land Tribunal Bill, both of which have been on the Order Paper for several weeks, and we have had first reading of those Bills, Mr. Deputy Speaker. So I cannot understand my friend.

Mr. Deputy Speaker: Okay, Member, just tie it in quickly and let us move on.

Dr. B. Tewarie: No, Sir, with all due respect—

Mr. Deputy Speaker: No, I am giving you the permission to continue, but I am just saying to tie it in and bring it in quickly in terms of what was just identified with regard to Standing Order 51, anticipation.

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Dr. B. Tewarie: You know, if the Government has a problem with me speaking, they must let me know, but I have the freedom to speak [*Desk thumping*] and I want to tell them that when they stop me here, I will go elsewhere, and if they stop me elsewhere, I will go elsewhere. [*Desk thumping*]

Hon. Member: On the pavement.

Dr. B. Tewarie: Let me tell you something. I am prepared to go on the pavement. [*Desk thumping*] All right?

Mr. Deputy Speaker: Member, hon. Member, again, you have my protection. I have ruled and I have said to proceed, tie it in and let us move on with regard to what was just identified. [*Crosstalk*]

Dr. B. Tewarie: Yes. I want to raise, Mr. Deputy Speaker—and I think it is another question worth asking—is there or will there be sufficient physical manpower to bring about the change and efficiency envisioned in this Bill? The Leader of the Opposition raised the issue of the allocation of funds in relation to the development of this particular Ministry, and this particular function. So the HR, the technical competence, the infrastructure issue—both hard and soft—in order to facilitate the effective functioning of this Bill. What about willpower, Mr. Deputy Speaker?

Currently, the Land Registry faces significant constraints and challenges which impact on the legal fraternity. It impacts on the ordinary citizen or the public at large, and I think that this is something that we need to appreciate that you cannot just legislate for or establish in the legislation the proposed infrastructure for allowing these things to happen. There has to be a will at work in order to make these things happen. [*Desk thumping*]

In section 4, in the amendments, what exactly or precisely is meant by, and I

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quote from it:

“...validated under the hand of the Registrar.”

I think that needs to be explained so that there is clarity about what validation means. Okay? This is land we are dealing with. This is law we are dealing with. This is process and precision in language that we are dealing with and, therefore, these things need to be attended to within the law. They must not be subject to interpretation, and why create the conditions for testing in court?

So the Leader of the Opposition often intervenes to say that we want to see good law passed and, therefore, if we can take care of these little details, it will makes things a lot better. So this needs to be clarified, explained and made explicit.

Clause 13 of the Bill. Clause 13 of the Bill repeals and replaces section 29 with a new section 29. How is the old section changed by the new section? I do not detect the change. The effect of the new section is to state that an instrument requires an endorsement from the Registrar to be effective.

Mr. Deputy Speaker: Hon. Member, your initial 30 minutes has expired. You have an additional 15. You care to avail yourself?

Dr. B. Tewarie: I would like to, Mr. Deputy Speaker.

Mr. Deputy Speaker: Proceed.

Dr. B. Tewarie: Thank you very much. Mr. Deputy Speaker, can I appeal to you for injury time for the intervention of my colleagues? [*Laughter*]

Mr. Deputy Speaker: Proceed, Member. I will decide when that time comes.

Dr. B. Tewarie: Yes, okay. So this is the endorsement from the Registrar. Now, what is the legal status of a document which is tendered for registration but not yet validated—you see, that is why I am asking the question—by the Registrar? This is section 4(4) as I mentioned before. How do you deal with the time between

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registration and validation? What is the status of the documents? What is the status of ownership? What is the status of registration? So in that hiatus between the registration and validation, do we have a little problem that we need to address or explain or clarify or find a formula for greater precision in the management of these things? Is there an additional period of time under section 4(4) for the instruments to become effective under this section? So I think that that is something should be addressed.

Clause 14, while there is reason in the Registrar being able to rectify, as set out in the proposed section 31, we have no problem with that. You need to have somebody who is adjudicating, so to speak, the process, there seems to be a problem, and I quote what I think presents the problem:

“(b) in any case at any time with the consent of all persons interested;”

I raised that earlier. Those words “person interested” makes the catchment very, very, wide. So I think that needs to be clarified. Why not refer rectification issues, for instance, to the very land tribunal that the Attorney General was referring to just now.

Clauses 15 and 16, section 41 of the Act dealing with executions out of the jurisdiction and section 60 of the Act are not addressed in this amendment Bill. There is big fraud in matters dealing with land, as I said before, and that is increasing and there are also cases of fraud involving documents executed abroad and that is becoming as big a problem as the one locally. So should we not pay more careful attention to section 41 of the Act? As I have said, as the Member for Oropouche East has said and as the Leader of the Opposition has said, 18 years have passed since the Bill was attested to and, perhaps, the Bill itself needs to be looked at a little more carefully.

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Now, in section 60, how would this impact on persons seeking a mortgage with the related transfer being by way of a gift? There is the notion here of transfer, but what if the transfer were not a paid transaction and it were by way of a gift? Would that have any implications for the registration and the process and the implications for dealing with the matter within the financial system?

And clause 20, I think the Leader of the Opposition focused on that as one of the main issues with which she was concerned. It amends section 73, which allows for inspection of copies of records and the issue is public access, public use and citizens' freedom in accessing all of this information and transparency in the system. I think what you need here is an electronic system that actually works, and which can be remotely accessed so that all citizens who have that facility can have access, but also equal access to the documented version outside of the online version in which through a process that is properly managed, effectively managed, any citizen can exercise his right as a citizen to find out about the issue of landownership, whether his land, her land or somebody else's land.

Now, the issue of accountability in the search process, I do not think it will be such a problem in the electronic version, but if a fraud takes place when you are dealing with the books—I heard in this particular debate, issues about pages being torn out and being replaced, and so on—how do you, first of all, protect and secure the system? The Member for St. Augustine talked about electronic eyes that had been put in. I do not know if that still prevails or what the situation is.

And, secondly, how you would deal with transgression in such a situation, which is a serious issue, because you are really altering the Registry in order to change ownership of land. So that becomes a serious issue. And there is the issue of certification. Will all be certified by the State? Will there be some official

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searches and some unofficial searches and how do you deal with the business of searches?

Mrs. Robinson-Regis: Mr. Deputy Speaker, I invite you to look at Standing Order 55(1)(b) in terms of tedious repetition. [*Desk thumping*]

Mr. Deputy Speaker: Again, Member for Caroni Central, that particular point has been identified by three other speakers so far for today. So, again, please tie it in quickly and move on. Right? The same digitizing, what you spoke about earlier. So, again, in terms of moving on, please.

Dr. B. Tewarie: Well, I did not realize I was repeating something. I will proceed though. How many minutes do I have again?

Mr. Deputy Speaker: You have just about eight minutes, Sir.

Dr. B. Tewarie: Well, that is enough for what I need to do. The issue of land-use planning permission and development parameters within a planning and development framework arise because of this Bill. It raises the issue of the Bill and its proclamation and its application as law, because we laid in this Parliament in 2013, the spatial strategy document for Trinidad and Tobago, and we also passed, I think in that same year—I may be wrong about that. It may have been 2014, I am not sure. An Act to amend the registration of—sorry.

We also passed, in that same year, the Bill to facilitate in 2014—sorry, that was in 2014, an Act relating to the planning and development of land, and to repeal and replace the Town and Country Planning Act. And that Bill speaks about decentralization, devolution, integrated planning and national planning authority, et cetera, all of it dealing with land and development. And that takes me back to my earliest point that I made at the start of the debate, that when you are dealing with this registration process, you have to take into account these things having to do

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with planning and development, but also the business of the Ministry responsible for the ownership of land. I say that, and I close on this one point, and that is in the Planning and Facilitation of Development Bill, it would have referred to this 2000 Act, which we are now amending and, secondly, it would have referred to the real property system, the RPO system, which basically we are eliminating as we move to a new system of the management of land.

So that this Bill will require an amendment of this Planning and Facilitation of Development Bill for this Bill to function. I know that the Bill has not yet been proclaimed—only part of it has been proclaimed—and what I am asking really is, whether enough consideration has been given in the Government to what are the implications of these Bills to other elements of the land management system executed and exercised by the State, and whether these things have been thought through. And I want to say, have they been thought through in terms of the notion, that while you have a centralized registry, you also have a commitment by this Government and a commitment in the national spatial strategy and in this Planning and Facilitation of Development Bill to devolution and, therefore, you need land registries that are accessible as well—

Mrs. Robinson-Regis: Mr. Deputy Speaker, I again ask you to consider Standing Order 55(1)(b). [*Crosstalk and desk thumping*] Yes, I am miserable—in terms of tedious repetition. [*Desk thumping*]

Mr. Deputy Speaker: Member, this is your last point you said?

Dr. B. Tewarie: Yes, I am closing my debate.

Mr. Deputy Speaker: So, let us close off accordingly, please.

Dr. B. Tewarie: But, Mr. Deputy Speaker, there is nothing that I am saying here that is repeated before. [*Desk thumping*]

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Mr. Deputy Speaker: Member. Member, I am giving you the opportunity, so just close off your point because, again Member, it is a repetition that you have mentioned earlier with regard to land ownership development and decentralization. I have the jottings here. So I am saying, as you are winding up, I am giving you the opportunity to wind up and finish the point. Proceed.

Dr. B. Tewarie: Mr. Deputy Speaker, I am illustrating that there is legislation and policy statements by the Government that require decentralization and devolution [*Desk thumping*] and they, therefore, require a thoughtful appreciation of these things if these Bills are to make sense. [*Desk thumping*] And I would say, Mr. Deputy Speaker—

Mr. Deputy Speaker: And Member? Member, and the point has been made. Could you move to your next point? [*Crosstalk*] Members?

Dr. B. Tewarie: And I would like to say, Mr. Deputy Speaker, that as far as I know, the Parliament is for the free speech of the elected Members of the House. [*Desk thumping*] And I would like to say that no obstructionist in whatever office—[*Continuous desk thumping*]

Mr. Deputy Speaker: Member, with regard to your remark, I really do not know who you are referring to.

Dr. B. Tewarie: I am referring to the Leader of the House.

Mr. Deputy Speaker: Okay. Member, in that case, you can have your seat. I would now recognize the next Member. [*Desk thumping*]

Dr. B. Tewarie: Are you denying me the right to speak if I have a half a minute, Mr. Deputy Speaker?

Mr. Deputy Speaker: Member for Tobago West.

[*Dr. Bhoendradatt Tewarie leaves the Chamber*]

The Minister of Tourism (Hon. Shamfa Cudjoe): Thank you very much, Mr. Deputy Speaker, I thank you. I thank you for this opportunity to contribute this afternoon. And, Mr. Deputy Speaker, I must say I stand here—[*Crosstalk*] I am making my contribution—in awe. [*Crosstalk*] Mr. Deputy Speaker—[*Crosstalk*]—yes, I am amazed. I stand here in awe. I must say that, Mr. Deputy Speaker, because some of the things that they on that side get away with, we cannot dare imagine.

Anyway, Mr. Deputy Speaker, I am here this afternoon to make this contribution to this land registration matter, and I want to address two matters raised by the previous MP, before he took off. Now, Mr. Deputy Speaker, he spoke about housing and he was saying that the Opposition, they have a different housing policy and—[*Crosstalk*]

Mr. Deputy Speaker: Silence.

Hon. S. Cudjoe:—when they are interested in housing for all, Mr. Deputy Speaker, and I want to say that we on this side, we are interested and we are championing housing for all also. As a matter of fact, it is not just about building houses, it is also about making lands available for housing. [*Desk thumping*]

Mr. Deputy Speaker, I am a part of a Cabinet that would have recently passed provisions relating to a land policy where people who have lands that are participating in our new housing programme, when they build houses to provide to the public, the Government subsidizes or provides subvention assistance to the tune of \$100,000. [*Desk thumping*] In addition to that, if you want to participate in the programme and you do not have land, we are making lands available in order to allow proper housing for the people of Trinidad and Tobago. [*Desk thumping*] And the People's National Movement has been involved in this housing business

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for years, providing hundreds, thousands of houses for people throughout Trinidad and Tobago. [*Desk thumping*] And the difference, Mr. Deputy Speaker, is that we do it in a strategized way, Mr. Deputy Speaker, it is much more organized and it is not a corrupt system like we have experienced [*Desk thumping*] under their Government with the whole EMBD situation. So I wanted to make that point.

The Member for Caroni Central would have also raised the matter of digitalization, and I want to say to Trinidad and Tobago, through you, Mr. Deputy Speaker, that we all could be rest assured that this Government, we have continued—as a matter of fact, we have advanced the cadastral management system. We met this morning—down to this morning—with the officials that are responsible for surveying and mapping so that we can make the cadastral management system a part of the IDB project which you would hear some more about later on in addition to the GIS. The cadastral mapping system is also a part of our PSIP this year.

I want to also speak to the advancement of the GIS system that the Member would have mentioned, and I am pleased to say that that project is advancing very well to the point that we are almost to 100 per cent coverage of state lands throughout Trinidad and Tobago [*Desk thumping*] and that is the work of this People's National Movement in our two and a half years.

But, Mr. Deputy Speaker, I want to say—I want to come off of his topics—first and foremost, how pleased I am to be a part of this Government, to be a part of this People's National Movement administration that is before this Parliament today in order to advance this piece of legislation. [*Desk thumping*] I am glad that this is finally before us.

Mr. Deputy Speaker, I championed this cause. I campaigned on this matter

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of land registration and land titles and solving these issues for the Tobagonians, so I am pleased to be a part of the delivery, and I am pleased to be a part of the delivery of this piece of legislation at this point, because it is not two days before an election or two weeks before an election that we had become accustomed to under their administration.

So, Mr. Deputy Speaker, many governments would have come and gone over the years that would have promised to resolve this matter, and if you listen to the debate and the intelligent discussion coming from this side, it goes all the way back to more than 18 years ago. I would have witnessed some, in my time, while I was in Opposition, Mr. Deputy Speaker and when I checked the records in doing research for this debate today, you would have seen several times where the debate would have lapsed, the discussion would have lapsed, Mr. Deputy Speaker. You would have seen several studies, all the way down to the Geeta Persad studies in the 1980s, Mr. Deputy Speaker, all the way to studies done by Dr. Eastlyn McKenzie or should I say, former Senator, Eastlyn McKenzie, and even later on following those consultations and discussion documents, work done by Deborah Moore-Miggins of Tobago also.

So, Government after Government, debate after debate, this thing had lapsed so many times, but I want to say, Mr. Deputy Speaker, in order to get meaningful land reform in Trinidad and Tobago, it requires consistent, stable and mature leadership. We have to be on one path moving towards the light, moving towards resolving this matter, and we cannot throw it away, just because we did not win an election or just because the Government would have changed hands, and that would have happened to us in 2013 in Tobago when the People's Partnership did not win the Tobago House of Assembly elections.

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So the people of Tobago are well aware of what I am speaking. I know a number of them are looking on today, they would have followed—they constantly were asking on my Facebook page and when I visit my constituency weekly, a number of people come to me with land registration and land title matters, so I am pleased that this Government is making moves in order to resolve these matters. [*Desk thumping*] Now, Mr. Deputy Speaker, as a Caribbean country, because this problem is not about Trinidad and Tobago only, this problem affects the rest of the Caribbean region. And I think it is because of the size of our island, the land space is very small, it is a limited resource, Mr. Deputy Speaker. Because of the make-up, we are close to the sea so we have to consider protecting the environment, ensuring that there is access so that the public could enjoy the beach, and different provisions of that nature.

I want to also speak about our traditions, our beliefs, our customs, our culture, where for the most part our fore-parents would pass down land when it is close to their deaths and would do so as part of our oral tradition. So there are no real, legitimate form or records to really show what has really happened, but we would have a chance to explore that when we speak about the land adjudication matters. But, for the most part, Governments throughout the Caribbean, we have pretty much grappled with trying to strike a balance between ensuring that land is available to the poor, that we develop a land policy system, and a land use system in such a manner that would facilitate investment and productivity. And, thirdly, we also grapple with developing our lands and establishing a land management and administration system so that we can protect our natural resources and make the best use of the little piece of land space that we all enjoy.

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He would have raised the Sandals project, Mr. Deputy Speaker, and this is about productivity and investment, and you would have heard the concerns coming from the tourism sector. While I was not here last Friday, Minister Ayanna Webster-Roy, who would have acted in my absence, she would have raised the matters relating to land titles and the problems faced by the tourism sector.

[*Interruption*]

Mr. Deputy Speaker: Silence.

Hon. S. Cudjoe: I was not here, Mr. Deputy Speaker, but I did my research, and I would not be distracted by those opposite. So, Mr. Deputy Speaker, being a Tobagonian, a young Tobagonian also, I want to say this matter is particularly—it is very close to my heart. It is not just close to my heart but also very dear to the people who I represent, because land is very dear to us. It speaks to wealth, it speaks to ownership, and coming from a tradition, coming from a culture where we are raised on—

[*MADAM SPEAKER in the Chair*]

Thank you, Madam Speaker, and welcome. I was saying, being a Tobagonian, a young Tobagonian, and coming from a culture where we are raised on African proverbs and teachings such as—there is an African proverb that says:

“If you sell your father’s land to buy a trumpet where will you stand to blow it?”

And that is a Yoruba proverb, Madam Speaker, encouraging young people not to sell land to buy frivolous things or material things. It speaks to how important land is to us. There is another teaching where parents constantly say to the children, “He who owns the land rules the state”. So it is our business as Tobagonians, as young people, from the time you start working to start saving towards acquiring land. And

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then I come from Bethel Village where—*[Interruption]*

Mr. Lee: Madam Speaker, 48(1), please. Could the Minister tie in—

Madam Speaker: Member, please continue.

Hon. S. Cudjoe: Thank you, Madam Speaker. As I said, I would not be distracted by the Opposition. As I said, I came from Bethel Village where the old men often use a phrase that says, “Blessed is the man that have his own sornu”, or blessed is the man that has his own things. So you want to own your land, you want to own your property; as Tobagonians that is something that is very dear to our heart.

So to live in a country with such a small land space; as a matter of fact, for Tobago our situation is a little bit more critical, or, should I say, more dire, because it is such a small space of land. We are talking about 116 square miles, and everybody wants the opportunity to own a piece of that small piece of land—*[Interruption]*

Mr. Lee: Madam Speaker, 48(1).

Hon. S. Cudjoe:—and we want to do so transparently and we want to do so legitimately. So we all want to have that piece of paper in our hand to say, okay, we own parcel X, parcel Y, parcel Z. Madam Speaker, and that gives us a sense of confidence, a sense of pride. We want to be able to enjoy our property just like our brothers and sisters in Trinidad, and throughout the rest of the region. We want that opportunity to go to the bank and provide a deed so you will be able to take a mortgage, to use your deed and your land documents, and so on, to acquire a loan to send your children to school, to set up businesses. Because sometimes we—*[Interruption]*

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

Hon. S. Cudjoe: You are not the Speaker, relax “nah”.

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Madam Speaker: Please continue, Member.

Hon. S. Cudjoe: Thank you, Madam Speaker. We want to enjoy our property just like our brothers and sisters in Trinidad, and up the region to acquire loans, to stand security so that we could enjoy a better standard of living, and we also want to be able to subdivide lands so we could pass on to our children.

So this matter has plagued Tobago and plagued the nation for over two to three decades. I would say even from the 1880s this problem has been happening, and it is our business now to bring some relief to the people of Trinidad and Tobago, and to the people of Tobago, especially. [*Interruption*]

Mr. Lee: Standing Order 48(1). I need a ruling.

Madam Speaker: Member, please continue.

Hon. S. Cudjoe: Madam Speaker, this issue would have caused much problems for us in Tobago as it relates to poverty alleviation. It causes family feud within families, and I spoke already about damaging or causing stress as it relates to our quality of life. I want to add another part, Madam Speaker, because I think that this problem, as it relates to land titles and land registration in Tobago, creates an artificial demand for public housing, because people who are unable to resolve land matters to get their deeds in their hand, and so on, rather than go through the stressful process of coming to Trinidad and going through the natural process that takes years, months before you can get your deed in your hand. Some of the records cannot be found because of the way we would have practised passing down land over the years due to oral tradition and, for instance, storing your deed or your land documents, your important documents in your mattress, in some corner in your home. I know my mother would store our birth paper and any matters related to land in a grip, and most families in Tobago during those days stored their

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important documents in a grip. And if that house would have burnt or you would have moved from one place to another you have to ensure and secure this grip.

Madam Speaker, a lot of young people do not know what is a grip, so it is like a suitcase but it is hard. I cannot explain it, Madam Speaker, but I know the average Tobagonian family knows what a grip is. My mother's grip still exists. If you have seen the Tobago wedding you would have seen the bride or the women following the bride would have a grip on their head. It is like a suitcase packed with stuff, and that would symbolize moving from her home to somewhere else.

[Interruption]

Mr. Lee: Madam Speaker, 48(1), this is not about culture, this is about land title.

Hon. S. Cudjoe: Madam Speaker, that land title or deed is usually in that grip.

[Interruption]

Madam Speaker: Member for Pointe-a-Pierre, while the Standing Orders are available to any Member, let us try to use them in a manner that does not seem to be if we are ridiculing the Standing Orders. Member for Tobago West, please continue. *[Desk thumping]*

Hon. S. Cudjoe: Thank you, Madam Speaker, for allowing good sense to prevail. As the Member for Caroni Central would have mentioned, being a former Minister responsible for planning and development, and so on, land is about development, land ownership is about development. I came out of the class of Mr. Rennie Dumas, former Tobagonian parliamentarian, and may his good soul rest in peace, but he would always teach me that you cannot do any kind of development without land. So resolving land issues in Tobago is so critical, so central to development in Tobago. We cannot raise children, educate children, send them out there to learn about the world to come back to Tobago to advance Tobago's development

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without solving these land issues, these land matters. So we do this kind of work in his honour and in honour of all the “Trinbagonian” parliamentarians that would have come before us, that would have been fighting the good battle—[*Desk thumping*—]—for a better quality of life.

I want to speak a little bit—as I spoke about development, it is not just about developing Sandals or tourism properties, and so on. Look at the matter as it relates to the Claude Noel Highway. The Claude Noel Highway was developed before I was born in 1982, Madam Speaker, and to date the owners of these lands have not been compensated. So it interferes even with development that takes place by the State as it relates to compulsory acquisition. So there are some people that would say—[*Interruption*]

Mr. Lee: Madam Speaker, 48(1), please.

Hon. S. Cudjoe: He does not understand the Bill; that is the problem.
[*Interruption*]

Madam Speaker: Member for Tobago West, the Member is entitled to raise a Standing Order, the Presiding Officer will rule on it. Okay?

Hon. S. Cudjoe: Thank you, Madam Speaker.

Madam Speaker: All right. So I have allowed you a lot of leeway, I think now all that you have said is a foundation, if you can tie it in now, please, to the clauses of the Bill before us.

Hon. S. Cudjoe: My pleasure, Madam Speaker. So this piece of legislation, along with the different provisions and the different systems that come with it, would help to resolve this matter so that these people could be compensated and so that the Government could properly conduct its business.

The culture and the history of Tobago plays an important role also. History

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would have shown that the bulk of the land was owned by estate owners or slave owners, and so on. When the PNM came into power in Tobago we decided as soon as land come on the market that we would purchase these lands, hence the reason we have heritage estates. So we have Pigeon Point heritage estate, Friendship heritage estate, Pembroke heritage estate, and we continue to accumulate land for the development of Tobagonians.

Now, Madam Speaker, I want to spend a little time on this fact that Government after Government would have spoken to or would have promised to resolve this matter, and I sat here today and I listened carefully to the Member of Parliament for St. Augustine, who would have been the Minister of Legal Affairs in the previous Government. He spoke about an event that took place on January 14th, in 2013, where they were able to resolve this matter and to bring relief to the people of Tobago. I remember being in Opposition at that time, and as a Tobagonian I am very much aware of what happened, so I want to be able to get the opportunity, Madam Speaker, to place on record my recollection of what happened and what was also reported in the *Guardian* of that year. The Member of Siparia would have also spoken to the same event where the 94-year-old citizen would have cried by finally getting his deed in his hand, and so on. They came to Tobago and put on this whole show. Now, mind you, the 14th of January, 2013, would have been exactly seven days before the Tobago House of Assembly election. So they came into power in May 2010 and waited until seven days before the Tobago House of Assembly election to stage this relief effort to Tobagonians.

Allow me to read what the *Guardian* says, and I quote—this is the Member of Parliament for Siparia saying:

“How pleased am I to be able to deliver on my government’s promise

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to regularise the land title situation that has, for so long, plagued Tobago. Pleased and relieved for the recipients who have endured an interminable and unconscionable wait for this day,' the PM said. Listing reasons why this could not have been done before by the Government..."

She said it was because of a:

"...laidback custom and culture of the times..."[*Interruption*] [*Cell phone rings*]

Madam Speaker: Could the Member kindly leave the Chamber, please. Please continue, Member for Tobago West.

Hon. S. Cudjoe: Thank you. So, Madam Speaker, there was much song and dance about relieving Tobago and finally solving this matter as it relates to land reform and land title. Madam Speaker, where are we today, the situation still exists. On top of that, I am here to tell you that those 19 people who received these land titles, as they claim, when they opened the titles it was a blank piece of paper. [*Interruption*]

Madam Speaker: Order. Order. [*Crosstalk*]

Hon. S. Cudjoe: Madam Speaker, yes, it was blank pieces of paper, and they promised the people—[*Interruption*]

Madam Speaker: Please continue, Member for Tobago West.

Hon. S. Cudjoe: Thank you, Madam Speaker. [*Crosstalk*] They are telling me to prove it, Madam Speaker, and I want to take you there with me. So it was blank pieces of paper because the people were complaining after, and they promised them that in due time that they are going to fix it. Now, I am saying they brought the process to a point but never completed it to let these people have legitimate

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paperwork and documents in their hand. When he was speaking I got up because Member Hinds, the Member for Laventille West said, go investigate because I remember what happened. He said, go investigate that, and I ran outside and I called a member who was a part of the committee that they would have set up in Tobago, and that member was able to tell me that, yes, it was blank papers. As a matter of fact, they brought them up to the point where you get a certificate of title and then you have to advertise. You had to do an advertisement to see if anybody has any issues with it, and so the issues were never resolved.

As a matter of fact, one of the lawyers that I spoke with today is still looking at five of those matters out of the 19, and one of the clients unfortunately died a couple of weeks ago and was not able to see this thing to fruition. The lawyer was also a member of the committee and the lawyer said, you know, we did good work, we did consultations, we went around to the different villages and got the information, but as soon as they lost that election they abandoned the entire process. So, yes, you would have brought relief to 19 people by taking the process up to the point of advertisement, but it was never completed to give these people the legitimate pieces of paper, the legitimate document, the land title in their hands. So I know of these five matters that are still with that specific lawyer. I can speak to that, Madam Speaker, because when I got out of school in 1998, waiting on my CXC results, I worked at this law firm that pretty much did the paperwork, and so, and they pretty much specialize in handling land matters, and at that time Mr. Taylor was the professional in Tobago, and he died, and then other lawyers took it over. So I am quite familiar with what is outstanding and what needs to take place, and I could tell you, that matter has not been resolved. The committee had not met not one day after they lost the election on January 21, 2013. So, Madam Speaker, I

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want you to understand the excitement and why I am pleased to be here today to actually see this Bill advance [*Desk thumping*] in the interest of the people of Trinidad, and more so, the interest of the people of Tobago.

Madam Speaker, this is my eighth year as a parliamentarian and I have seen budget after budget, and provision after provision, and promise after promise, but I know, as Stalin says, without money to buy honey you are looking for misery. So, Madam Speaker, if you do not have money to finance that said project or plan it is not happening. So we could plan, we could have consultation, we could tinker the legislation, because that is what we have been doing over the years, tinkering the legislation. As a matter of fact, the Member opposite said what we are doing here are cosmetic changes. Madam Speaker, what we are doing here is making the necessary changes and amendments that were required by the IDB. And why are we catering to the IDB in this regard? Because the IDB is providing the necessary funding to make this happen. So it is not about amending the legislation only, we could amend the legislation day in, day out, but nothing happens without the money, and this time around this Government, alongside this legislation, alongside this entire package, we are doing this IDB project that would include “lotification”, the surveying and mapping, the cadastral management system—[*Interruption*]

Madam Speaker: Hon. Member, I just want to interrupt here. I keep hearing Members talking about package, I believe there is one piece, one Bill before us, okay, and, you know, if we are going into other things, one Bill being debated one at a time. So I just want all Members to be quite careful about this package and about going into things like surveying, GIS, and mapping, and all those sort of things, please.

Hon. S. Cudjoe: Thank you, Madam Speaker. I would have raised that to bring to

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the fore— the IDB project covers the provision of all of them. So whilst we are debating titles, the IDB project touches Bill No. 1, Bill No. 2 and Bill No. 3, so it is all connected, but I will try to stay on course with the title matter, Madam Speaker. So with every step, and especially for this land title matter, comes with this IDB project that has the necessary funding in order to really bring relieve, because, as I said, nothing happens without money.

So, Madam Speaker, I just want to close on saying, yes, development is a continuum. It takes place from step to step, year to year, decade to decade, term to term, we pass the baton and we keep on running. Just because you have lost an election and the people of Tobago did not favour you, and may never favour you, mean you must cut it down. So, Madam Speaker, I want to say, I am pleased to be here to be a part of this and to see this come to the fore, and to bring relief to the people of Tobago. I want commend the Attorney General. I want to commend, also, the Prime Minister, a Tobagonian, who is trying to make sure that Tobagonians are able to get their land titles, and so on, and I am here as the representative for Tobago West; Ayanna Webster-Roy as representative for Tobago East, and we would ensure that this debate does not lapse. We would ensure that this project is not aborted so that the people of Tobago could have their land titles and enjoy a proper quality of life. So, Madam Speaker, with that said, I want to thank you. [*Desk thumping*]

Madam Speaker: Member for Oropouche West. [*Desk thumping*]

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): Thank you, Madam Speaker, for this opportunity to contribute to this Bill. After I heard the Member for Tobago West so agitated this evening I feel compelled and I have to respond to her. Madam Speaker, the hon. Member said land titles has always plagued Tobago

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for two to three decades. I want to remind the hon. Minister that PNM was in Government for 50 years [*Desk thumping*] and what have they done? Fifty years they were in power. It took a People's Partnership Government, under the astute leadership of Kamla Persad-Bissessar, [*Desk thumping*] for the first time ever to give out 19 titles to Tobago people. The hon. Member said that they were blank pages, I want to ask the Member that when you speak you must take ownership of what you say, [*Desk thumping*] and you must bring documentary evidence to show, because you could also say things—the hon. Member said that just a while ago, and you say things without having evidence, things do not work so. Madam Speaker, she called someone and get hearsay, hearsay could only be allowed if it is done contemporaneously. [*Desk thumping*]

Madam Speaker, what is the other thing the hon. Member said? The hon. Member said on January 14, 2013, the hon. Member for St. Augustine came and gave out sheets of paper. What the hon. Member did is that he set the foundation for [*Desk thumping*] PNM to continue the work. What PNM did is that they dismantled what the People's Partnership had established in Tobago. Madam Speaker, the hon. Member said—[*Interruption*]

Madam Speaker: Member for Laventille West, you are talking and causing a disturbance. Continue, Member for Oropouche West.

Mrs. V. Gayadeen-Gopeesingh: Madam Speaker, no matter which Government is in power there must be continuity with what is established and what is good for the people of the island, the people of Trinidad and Tobago, the citizens of the country. The hon. Member for Tobago West said she was not there last week and the Member for Tobago East represented her, and I just want to quote from what the Member for Tobago East said. She said:

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“Mr. Deputy Speaker, this particular Bill we are debating will contribute towards restoring the economy of Tobago. It will breathe life into the economy of Tobago. As I said before, it will help to support and bolster the tourism sector.”

This is what the Member for Tobago East said. Madam Speaker, which Tobagonian want to hear about land titles now? They want to get a boat. They do not want to know about land titles now. [*Desk thumping*] Which tourist coming to a country because the title is registered? [*Interruption*]

Madam Speaker: Hon. Member, while I understand what you are trying to do, I am not going to let you expand this to anything about boat or tourism. Please keep it within the confines of this matter.

Mrs. V. Gayadeen-Gopeesingh: Madam Speaker, this is what was said by the Member for Tobago East. [*Desk thumping*]

Madam Speaker: Member, I am sure you do not mean to question what I have ruled, okay. I said I understand what you are trying to do but this is not a debate about the economy, it is not a debate about the boat, it is not a debate about tourism, please.

Mrs. V. Gayadeen-Gopeesingh: Madam Speaker, the hon. Member for Tobago West spoke about the digitized system and they are making it work, but I have a letter here from the title Abstractors Association of Trinidad and Tobago. The digitized system, when you go onto the system what you will get is a prompt that comes up, “OSA is disabled”. “OSA is disabled” means that you cannot get the document in the digitized system, so I am not sure what this Member was speaking about if the digitized system is not working. [*Interruption*]

Mrs. Robinson-Regis: Madam Speaker, I invite you to look at Standing Order

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55(1)(b), please.

Mrs. V. Gayadeen-Gopeesingh: I am responding to what the Member said.
[*Crosstalk*]

Madam Speaker: Okay, so, Members, just for us to remember, when a Member stands on a Standing Order the Member who is speaking will sit. The Speaker will then rule and, hopefully, the Speaker will be allowed to rule in silence, silence being observed by both sides. When the Speaker rules, the person who was on their legs is entitled to continue based on the ruling. Okay? Member for Oropouche West, I will allow you some leeway, please continue.

7.15 p.m.

Mrs. V. Gayadeen-Gopeesingh: Madam Speaker, there is something called also the PIM system, which is Property Information Management System. What we have right now at Port of Spain, we got only four computers for title abstractors—four computers. You have 100 persons who would line up to get titles for financial institutions, to get titles for attorneys-at-law, for conveyancing clerks and so, and every time they go to take abstract information, they got to pay what is called a “voucher”, a \$50 voucher. They have to use it for 15 minutes or so—their computer—and there is no guarantee using this PIM system that they are going to get any title abstract. So this is what is happening right now in the Land Registry.

I also listened attentively to the hon. Attorney General, and I really tried to dissect his several pronouncements, advancements. I try really to discern the usefulness of this Bill at this time, and whether passing these various amendments would really provide an enabling environment to make it easier for the proprietors, for attorneys-at-law and the financial institutions to register land titles more easily. I ask, Madam Speaker, would these various amendments to the Bill really effect

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any tangible changes to the bureaucracy and the red tape that plague every institution under this PNM Government.

Madam Speaker, registering titles is not a simple process; it is a complex process. I think that rather than the Attorney General rushes to pass legislation to register titles of land, he must first fix the institutions that are plagued with mediocrity, those very institutions that have to aid in the registration of titles and those such institutions—I refer to the Lands and Surveys Department, I refer to the Valuation department, I refer to the Commissioner of State Lands department. These are different departments, even the Town and Country Planning Division. And I could give a simple example, Madam Speaker. Take, for example, a mother who has, say, four acres of agricultural lands, and she has four daughters. She wants to give those four daughters one acre each. Those lands will have to be subdivided within to what is called “portion plans”. Those portion plans must now be sent to—

Madam Speaker: Member, in terms of land registration of title, I will ask you very quickly to tie what you are saying into it, because so far I am not seeing the connection, but I will give you a quick opportunity to do that.

Mrs. Gayadeen-Gopeesingh: Madam Speaker, what I am saying is that the Town and Country Planning Division will refuse that subdivision, and you cannot get your titles registered; that is what I am saying, because you have to fix the Town and Country Planning Division. [*Desk thumping*]

Madam Speaker, if we look at section 25(a) what will be issued is what is called a land certificate under the registration of land title. And what does the land certificate represent? It represents the date of issue of that land certificate. It shows the parent folio; it shows the name of the registered proprietors. Under the Real

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Property Ordinance, owners of land are called really “proprietors”. It shows the name of the estate or the interest that is held, whether the person holds the interest as joint tenant or tenant in common, and most importantly it shows the schedule of the land with all the encumbrances; encumbrances which are endorsed and which would be endorsed to the back of the certificate. So it is one of the ways in which you could pick up a land certificate and see all the memorials which are endorsed, so you would know all the transactions that take place.

So what happens, with this land certificate it seeks to make ownership and the transfer of land more reliable under this registered system. It serves as evidence of ownership. But what happens is that sometimes with the new turn in the law, even though you have this land certificate that shows all the memorials endorsed, at one you could have your title extinguished, even though you would have learnt in law school that this title is indefeasible. It can still be defeated, once there is something called “adverse possession”. So we will deal with that when we deal with the other matter, the Adjudication Act.

The other clause, clause 14, amends section 30(1) of the Act to give the Registrar the powers of rectification, in case of errors, omissions not materially affecting the interest of any proprietor. This section, this clause 14, these are powers that are already inherent in a Registrar General. These are powers of rectification already inherent in her. So what I am saying is that what should happen is that the powers should be given to her more discretionary. Meaning, take for example, like there is a constituent of mine, his name is spelt with an “s” instead of a “z”. He has a certificate of title; that name change is from an “s” to a “z”. So perhaps like Fazal, instead of F-a-z-a-l, it is F-a-s-a-l. That certificate is sitting at the Registrar General for the last five years. The Registrar General cannot

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change an “s” to a “z”. So what I am saying, Madam Speaker, where it does not materially affect the interest of the proprietor, the Registrar General should have more discretionary powers instead of a certificate of title sitting there for five and six years.

The other discretionary power—sometimes attorneys may register a memorandum of mortgage in the form of a common law structure, a common law format, and what happens is that memorandum of mortgage is registered and placed in a separate index. So what we have is some credit unions, they register charge on land, so they could register mortgages on lands. So it is registered in a credit union, placed in a separate index, but when you as the landowner now, go to the Registry to register this land title, it does not show up because it is in a separate index.

So this clause 15 here, which amends section 35 of the Act, which will operate subject to section 34(2), persons contracting with registered proprietors ought to be aware that there are instances where legal interest in a parcel of land might not be reflected on the register, and separate enquiries may be necessary. This is a good clause because it protects the purchaser also.

The other situation is that since you cannot get right now a search properly done, there is something called “lis pendens and judgments”, and when you want to register titles—take for example, you want to buy land, due diligence will dictate that you do a search, and you have to find out whether those lands are encumbered. So you want to buy land, you do not have the money so you have to go to the bank. The bank also would not lend you money until the bank has done its proper search, which is due diligence. If you cannot show whether the lands are encumbered, whether it is subject to an encumbrance, lis pendens or judgment,

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then both sides, you cannot buy, neither the bank would not lend you. So there are great difficulties, there are many problems before we could really start registering lands, because every institution, as I said before, they are cloaked with bureaucracy, even in the Land Registry, it is difficult to get clear titles.

The other point, Madam Speaker, is like, take for example a person who was registering his title. He was preparing to get a land certificate, which we are doing now, and he dies during the process. What happens? He is preparing to give his children the land, and he dies. The usual thing is that he cannot register until he gets a grant, until his estate is probated if he dies testate, or letters of administration if he dies intestate. So you cannot get a grant. You cannot register your land and continue the process until you get a grant in your hand. So you could do a memorandum of assent to whosoever the administrator wants or if the executor wants.

But what happens is that at the Probate Court it is like pulling teeth, so you cannot get anything done.

Madam Speaker: Could you can kindly relate that to what is before us please? Please relate that to this.

Mrs. Gayadeen-Gopeesingh: So, Madam Speaker, what will happen is that the process cannot continue. You cannot do a transfer. The interest cannot pass on and the title cannot pass on. This is the point I am showing. [*Desk thumping*]

So as much as this is a good Bill, we have also I believe from clause 4 to clause 8 where a Senior Assistant Registrar will help, I do not know if it is to expedite matters, but I am trying to figure out if one Senior Assistant Registrar in any way could help move the process forward, because you have over maybe thousands of titles to be certified. So, Madam Speaker, with those few words I

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thank you for this opportunity. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Madam President—forgive me, sorry I was in the Senate this week as well. Forgive me, sometimes I am sitting in both Houses at the same time.

Madam Speaker, it gives me great pleasure to bring conclusion to this debate. The hon. Members opposite have, notwithstanding a few protestations, indicated that they are in general support of the measures before the House today, and I wish to thank them for their contributions. Indeed, it was difficult to stand at times to try to urge Members to stick to one Bill.

Just for the purposes of that explanation, lest Members think we were being uncharitable, Madam Speaker, it is really just because there are several Bills on the Order Paper. We are debating one of them today. It is apposite to the best use of Parliament's time that we in fact do them together, but regrettably that is not the approach that has been taken, because one requires agreement to get there.

I do hope however that bearing in mind that we have gotten past the Registration of Titles Bill, hopefully by the end of this afternoon, that my learned colleagues opposite would see the wisdom in taking the rest of the legislation together. Because it is hard, if I were to put it into an example form, to discuss the merit of a moving car when you have to pass the engine separately from the transmission, separate from the axle, separate from the gas, separate from the keys. So I urge my learned colleagues opposite to bring some sense to the manner in which we use the time in this Parliament, and I will say no more on that.

Madam Speaker, the Bill before us is 23 clauses long. We are treating with the primary legislation which is before us. We are treating with laws which were passed in the year 2000. We are dealing with the Registration of Titles to Land

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Act, which of course is Act No. 16 of 2000.

The Leader of the Opposition raised the question that this particular Bill does not have a proclamation clause into it, and she wondered what would happen upon the assent of the Bill as it relates to the operationalization of the larger scheme. Permit me to start by addressing that point.

The fact is that section 1 of the parent Act provides that the Act itself shall come into operation on such date as is fixed by proclamation, and published in the *Gazette*. This Act, the primary Act No. 16 of 2000, was assented to. It has stood on the books as laws of Trinidad and Tobago for the last 18 years, and we are, Madam Speaker, in a proper position by this Bill to amend the Act No. 16 of 2000 and then seek to proclaim the parent Act.

Dr. Gopeesingh: How quickly?

Hon. F. Al-Rawi: Madam Speaker, we were asked how quickly we are in a position to treat with the proclamation, and I will answer that question now. The proclamation will ultimately be tied into the ability of the Parliament to pass the three other Bills which are related to this particular Bill, and without anticipating those, they include the land adjudication mechanism, the land tribunal mechanism and the state lands amendments that we propose. Those three must come together. So I am answering that question by saying that we must, as a Parliament, agree upon the sensible utilization of our time, take all those together and then move towards proclamation.

Proclamation is also impacted upon some of the work that the hon. Member for Tobago West traversed, and that has to do with the operationalization that has gone on in a number of areas, and I will put them out in point form.

One—and I will drill into this in better detail—in the information

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strengthening that we have done at the Land Registry, that is, a division of the Ministry of Legal Affairs which is a division of the Attorney General and Legal Affairs Ministry. Two, at the Ministry of Agriculture, Land and Fisheries, where we have the work product and the cadastral information management system and the GIS system, which speaks to where our state and condition is in land management. Three, insofar as we have operationalized loans from the IDB, firstly to the tune of US \$8 million for the island of Tobago, and \$100 million for the island of Trinidad. Fourthly, in terms of the general connection in the roll-out plan, and I will say squarely that we intend to begin the roll-out plan in the island of Tobago where the title situation is by far the worst.

Now, Madam Speaker, we heard the hon. Members say something which was rather curious. First of all, they said that this is a copy-and-paste exercise of UNC work. There are six amendments that are different from the UNC Bills, and there were three of them in the period of the Tenth Republican Parliament, and this work is therefore nothing that is genuine. What have you done in two and a half years? Why are you only now bringing this? Let me explain the logical and associative understanding that stands behind how you approach laws.

Madam Speaker, perhaps the number one issue alongside the issue of the economy is that of crime. The country cannot wait for crime to be solved fast enough, and the Government therefore invested its first amount of work in the criminal justice system. And you will recall that we were very dedicated sitting—I sat in the House and in the Senate, sometimes up to four times a week—four times a week in the two and half years that we have been there. So we spent our time treating with the criminal justice system.

Further, the Bill before us today is directly related to the others on the Order

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Paper—yes, the land package as some have referred to it—but it is also extremely relevant to note that this Bill is related to the follow-the-money package that we are bringing to the Parliament in a matter of weeks.

Further, it is directly related to the work that we are doing on account of international obligations, be it FATCA, next on deck the Global Forum and the Financial Action Task Force and CFATF arrangements. You see, all of those elements articulate together. You have to have a criminal justice system that is functioning to allow for prosecutions for money laundering and proceeds of crime, et cetera. You have to have your land package and follow the money together, so that you understand the database that you are treating with, because the proceeds of crime get parked in land, cash or businesses. Land is by far the element that is under the most amount of abuse. The most amount of abuse is in the abuse in the system of registration and fraud that is perpetuated. The ability to hold people accountable so that you can track their criminality in the follow-the-money arrangements is found in land.

So it is immature for my learned colleagues opposite to say, “What you did in two and a half years?” “Why you din bring it now?” “Why you allowed the Bill to lapse?” We allowed this Bill to lapse because we were not ready to treat with it yet and, very importantly, we insisted that we were able to operate operationalize the law. Let me give you an example.

This law is to be operationalized in the same way that we as a Government will have made history, and have made history, in the passage of laws to treat with the creation of a family and children division, in amending 19 pieces of law, in perfecting all of the regulations, in perfecting all of the job positions and creations, be it in TTPS, be it in child probation officers, be it in children’s attorneys, in the

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whatever. In creating that operationalization, this Bill is being operationalized at the same time. So that as we did an 18-month package to open courts, as we have, we are able to do the same thing here. That is why we distinguished ourselves from the work product of the UNC. [*Desk thumping*]

Now, let me address something that the Member for Siparia said. The Member for Siparia said, “You have done nothing for Tobago.” The Member of St. Augustine repeated it. It was almost as if—he used the word “murder”, that there was murder towards Tobago. And he meant it, not in any pejorative fashion, but he was using a description in terms of the system that he alleged was cannibalized in Tobago. He said that Tobago had not delivered what it was supposed to have.

Madam Speaker, the fact is that the UNC—and the hon. Member for Caroni Central sought to distinguish his position for his party, the hon. Member, from that raised by the Member for Laventille West, in saying that there was a different manner in which the Opposition as Government treated with the concept of property, treated with the concept of capital, treated with the concept of citizens’ entitlement.

But I want to put on the record, the UNC brought three versions of this Bill, 2011, 2012, and again in 2012; all lapsed. The UNC brought the Land Tenants (Security of Tenure) Bill, 2013. They brought a Land Tenants (Security of Tenure) Bill, 2014—lapsed. The UNC brought the State Land (Regularization of Tenure) Bill, lapsed on 17 June, 2015. Let me tell you, just to answer in a very short form what that means to the people of Trinidad and Tobago. This is in direct answer to my learned colleague, the hon. Member for Caroni Central.

You see, that last Bill that I mentioned was a Bill to say to squatters who, under this piece of law which we propose as a Bill, an amendment, will have the

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right through a registration process to have their adverse possession recognized, because this Bill allows for adverse possession recognition. The hon. Member in distinguishing the UNC's position failed to mention that there was a fraud perpetuated on the people of Trinidad and Tobago, and I say this figuratively speaking, if not in deeper sense. Because the legislation which came to this House, that Bill to deal with security of tenure, really was a terrible Bill.

It was a short Bill which basically said we will shift the date for certificates of comfort which can then progress to a deed, passing through lease, et cetera. We will shift the date for certificate of comfort. Instead of the time frame ending one year after 1998, in other words then your cut-off date is just at the end of 1999, because that is the law, you cannot get a certificate of comfort if you were on lands after the year 2000.

They brought a Bill to the Parliament consisting of 23 pages of Bill, and they basically said to citizens in Trinidad and Tobago, "Go forth and squat, and do so generously. And hurry up because we are bringing law"—in the form of the Bill that I have mentioned—"which is going to allow you to have three years after 2015 becomes assented as your cut-off date." That is what was said. It said in clause 4, three years from the commencement of the State Lands (Regularization of Tenure) (Miscellaneous Amendments) Bill, 2015.

Madam Speaker, hear what was done to the people of Trinidad and Tobago. Page upon page, here is the designation: Albert Trace, Matura; Alexandra Trace, Valencia; Guaico, Tamana—"ah giving yuh the property descriptions"—Macoya, Tunapuna; Maraval, Maraval. That was the definition of the areas where you could go and squat. Let me repeat that.

Hon. Member: "So you tell dem where dey could squat?"

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Hon. F. Al-Rawi: Maraval, Maraval—“so de whole ah Maraval, just go and squat”—Guaico, Guaico; Farm Road, St. Joseph; Mon Repos, St. Ann’s; Mount Hope in Mount Hope. Madam Speaker, let me tell you why this was the worst fraud on the people of Trinidad and Tobago. You know that under the law, the Ministry of Planning and Development—the same Act that the Member for Caroni Central referred to and asked about the Planning and Facilitation of Development Bill, and it was supposed to replace the planning legislation we had. That hon. Member, educated as the hon. Member is, knows fully well that you have to have had the planning certification and plan for these areas developed alongside this law, which was not done. Let me translate that.

Bill says, “Go and squat generously in Trinidad and Tobago. People in Mon Repos squat in Mon Repos. People in Guaico squat in Guaico.” No plan, no demarcation, nothing. That is what the UNC did to the people of Trinidad and Tobago.

So most respectfully, I take no lesson from that form of sleight of hand and dishonesty [*Desk thumping*], that was perpetuated on Trinidad and Tobago, where it was a papier mâché passed off as a healthy body. That really is not the kind of lesson we want to be led by.

We heard Members ask, “Where are the regulations?” Madam Speaker, you heard that? My learned colleague said nothing happened. In the period of the two and half years, why did you bring a Bill and no regulations? Madam Speaker, the regulations were finished since 2005. They had the regulations for a full five years. Hon. Member for St. Augustine, the Bill came three times under your hand—three times with no regulations. The regulations under the Act which we are amending; 82(2) says that the regulations must be done by negative resolution. “Doh come

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and ask us for regulations today, when you had the regulations in your hands and you know they completed.”

Madam Speaker, my learned colleagues spoke about a very serious issue. I want to tell the hon. Member for St. Augustine that the issue of fraud that he spoke about and that harrowing experience, which he personally shared with us today, is something that is *infra dig*, should not be tolerated, not because it is my learned friend, my good friend, the Member for St. Augustine. I have known him for many years and I too have equal regard for him. It is not because it happened to him, because he is my friend, but because it has happened to so many people in Trinidad and Tobago, and I join him in pouring scorn and contempt on that. But this Bill, which brings to life the Act, is designed to treat with that fraud squarely, and let me tell you how.

First of all, hon. Member for Caroni Central, the Bill does treat with fraud. You must remember when your leader, the Member for Siparia, poured scorn. “Oh, what is the difference between guilt and contempt?” And telling us, oh this is a minor thing. It is not a minor thing. If you read the Bill you will understand that when we were treating with fraud in clause 21 of this Bill, we are amending section 81 of the Act, and section 81 of the Act treats with fraud. So it is unfortunate that Members opposite have not read the Bill to understand we are treating with fraud; quite properly so, Madam Speaker.

Mr. Imbert: “Teach dem.”

Hon. F. Al-Rawi: When we are treating with the fraud that the hon. Member spoke to, let me break it down in simple terms—[*Interruption*]

PROCEDURAL MOTION

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

Thank you very kindly, Madam Speaker, as I rise. Sorry to interrupt the AG teaching them a lesson—“all yuh”.

Madam Speaker, in accordance with Standing Order 15(5), I beg to move that this House do sit until the conclusion of the Bill that we are currently debating. Thank you very much, Madam Speaker.

Question put and agreed to.

7.45 p.m.

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

Hon. F. Al-Rawi: Madam Speaker, may I ask, what time I am bound to end?

Madam Speaker: Well, you have until 7.47 normal time and an additional 15 minutes.

Hon. F. Al-Rawi: Thank you, Madam Speaker. So, I was talking about the unacceptability of fraud. [*Crosstalk*] I am hearing come across the floor from the Member for Naparima that I am teaching him nothing. I want to say that I believe that the Member for Naparima is not capable of being taught, so I do not dare to exercise myself in futility. I am speaking through you to the people of Trinidad and Tobago and those who are willing to learn and understand what this law is about, not the Member for Naparima, Marie Le Pen.

So, Madam Speaker, let us talk about fraud. This Bill has in place the bring to life of the Act itself. Number one, the Act proposes an indefeasible title subject to section 34(2) and section 34(2) of the parent Act says that there are certain conditional aspects that bite into title.

Number two, the Bill and the Act speak to the effect of registration, how

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registration happens and when it happens. And if I take a little small point to answer my learned colleague, the hon. Member for Oropouche West who I think gave a good contribution this afternoon and certainly demonstrated some good research on her part, I wish to say that the Act does provide for the mechanisms of intransit, the registration process, what happens during death, registration of deeds of gift as another Member raised, the hon. Member for Caroni Central raised it. Section 41 of the parent Act does treat with that. There is no interruption for the regular processes.

What this law really is, Madam Speaker, is a compulsory version, slightly cleaned up and tightened of the Real Proper Ordinance now Real Property Act. That is what it is. The failure of the Real Property Act was because it was voluntary and therefore, only 20 per cent of land in Trinidad and Tobago found itself there, and that is directly related to the issues in Tobago. Because in Tobago, that beautiful part of the twin-island Republic was savaged by a failure to launch this legislation because the land registration process in Tobago, Madam Speaker, involved people having to go to Tobago, going to court to bring lands under the Real Property Act, spending \$60,000-odd per application, but let me give you the statistics on that while I am at it and on this point before I come back to fraud.

Number of RPA applications by year, that is Real Property Act applications, where you bring lands, you cure your title defects by bringing them under the provisions of the Real Property Act. It is called the quieting of title. In 2011, there were 13, number approved by the court, seven; 2012, there were 13. Sorry, yeah, in 2012 there were 13, number approved by the court,

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three; 2013, there were 11, number approved by the court, one; 2014, there were eight applications, number of court applications approved, two; 2015, there were seven, none approved; 2016, there were seven, none approved. So this RPA system in Tobago just is not working, and when we get to next week's debate, God willing, we will explain how the solution will be found in the other debates.

But, Madam Speaker, in relation to fraud, this is directly related and I am going to answer not only the issue of fraud raised by the Member for St. Augustine, but I am also going to peg it to some of the complaints offered in relation to clause 20, which treats with section 73 of the parent Act. And that is where we limit the manner in which searches can be conducted and we brought about this amendment that the Member for Siparia has raised, that the hon. Member has expressed concern over, which is where we separate out attorneys-at-law and their clerks and then members of the public. And in section 73 as we amend it, we are proposing that attorneys-at-law and their clerks can access the title. Members of the public access it electronically. Colm, please.

Mr. Imbert: I am sorry.

Hon. F. Al-Rawi: Members access it electronically. [*Interruption*] I am so sorry. Members access it electronically and then what we have is a manner of consent.

You see, the reason why we have put a protocol around access to the manual records is very simple. Number one, the Data Protection Act and the system of registration will always ensure you have a manual record. So there will never not be a manual record.

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Number two, the electronic record runs in tandem with the philosophy behind the Electronic Transactions Act and the computerization and digitization of the registry which leads to ease of doing business. Seventy-three days being cut down to several days, nine procedural steps being cut down to one, but importantly there is a necessity in amending section 73 as we do to limit the protocol for the same reason that the Member for St. Augustine complained about. Because when people access the books, the manual books automatically, that is where they pull out the deeds, do savagery and come up with fraudulent deeds, and there is no way to say which one is real or not and therefore, people get fooled. And what we are doing here is a direct anti-fraud mechanism [*Desk thumping*] which protects from the very circumstance that my learned friend complained about. So, I think it is now clear that this is a progressive step, but let me explain further why.

In the system of the registration of land titling that we are doing in this Bill, what we are really doing is that we are saying, when somebody is going to conduct a transaction in relation to this land, the people consent that the title is going to be checked, that the indefeasibility of title subject to section 34(2) is checked and we freeze transactions so that the title can be better guaranteed. Instruments come in, they line up when the titling is over they fall in the order of priorities received to be registered, but nobody, other than named authorized people with PIN codes, with access codes related to their birth certificate number, their unique identification number, we know who went there, who saw it and what happened. And this therefore, runs to the heart of a massive issue in our country of fraud, and that is why we saw this amendment to section 73

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proposed by clause 20 as such an important and massive step for the protection of the citizens of this country.

Now, Madam Speaker, this obviously affects the whole *raison d'être* of our follow-the-money campaign. We run it alongside something else that is coming, which is beneficial ownership disclosure. We run it alongside something else which is coming, which is declaration of trusts in certain careful circumstances, so that you can no longer hide behind trust mechanisms, again, an abuse which is rooted in pure criminality in most instances.

So, Madam Speaker, it is not by mistake that we are only here now two and half years later because we have done massive work to coordinate ourselves to get here. And let me speak now to this allegation. [*Crosstalk*] Member for Naparima, I need no help from you.

Mr. Charles: Give me a chance.

Hon. F. Al-Rawi: Give you a chance?

Mr. Charles: Little boy.

Hon. F. Al-Rawi: Excuse me?

Mr. Young: He was looking down when he said it.

Madam Speaker: Please observe Standing Order 53. I would ask Members to conduct themselves in a parliamentary manner and, please, to refrain from the crosstalk. Please, continue.

Hon. F. Al-Rawi: Thank you, Madam Speaker. Madam Speaker, it is okay. One cannot take an insult from a man who hangs his head while he is trying to offer a threat. It is just not right. It is like a tail between “he legs” when they trying to bark.

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Madam Speaker: Continue, Attorney General.

Hon. F. Al-Rawi: Thank you, Madam Speaker. [*Crosstalk*]

Dr. Gopeesingh: Insulting language.

Hon. F. Al-Rawi: Yes, I agree Member for Naparima is insulting, Caroni, I agree Member for Chaguanas East. Madam Speaker—

Madam Speaker: Just one minute, please. This is the last time I am going to stand up and as us all to behave in a manner befitting of this Parliament, and let us get on with the important business of the people. Attorney General.

Hon. F. Al-Rawi: Madam Speaker, let us deal with state of the Registry. I thank the hon. Member for St. Augustine for having the courage to admit that he did not renew the licence. For the first time I understood why, because the hon. Member said, look he found it infra dig that the renewal of the licence would involve someone else owning the source data. However, I wish my learned colleague had renegotiated the contract, and I will tell you why.

We have done the same. We have renegotiated to make sure that we have escrow arrangements for source data, to make sure that we have ownership of data, that we have back up of data, et cetera, because it is open to renegotiate contracts. Contracts are not cast in stone, they can be renegotiated. There may be consequences for renegotiation, but one always has the liberty to renegotiate. The prejudice, and I say this reluctantly, again, because I confess of my friendship with the learned Member for St. Augustine.

The problem in allowing the system to collapse as happened in July 2010, Madam Speaker, is that the entire system was left without support and therefore, it cascaded into a very severe restriction beginning on January 23rd. It resulted in

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the Ministry of the Attorney General and Legal Affairs having to engage, thankfully, in the acceleration of work that we had already begun, because we had already backed up, we had already data-managed, we were already looking at an improved data migration to cause our move. So we were work assiduously for two and a half years on it. Fortunately, I am able to say, the system has been tested over the last two days and is working. In fact, I spoke with the head of the titling association today, I spoke with the conveyancing arm of the Law Association today, I am meeting with the Bankers Association—

Madam Speaker: Hon. Attorney General, your original 30 minutes are now spent, you are entitled to a further 15 minutes if you wish to avail yourself of it.

Hon. F. Al-Rawi: Should it please you.

Madam Speaker: You may proceed.

Hon. F. Al-Rawi: Thank you, Madam Speaker. So the system is live; we are testing it right now, we are stress testing it, we have backups of the system, and we have managed by the grace of hard work by the same people that I heard some Members unfortunately referred to as incompetent. Incompetent institutions were reflected upon by Members opposite, and it is those same institutions negatively reflected upon by Members of the Opposition that have come to the rescue of a system which was abandoned on July 13, 2010, by the last administration.

And, Madam Speaker, I wish to also thank sincerely the members of the association that worked alongside, because the manual system was still operating, you know. There is always manual access. The PIMS online system, Property Information Management System is what PIMS stands for. That

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system allows you not to abstract title, but to pull up the images for the title that you wish to abstract. So that is not the way the system operates. That system, in fact, operated down at the Registry, which is why I said it was a limited system, we had access points to that and the country books were available, and the copies from the manual searches were available, so titles still proceeded.

And I cannot see why hon. Members opposite would have taken such joy as the Member for Oropouche East did, joy, as other Members did in saying and in alleging, that there was a collapse of the system. For heaven's sake, Madam Speaker, if you caused the collapse, what are you celebrating about? [*Crosstalk*] What are you celebrating about if you are admitting you failed to pay the licence and you caused the system to go into jeopardy? [*Crosstalk*] What is so gleefully good about that? [*Crosstalk*] Not even a thank you, to the hard-working people at the Registry and the IT professionals [*Desk thumping*] for rescuing the system from you own negligence or dereliction of duty. [*Crosstalk*] I mean, Madam Speaker, let me tell you this.

In relation to the strengthened information management system, I wish to say, it is true that the IDB has funded that position. The project as was scoped by the UNC Government involved a lack of inclusion of the heart of the material to be scanned. Let me explain that. Twenty per cent of your records are in the Real Property Act, 80 per cent of your records are in what we call the old law section. Your project was to scope the 20 per cent. We re-scoped the project, thank God, in 2017 to do the whole 100 per cent, because 80 per cent of your registered title is in the old law system. So when you miss the boat clean, try not to celebrate too fast "nah".

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Madam Speaker, let me put it this way. We have managed for the period December 2016 to February 2018 to scan 413,451 records. We have managed to do 1,071 pre-1970 deeds, 42,012 records in the RPA system. We will, by the end of the next 12 months have finished 5.8million scans because we have accelerated the system of data entry. [*Desk thumping*] And that has been specifically done to operationalize these laws that we are bringing now, much like why you allowed me that latitude to explain how important the operationalization of the Family and Children Division is as it is to this, Madam Speaker.

You see, we are very conscious that we will be judged on what we have performed, and whilst we are at mid-term, and whilst the financial position is extremely difficult because of very bad choices made by my learned friends opposite, the point is, we know that we must account for what we do, and this is an example of what we are doing.

Dr. Tewarie: The country will pronounce.

Hon. F. Al-Rawi: Madam Speaker, the country will pronounce. My learned friend the Member for Caroni Central is correct, the country will pronounce.
[*Crosstalk*]

Madam Speaker, once we have finished and launched our property business registration solution, we anticipate we will be able to drop the registration time from 11 days to one day. We expect that this is the correct way that one ought to approach this position. I want to say that hon. Members opposite saw the Leader of the Opposition talking about the ease of doing business reflect upon, listen to what the hon. Leader of the Opposition reflected

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upon, eh: Trinidad and Tobago has slipped. Look at the following countries for ease of doing business: Guyana, Jamaica, Belize, Barbados, Grenada, and Antigua. They all have the system we want to implement today, Madam Speaker. Cannot at least compare apples with apples, mangoes with mangoes, watermelons with watermelons. This is exactly why we are on the Parliament floor today talking about a compulsory system which resembles the old Torrens system in an improved version. That is why we are here, and if the hon. Members opposite cannot understand that, God help us all.

So, Madam Speaker, we have done the homework. This Bill is logically oriented with several other work products. The operationalization is well afoot. We expect to be moving into the Registry at the Richmond Street campus, the Attorney General and Legal Affairs building beginning April, ending in June. We expect that the squalid positions of accommodation which my learned friend spoke quite correctly about, the hon. Member for St. Augustine, will be a thing of the past. When tropical storm Bret was threatening that night, Minister Young and I were making sure sandbags were down at the Registry, army was moving because we know the flooding situation. Mr. Francis Sandy, Deputy Registrar was down there in the night, wind blowing hard, making sure bags were being stacked alongside the ODPM and the army to protect the records of Trinidad and Tobago.

But, hon. Member, when the last Government took a billion dollars and took five years to complete a completed structure, a billion dollars and five years to complete a completed structure, because it was completed in 2010, and you failed to arrange your vaults system for the registration books of Trinidad

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and Tobago because, Madam Speaker, that is the same position that the hon. Member for Caroni Central reflected upon. It is land, it is ownership that deals with capital and growth. But for heaven's sake, you are going to those books with the water on top of the book? When the fire breaks out and the sprinkler system is directly on top of the 1882 books for Tobago; that is planning? Turn on the tap and wash way all the books?

Madam Speaker, what passed for planning and logical arrangement under the last Government, I do not know. I am sure that my learned friend the Member for St. Augustine had nothing to do with that. I am sure. I walked into the vault and I was just shocked. [*Crosstalk*]

All I know is that the billion dollars bought sprinklers and they were not modified. And there is nothing wrong with the water sprinklers, it is the locationing, and then it is the gaseous supply that you have over that. Madam Speaker, the point is, you cannot just talk, respectfully, you have to be prepared to walk the ground, visit the sites, stand up in the line with the people, as I do, as I heard my learned friend the Member for St. Augustine did when he was Minister there. He was very often down on the floor, as I am. But the point is, I have given a personal commitment to the Registrar General that the majority of my focus this year is at the Registry, because that is the gift that is going to continue to give Trinidad and Tobago blessings, not only for the capital growth that my learned friend the Member for Caroni Central so correctly pointed out, but importantly, it is going to allow this country the opportunity to pursue criminality in a way that has never been done before, and it is high time that "Mr. Big" or "Mr. Little" suffer the consequence of having their illicit wealth

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identified and treated with under due process.

Madam Speaker, I have heard not a single amendment offered on the floor. I therefore, hope that the committee stage will be a relatively peaceful one, 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 19 ordered to stand part of the Bill.

Clause 20.

Question proposed: That clause 20 stand part of the Bill.

Madam Chairman: Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Chair. To the Attorney General, 20(b) deleting the words “any person” and substituting “attorney-at-law”. Could he just for clarification indicate why that change?

Mr. Al-Rawi: I will be very pleased to. I wish to express that I do understand the concerns raised by my learned friends opposite. And if you will permit me, Madam Chair, to address that.

So clause 20 proposes an amendment to section 73 of the parent Act. And when we look to section 73 of the parent Act, originally 73 said:

“Any person may, on making an application in the prescribed form and on paying the prescribed fee—

(a) inspect any folio...”—et cetera,

“(c) require an official search...”—to be done, et cetera, and we ended

there.

What we did was to separate out the manner of access for different classes of persons. In the first instance, we prescribed, by the introduction of a 73(1), that attorneys-at-law or their clerks, and we have put in who hold valid practising certificates, et cetera, can make the application to search in the prescribed form. And we did that so that we can tag on the anti-fraud mechanism, so you know who came, who checked and how it was done. That is to be read alongside with subclause (2), which this amendment also proposes, which is that any person, meaning anybody else, may make an application in the prescribed form and to be entitled to a certified copy of any folio, parcel index, et cetera, in the Registry.

Now that subclause (2) is the crux of the difference between a search and obtaining copies. Because when you request a certified copy, you get a certified copy of what you have looked at. It means that you do not necessarily need to access the manual copy, but the Registry certifies that is the Registry's version of the manual copy which you would otherwise have accepted and inspected, and you get that produced in your hand as a certified copy or counterpart, if you want to call it that, it is not quite a counterpart.

We then added subclause (3) which says a member of the public may search the electronic records. Again, you have the ability to order certified copies. It is when we get down to the next clause, subclause (4) that we are really talking anti-fraud.

“...any person proposing to deal with registered land has, with the consent in writing of the proprietor applied for an official search...”

That takes care of the exact example that my learned friend, the Member for St. Augustine raised, where somebody rolled up— and I will use it hypothetically now—and said to the police: “I have a deed for this property, I own the property”. He could not in this circumstance have done that because he would have had his predecessor’s entitles, written permission that he could actually search the title, and then go into the searching title phase where we freeze time.

So this is a huge anti-fraud protection because it is only the person who has the thing in his hand that can say, yes you can search my property in the manner that we mean, in legal search, not just an average enquiry by the public. It is still a public register, you can still go online, you can still request access, you can still get certified copies. All of that is mutually exclusive from the arrangement of a legal search parameter.

And, Madam Speaker, that in essence explains why we have disaggregated section 73 in the manner that we do in this Bill now. I hope that brings some comfort to my learned colleague.

Mr. Lee: So you want to stay with “any person” note, you know, on that?

Mr. Al-Rawi: If I were to simplify it, and I know— forgive me, as a practitioner myself in this field, I understand the field well and maybe I have been a little legal. The bottom line is, the public, John Brown public has access to the full records there, John Brown public can search. John Brown public can get electronic copy access. John Brown public can get physical certified copy access. So, we are not denying the right of the Registry being truly public, which is the purpose of a public registry.

Mr. Lee: I “aint” agree with it. Okay.

Question put and agreed to.

Clause 20 ordered to stand part of the Bill.

Clauses 21 to 23.

Question proposed: That clauses 21 to 23 stand part of the Bill.

Dr. Tewarie: Could I ask the question, Madam Chair? I had raised the issue of fraud having to do with fraudulent activity within the Registry itself. Where is that addressed in the Bill?

8.15 p.m.

Mr. Al-Rawi: Sure, I would be very pleased to raise that. Madam Chairman, section 81 of the Act is amended at clause 21 of the Bill. Clause 21 says:

“Section 81...is amended by deleting the words ‘is guilty of’ and substituting the word ‘commits’.”

When you go to section 81 of the Act, it is entitled “Offences”, and it reads:

“Any person who—

- (a) fraudulently procures, assist in such procurement, is privy to any destruction, alteration, or attempt at destruction or alteration of any record, instrument or document lawfully recorded in the Land Registry.
- (b) fraudulently uses, assist in, or is privy to such use of any form purporting to be issued by the Land Registry,”

—commits—“an offence and is liable on summary conviction to a fine of twenty thousand dollars and to imprisonment for two years and on conviction on indictment is liable to a fine of one hundred thousand dollars and to imprisonment for five years.”

So, it is squarely captured. And Minister Hinds raised the importance of the constitutionality in re-expressing it this way because otherwise we would run afoul of the rule of being innocent until proven guilty.

Madam Chairman: Member for Caroni Central, is that all right? Are you satisfied? Do you have any further questions?

Dr. Tewarie: I am not fully, but I am not prepared now to argue the issue.

Question put and agreed to.

Clauses 21 to 23 ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

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 to Friday, the 23rd day of March, 2018—sorry, to Wednesday, the 21st day of March, 2018, at 10.00 a.m. On this day we will be doing an Act to amend the Land Adjudication Act, 2000, an Act to amend the Land Tribunal Act, 2000, and depending on the time, Madam Speaker, we will also do an Act to repeal and replace the Crown Suits Limitation Ordinance.

Thank you, Madam Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.19 p.m.