

**HOUSE OF REPRESENTATIVES**

*Friday, March 13, 2020*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have received communication from the hon. Shamfa Cudjoe, MP, Member for Tobago West; Mr. Rushton Paray, MP, Member for Mayaro; and Mr. Rodney Charles, MP, Member for Naparima, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**CORONAVIRUS  
(MEASURES ENFORCED IN PARLIAMENT)**

**Madam Speaker:** Hon. Members, as you are aware, the Parliament will strictly be following the advisories of the Ministry of Health as it seeks to combat the current virus that is prevalent worldwide. Any Member who needs a facial mask for their personal need, kindly let the Clerk at the table know if you know you need to cough. Thank you.

**PAPERS LAID**

1. Audited Financial Statements of the University of Trinidad and Tobago for the financial year ended September 30, 2015. [*The Minister of Finance (Hon. Colm Imbert)*]  
*To be referred to the Public Accounts Committee.*
2. Audited Financial Statements of the National Entrepreneurship Development Company Limited for the financial year ended September 30, 2017. [*Hon. C. Imbert*]  
*To be referred to the Public Accounts (Enterprises) Committee.*

**UNREVISED**

3. Convention (No. 190) concerning the Elimination of Violence and Harassment in the World of Work adopted at the 108<sup>th</sup> Session of the International Labour Conference of the International Labour Conference held in Geneva, Switzerland on June 21, 2019. [*The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis)*]
4. Recommendation (No. 206) concerning the Elimination of Violence and Harassment in the World of Work adopted at the 108<sup>th</sup> Session of the International Labour Conference of the International Labour Conference held in Geneva, Switzerland on June 21, 2019. [*Hon. C. Robinson-Regis*]

### **URGENT QUESTIONS**

#### **Closure of Enterprise Government Primary School (Measures in Place for Curriculum Delivery)**

**Mr. Fazal Karim** (*Chaguanas East*): [*Desk thumping*] Thank you very much, Madam Speaker. To the Minister of Education: Given the closure of the Enterprise Government Primary School due to a Prohibition Notice by the OSHA Inspectorate on March 7, 2020, could the Minister state the measures put in place for the loss of contact time for curriculum delivery?

**The Minister of Education (Hon. Anthony Garcia)**: Thank you very much, Madam Speaker. Madam Speaker, arrangements are being made, as is our custom, to ensure that our children do not suffer from lack of tuition.

First of all, our Standard 5 teachers have been liaising with 66 students, and those are the number of students that are enrolled in that school, to ensure that the students continue to engage in studies at home; that is the first step.

The second step is simultaneous to this, arrangements are being made for these Standard 5 students to be accommodated at the Lendore Village Primary Hindu School. Classes will commence on Monday 23 March, 2020.

And thirdly, school supervisors have been asked to visit the schools to

ensure that the curriculum is being delivered effectively. Thank you very much.

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

**Mr. Karim:** Thank you very much, Madam Speaker. Hon. Minister, can you say whether, given the circumstance that we have just faced, whether the school or schools— this particular school, Enterprise Government Primary School, where the 66 students will be assigned to the Lendore government primary school— whether they have adequate cleaning supplies given the circumstance that we are now in?

**Madam Speaker:** Minister of Education.

**Hon. A. Garcia:** Madam Speaker, a requisite that we have ensured that all schools are supplied with cleaning materials so that this can help in the combating of this disease that is upon us. We have instructed our principals to ensure that there is an adequate supply of cleaning materials.

In cases where there might be a shortfall, and I do not doubt there might be some cases, we will be beefing up on those supplies. Thank you.

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

**Mr. Karim:** Thank you very much, Madam Speaker. Hon. Minister, could you give the reason for the closure of the Enterprise Government Primary School? And by when do you expect it will be reopened?

**Madam Speaker:** Member, I will not allow this. This is another school?

**Mr. Karim:** No. It is not. It is the Enterprise Government Primary School, Madam Speaker.

**Madam Speaker:** Minister of Education.

**Hon. A. Garcia:** Madam Speaker, this school is a school that is fairly old aged, and as with some of those schools that have been in existence for more than 50 years, every now and then we are experiencing some problems with respect to the infrastructure. And this is one of the areas where we have found some difficulty

and we are doing everything possible to ensure that the children are adequately housed. Thank you.

**COVID-19 Outbreak  
(Meetings on Productivity and Industrial Relations)**

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you, Madam Speaker. To the Minister of Labour and Small Enterprise Development: Could the Minister inform this House whether any meetings have been convened to discuss the possible impact of COVID-19 outbreak on productivity and industrial relations within our economy?

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis)**: Madam Speaker, on behalf of the Minister of Labour and Small Enterprise Development, I wish to indicate that currently there is a meeting at present with the CPO; a representative of the Ministry of National Security, in the person of the Deputy Permanent Secretary; a representative of the Ministry of Health; the County Medical Officer of Health; all of heads of divisions and units of the Ministry of Labour and Small Enterprise Development; the CEO of NEDCO; the Executive Director of OSHA and his team; the Cipriani Labour College; a communication specialists advisor from the Ministry of Labour and Small Enterprise Development. Additionally, that meeting was convened earlier today and is currently ongoing.

Additionally, Madam Speaker, yesterday the Cabinet appointed a committee chaired by the Minister of Labour and Small Enterprise Development including the Minister of Social Development and Family Services; the Minister of Trade and Industry; the Minister in the Office of the Attorney General; the Minister in the Office of the Prime Minister responsible for gender affairs; the Minister of Communications; and the Minister of Community Development, Culture and the Arts to design guidelines and protocols for the workplace.

In addition, Madam Speaker, on Tuesday, as Chair of the NTAC, the Minister of Social Development and Family Services has called an extraordinary meeting of labour and business to get their inputs. Thank you very kindly, Madam Speaker.

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

**Mr. Indarsingh:** Thank you, Madam Speaker. Could the Minister inform this House whether the Ministry of Labour and Small Enterprise Development has taken into consideration that we were aware of COVID-19 since December 2019, to engage the business community and the labour federation such as NATUC, FITUN and JTUM to discuss the possible conflict of industrial relations given, for example, mandatory leave and so on, if the need arises based on the impending situation in our the country?

**Madam Speaker:** Minister of Labour and Small Enterprise Development.

**Hon. C. Robinson-Regis:** Madam Speaker, as far as we understand it, there is no conflict, absolutely none.

### **Sanitization of Public Transport Vehicles (Precautionary Policies re COVID-19)**

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you, Madam Speaker. To the hon. Minister of Works and Transport: Could the Minister state the new precautionary policies being implemented to ensure that all public transport vehicles and vessels are sanitized daily to combat the risk of the spread of COVID-19?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. Madam Speaker, let me say from the onset that the Minister of Works and Transport and the Minister of Health have been in constant communication trying to minimize the spread of the COVID-19 for some time.

In terms of the Port Authority of Trinidad and Tobago, the PTSC and

NIDCO, several things have been triggered. First of all, members of the public, the travelling public who display flu-like symptoms will be discouraged from using any public transportation and advised to self-quarantine.

In terms of the PTSC, all public transport vehicles will desist from using air-condition. In addition, windows will be opened because fresh air circulating significantly reduces the opportunity for the virus to spread.

Additionally, in all agencies they will be provided with hand sanitizers for all staff; installing hand sanitizer dispensers at all terminals; ensuring that soap is available at all washrooms; providing gloves and masks for drivers and CSRs; ensuring that all passengers sit two rows behind the drivers to limit the spread of the virus; ensuring that PTSC buses will be properly sanitized before and after every trip; and sanitization of the terminal areas.

In terms of the vessels, all the terminals will be sanitized. Sanitization of the vessels before and after every sailing inclusive of the doors, seats, table tops, counters, toilets and bath; availability of hand sanitizers on board and at the terminal building where passengers are processed; engagement of a steam cleaning contractor; COVID-19 sensitization training awareness for staff; procurement of the relevant PPE inclusive of gloves and masks; and procurement of the anti-viral disinfectants. I thank you.

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

**Dr. Rambachan:** Thank you very much. Hon. Minister, can you say with certainty that any physical, at this stage, actual physical sanitization of buses as well as the public spaces that are occupied by passengers on a daily basis has, in fact, been done? And—well, I will just ask that one for now. Has it been done?

**Madam Speaker:** Minister of Works and Transport.

**Sen. The Hon. R. Sinanan:** Madam Speaker, based on the question that was

posed, these are the things that would have been instituted. In terms of if it has actually started, unfortunately, I did not ask the question from the relevant agencies so I do not want to pre-empt the answer. But these are the things that the agencies have put in place and I am sure if they gave this information to the Minister, it means that they would have started. [*Desk thumping*] Thank you.

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

**Dr. Rambachan:** Thank you, Madam Speaker. Mr. Minister, are you also in contact with the Maxi-Taxi Association in order to see whether they are also doing sanitization or if the Ministry will be supervising, or the Ministry of Health, the sanitization of maxi-taxis also?

**Madam Speaker:** Minister of Works and Transport.

**Sen. The Hon. R. Sinanan:** Thank you, Madam Speaker. As we speak, I just left a meeting at the Ministry where all the heads are getting together to ensure that all the agencies, all the different modes of transportation under the Ministry of Works and Transport are called in to ensure that, as far as possible, we can minimize the spread of this infection.

At the end of the day, the Ministry of Works and Transport cannot dictate to the Maxi-Taxi Association. However, we are making recommendations. We do have a transport committee which includes the maxi-taxies, the taxi drivers and all the stakeholders relevant to public transportation. Thank you.

### **Impending National Examinations (Implementation of Safety Protocols)**

**Dr. Tim Gopeesingh** (*Caroni East*): To the Minister of Education: Could the Minister indicate what are his Ministry's safety protocols and educational outreach programme for students and teachers, in light of impending national examinations to come?

**The Minister of Education (Hon. Anthony Garcia):** Thank you very much,

Madam Speaker. Madam Speaker, I have had the opportunity of liaising directly with the Minister of Health and the Minister of National Security, and in addition, with our representative on the Cabinet-appointed committee, Inter-Ministerial Committee that offers advice and direction where this is concerned. And as a result, the Ministry of Education has put in place the following:

- Health and safety of each school. The committee of health and safety of each school must have oversight of operations pertaining to the management of the COVID-19 situation at schools.
- A list of updated contacts for all parents and the district medical officer and a designated space for isolated personnel and students must be put in place.
- Students have been encouraged to wash hands frequently. They are supposed to wash their hands regularly with soap and water or use an alcohol-based hand sanitizer. This kills viruses that may be on the students' hands.
- Avoid touching eyes, nose or mouth. This prevents transfer of viruses from contaminated surfaces to your body.
- Practise respiratory hygiene. Cover one's mouth and nose with one's bent elbow or tissue when one coughs or sneezes. Used tissue must be immediately disposed. This protects the people around you should you have a cold or flu.
- Posters displaying preventative measure have been posted in schools in public areas.
- Teachers must be on the alert to identify any students who displays flu-like symptoms. Such students must be immediately isolated, and the parent notified to collect their student from the school.
- Cleaners must ensure that all desks and common surfaces, including door knobs, are sanitized at least once daily.



- School cafeteria operators must strictly adhere to all protocols that pertain to vending.

**Madam Speaker:** Minister of Education, your speaking time has now spent.

**Hon. A. Garcia:** Thank you.

**Confirmed Cases of COVID-19  
(Status of Contact Tracing Analysis)**

**Dr. Tim Gopeesingh** (*Caroni East*): Thank you, Madam Speaker. To the hon. Minister of Health: Could the Minister inform this House as to the current status of all contact tracing analysis done in relation to the five confirmed cases of COVID-19 of persons who transited through Trinidad and Tobago over the past 14 days?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. Madam Speaker, I need first to explain what contact tracing is so the public will know what we are speaking about. Contact tracing is a method of outbreak control to slow the spread of an infectious disease by identifying close contacts. What is a “close contact”? It is a person who was in face-to-face contact with the individual who has symptoms for over 15 minutes or more. So, if you are walking through the airport, it does not mean that you contact everyone in the airport.

To the specific five cases: the Guyana flight, which is a CAL flight, the crew is in self-isolation even before that individual was identified. We have identified who sat next to the person on the flight and protocol tells you go two rows ahead, two rows behind and to the sides. Those have been contacted. We are also doing close contacts on any immigration officer who might have been in contact with her.

The two Jamaican cases: PAHO sent the information up to the CMOH in Jamaica to help us with that tracing, and we are awaiting for that to come back in.

I assume you are referring to the Alberta incident. That person left Trinidad

and Tobago asymptomatic. However, the Chief Medical Officer reached out to the Chief Medical Officer or his counterpart in public health Alberta. We are awaiting the information.

The Trinidad case, which is our first positive case, yes, the family has been contacted, of course. They are in isolation. That individual sat in business class so we have contacted everyone in business class. You do not do contact tracing for the entry flight because they would not have been in close contact as I have defined. We have even contacted all though who was with him in business class, traced them to their hotels and alerted them. So that is what we have done.

Madam Speaker, what the Government has been doing all along in its travel restrictions, contact tracing, containment and mitigation strategies is to delay entry of the virus into Trinidad so that we can get prepared. I want to tell the population, we now have two parallel health care systems. Please go to the normal health care system because we are using COVID-19 in Caura and Couva. Thank you very much.

**Madam Speaker:** Hon. Members, the time allotted for urgent questions has now expired.

### ORAL ANSWERS TO QUESTIONS

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, there are 10 questions for oral answer. We received an indication that question No. 49 no longer is going to be asked although we were ready to answer it. Question No. 45 we are asking for a two-week deferral. So we will be answering eight questions, Madam Speaker.

*The following question stood on the Order Paper in the name of Dr. Fuad Khan (Barataria/San Juan):*

**Government Rentals  
(Details of)**

- 45.** Could the hon. Minister of Public Administration indicate:
- A. the number of government rentals that did not have:
- i. fire certificate approval; or
  - ii. OSHA approval; or
  - iii. town and country approval for the period 2005 to February 29, 2020;
- B. the duration of those rentals in part (a) and a list of these properties?
- Question, by leave, deferred.*

**Port of Spain General, Port Fortin and Arima Hospitals  
(Details of Concessional Loans)**

- 44. Dr. Fuad Khan** (*Barataria/San Juan*) asked the hon. Minister of Finance:
- With regard to the concessional loans for the Point Fortin hospital, the Arima hospital and the central block of the Port of Spain General Hospital, could the Minister state:
- a) the percentage of interest for these concessional loans;
  - b) the governments that granted these concessional loans; and
  - c) whether these loans require that local workers be employed on the project?

**The Minister of Finance (Hon. Colm Imbert):** Thank you, Madam Speaker. Of the three hospital project referred to, only the Point Fortin hospital was financed by a concessional loan. So with respect to that concessional loan, the rate of interest on the concessional loan for the Point Fortin hospital project is the Euribor rate plus a margin of .54 per cent. The current effective rate as at March 2020 is 0.164 per cent.

With respect to part (b): the concessional loan for the Point Fortin hospital

was arranged in collaboration with the Government of Austria via the UniCredit Bank Austria.

Answer to part (c): the commercial contract between UDeCOTT and VAMED Engineering for the project requires a minimum of 80 per cent local construction labour content.

**Rental of Buildings to Government  
(Details of)**

**46. Dr. Fuad Khan** (*Barataria/San Juan*) asked the hon. Minister of Public Administration:

Could the Minister explain the process through which a citizen can offer his/her building for rent to a government agency?

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Madam Speaker, on behalf of the Minister of Public Administration, legal owners of suitable buildings who wish to offer buildings for lease or rent to the Government are required to submit details of the building including the following: the owner or agent: the full name, mailing address, contact information. Building details: the amount of space offered, the location of the building or proposed floor in the building, address of the property, amenities including security, janitorial and the like, location and number of car park spaces, approved drawings, completion certificate.

**1.55 p.m.**

Documents to process the building: The deed or Certificate of Title, Town and Country Planning Division approval for office or warehouse use and reference number, approved construction drawings, completion certificate, electrical inspectorate approval, electrical inspectorate certificate.

Madam Speaker, to commence the process of securing Cabinet's approval for the lease or rental of a building or floor in a building a Ministry or Department

must indicate an interest in the property, and the following technical reports must be received recommending the building for rent by the State. The Chief Design Engineer must confirm the structural integrity of the building; the Chief Fire Officer must confirm the adequacy of the fire or life safety measures at the property; the Town and Country Planning Division must confirm that the building is approved for the particular use; the Occupational Safety and Health Authority and Agency must indicate their non-objection to the use of the building as government offices by virtue of its OSHA compliance, and the Commissioner of Valuations must advise on the current open market of the subject property. Members of the public are informed that a form containing the aforementioned information can be found on the Ministry of Public Administration's website. Thank you, Madam Speaker.

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

**Mrs. Gayadeen-Gopeesingh:** Thank you. Hon. Minister, the structural integrity of the building sourced to house the Princes Town Magistrates' Court, was that properly administered or properly sought? Because subsequent to it, it collapsed, some of the rooms cracked.

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

### **Regional Corporations Unspent Balances (Details of)**

**47. Dr. Surujrattan Rambachan** (*Tabaquite*) asked the hon. Minister of Rural Development and Local Government:

Could the Minister state:

- a) the unspent balances at each of the regional corporations as at the end of December 2019;
- b) the process required for regional corporations to utilize unspent balances; and

c) for what purposes can unspent balances be utilized?

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Thank you very much, Madam Speaker. Madam Speaker, on behalf of the Minister of Rural Development and Local Government, in response to part (a): As at December 31, 2019, the unspent balances of each of the regional corporations were as follows:

- Port of Spain, the audited unspent balance was \$11,954,275.78. Total was that figure.
- The San Fernando City Corporation, \$3,197,072.70. That was the audited unspent balances, and the total was that figure.
- The Arima Borough Corporation, \$2,065,616.17 was the audited unspent balances, and that was the total.
- The Point Fortin Borough Corporation, the audited unspent balances \$4,888,467.12, and that was the total.
- The Chaguanas Borough Corporation, the audited unspent balances, \$126,852, with the same total.
- The Diego Martin Regional Corporation, unaudited unspent balances, \$14,802,990.21, with the same total.
- The San Juan/Laventille Regional Corporation, audited unspent balances, \$2,239,624, with the similar total.
- The Tunapuna/Piarco Regional Corporation, unaudited unspent balances, \$13,070,107.65, with the same total.
- The Sangre Grande Regional Corporation, audited unspent balances, \$567,558, with a same total.
- The Couva/Tabaquite/Talparo Regional Corporation, unaudited unspent balances, \$13,399,178.75, with a similar total.

- The Mayaro/Rio Claro Regional Corporation, audited unspent balances, \$7,432,657.54, with the same total.
- The Siparia Regional Corporation, all releases were utilized as at the end of September 2018 and none were brought forward.
- The Penal/Debe Regional Corporation, unaudited unspent balances, \$1,675,871.69, with the same total.
- Princes Town Regional Corporation, \$4 million, unaudited unspent balances, with the same total.

Madam Speaker, the total audited unspent balances for all the 14 corporations \$32,472,122.68; the unaudited unspent balances, \$46,948,148.29; and the total, Madam Speaker, \$79,420,270.97.

In response to Part (b): Unspent balances are funds received by the corporations from the Ministry of Finance which were not utilized as at the end of the financial year. The process to utilize unspent balances is as follows:

1. Projects must be approved by council.
2. Projects must be fully developed for implementation and recommended by the Permanent Secretary of the Ministry.
3. Requests should state whether projects are to be contracted or to be undertaken in-house.
4. Where to be undertaken in-house, four copies of the estimates and plans verified by the technical officer of the Ministry of Rural Development and Local Government must accompany the request. At present the estimates are verified by the technical officers in the corporations.
5. Where projects are to be contracted, all works to be tendered out must be verified by the technical officer and approved by the Ministry of Rural Development and Local Government.

6. A financial statement as it the end of the financial year certified by the Auditor III must appear.

**Madam Speaker:** Hon. Minister, your speaking time is spent. Member for Naparima.

**National Crime Consultations  
(Reasons for Delay)**

**48. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Mr. Rodney Charles (*Naparima*) asked the hon. Minister of National Security:

Could the Minister state the reasons why the National Crime Consultations held in January 2020 were not held earlier in the tenure of this Government?

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, the premise upon which this question is predicated is flawed as it presupposes that the national discussion on crime held on the 28<sup>th</sup> of January, 2020, at NAPA was the first crime consultation held by the Government. However, as a Minister of National Security, a consultation on crime and security was also held on the 31<sup>st</sup> of July, 2019, with several business groups based on an open invitation that was extended to the Confederation of Regional Business Chambers together with the Downtown Owners and Merchants Association, DOMA. In addition, the Ministry of National Security through its National Crime Prevention Programme has held several consultation outreaches, including a stakeholder meeting with the CEOs, mayors and chairmen of the 14 municipalities. This meeting was hosted on the 3<sup>rd</sup> of January, 2018, and invited recommendations and solutions to be implemented within their municipalities on the issue of crime. Six public stakeholder engagements in Tobago East, Chaguanas, Tobago West, Diego Martin, San Fernando and Port of Spain. These meetings were hosted in partnership with the Tobago House of Assembly and municipalities at the Canaan/Bon Accord



Community Centre, Chaguanas Borough Corporation Auditorium, Betsy's Hope.

Louis D—

**Mrs. Webster-Roy:** Louis D'Or.

**Hon. S. Young:** Louis D'Or, sorry, Multipurpose Facility, the Diamond Vale Community Centre, and the Southern Academy for Performing Arts and the Port of Spain City Hall Auditorium. The conduct of several community crime prevention council meetings and outreach engagements in Tobago, Chaguanas and Diego Martin, these meetings are in an effort to ascertain crime prevention needs of communities while allowing for community focus suggested solutions, utilizing the whole-of-government and whole-of-society approaches to crime prevention. We have also had three youth stakeholder engagements in north, south and in Tobago. First youth stakeholder engagement was held in the north at Tacarigua Indoor Auditorium on 23 January, 2019; second at Naparima College on the 30<sup>th</sup> of January, 2019; third engagement, the 19<sup>th</sup> of February, 2019, at the Division of Community Development Enterprises Development and Labour in Tobago; a national youth symposium, entitled "A day of conversations and empowerment", which symbolized the finale of three youth stakeholder engagements that were held in north, south and Tobago. The conduct of outreach engagements to three schools.

Madam Speaker, these are some of the examples of the multitude of consultations that have taken place at national security. In addition, both myself and the Commissioner of Police have attended several consultations on crime, based on the Commissioner of Police, based on invitations from parliamentarians, me, from business communities and other communities, and other civil society organizations. [*Desk thumping*]

**Gang-Related Murders  
(Measures to Prevent)**

**UNREVISED**

**50. Mr. David Lee** (*Pointe-a-Pierre*) on behalf of Mr. Rodney Charles (*Naparima*) asked the hon. Minister of National Security:

Given reports that persons were killed and wounded in an alleged gang related incident in January 2020, could the Minister state the reason why the combination of the Anti-Gang legislation and the Strategic Services Agency did not provide the intelligence and/or capacity to reduce the frequency of gang related murders?

**Madam Speaker:** Minister of National Security. [*Desk thumping*]

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, once again, to begin, the premise upon which this question is predicated is flawed, as it presupposes that the Strategic Services Agency, the SSA, and law enforcement, have not utilized the anti-gang legislation which was proclaimed on the 28<sup>th</sup> of May, 2018, to reduce the frequency of gang-related murders in Trinidad and Tobago. The SSA in accordance with its mandate as established by the SSA Act, continues to provide actionable and strategic intelligence to the relevant law enforcement organizations to aid in the prevention, detection and suppression of serious crime. In particular, the SSA in promoting data centricism has been providing law enforcement with predicative modelling products to assist with intelligence led policing initiatives.

However, SSA merely advises or recommends, and once intelligence has been disseminated to law enforcement it guides targeted strikes at key players involved in activities deemed gang related. Over the course of the last two years, the information provided by SSA to law enforcement has been used to preserve life and thwart gang related activity inclusive of murder, larceny, trafficking in contraband. Moreover, the anti-gang legislation continues to be an invaluable tool

utilized by SSA and law enforcement to garner intelligence and information on gang related activity in Trinidad and Tobago. The SSA continues to embark on transformational initiatives such as capacity building and technological upgrades to help pre-empt and combat increasing innovative methods employed by criminal gangs and organized crime in Trinidad and Tobago.

**Domestic Violence Murders  
(Implementation of Electronic Bracelets)**

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

Given the increased number of murders from incidents of domestic violence against women, could the Minister indicate whether he has considered the implementation of the electronic bracelets for persons who have protection orders taken out against them?

**Madam Speaker:** Minister of National Security.

**The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, according to the information provided by the Commissioner of Police, consideration has already been made for the implementation of electronic bracelets for persons who have protection orders taken out against them. Specifically in October 2018, Cabinet granted approval for the acquisition of 300 electronic monitoring devices to be allocated to offenders placed on electronic monitoring by the courts of Trinidad and Tobago in accordance with section 10 of the Administration of Justice (Electronic Monitoring) Act, No. 11 of 2012. This includes 100 electronic devices to be allocated in respect of persons who commit offences under the Domestic Violence Act.

It is instructive to note that at present the Electronic Monitoring Unit under the Ministry of National Security has responsibility for the operationalization of the

electronic monitoring system and this unit liaises closely with the Trinidad and Tobago Police Service. Subject to the proclamation of the Act and Regulations, it is expected that the Judiciary can begin to place offenders on this system in the short to medium term. I can advise that the system is up, it is operational, we have the bracelets, we are ready to go, what we are waiting on right now are the Regulations which have recently been laid in Parliament. Once that is done and proclaimed we will operationalize the units. Thank you very much. [*Desk thumping*]

**National Domestic Violence Hotline  
(Improvement of Service)**

**52. Dr. Lackram Bodoë** (*Fyzabad*) asked the hon. Minister of State in the Office of the Prime Minister:

In the light of reported unsatisfactory responses to recent calls to the National Domestic Violence hotline, could the Minister provide the steps being taken to improve this service?

**The Minister of State in the Office of the Prime Minister (Hon. Ayana Webster-Roy):** Thank you, Madam Speaker. The Office of the Prime Minister is leading a State's response to issues related to gender and development. Understand that one of the persistent and pervasive challenges, the issue of domestic violence, the Domestic Violence Unit was established within the Gender Affairs Division to provide specific response to a threat to human life and dignity. One of the key strategies implemented by the division to combat the scourge is the domestic violence hotline 800-SAVE.

The hotline established in August 1996, operates on a 24-hour basis, seven days per week and offers a toll free telephone listening and referral service to clients or callers experience domestic violence. The main objectives of the hotline are: To provide the facility for anyone to access help in situations of domestic violence,

and to facilitate the collection of data which can be analysed to inform the development of policies, programmes and to address the problems of domestic violence. The data report on the registry which is published annually revealed that the line received 5,189 calls in 2016; 4,438 calls in 2017; and 2,275 calls in 2018. And over 70 per cent of these calls were from women seeking emergency help or information and guidance for domestic violence issues.

The NGO which currently manages the hotline was selected by public tender since 2002. The Office of the Prime Minister conducts regular monthly meetings and periodic evaluations every three years. These meetings and evaluations provide the opportunity for learning and significant improvement of the hotline services. In order to enhance delivery and day-to-day operations, the evaluation measure assess and observe the quality of the service delivered by the listeners at the hotline. In 2017 evaluation identified that the hotline is well managed through a collaborative effort between the OPM and an NGO. It also revealed that the employees and the NGO had a deep understanding not only of the demands of the job and how to meet such demands, but a broader understanding of the domestic violence response system. Over the years, the Government has built a mutually rewarding relationship with the NGO.

The Office of the Prime Minister is cognizant of the media report on the hotline, however, over the years there have been continuous efforts by the OPM and the NGO to provide a service that are caused with best practice. The Office of the Prime Minister recognizes the value of the service provided by the hotline to victims and their families and will continue to collaborate with the NGO to improve efficiency of the hotline service by continuing to conduct the statutory monthly meetings with the service provider on the operation of the line, train hotline staff regularly to ensure compliance with international best practice,

monitor and evaluate the hotline service delivery through monthly operational reports and the evaluation conducted every three years; update the telephone computer system and physical infrastructure, and collect data on domestic violence.

The Office of the Prime Minister remains committed to addressing domestic violence in all its forms with a dedication of staff members to the project being implemented by the Gender Affairs Division and the support and action of other key agencies both governmental and non-governmental. It is envisaged that domestic violence would be adequately addressed and eliminated. [*Desk thumping*]

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

**Dr. Bodoë:** Thank you Minister. Minister in view of that incident that you are obviously aware of, do you believe that the three-year evaluation is sufficient, or is there an intention to increase the frequency of that evaluation?

**Hon. A. Webster-Roy:** Thank you, Madam Speaker. I read the incident report and what happened was an unfortunate series of incidents on that particular instance. I do believe that the three-year period for evaluation is adequate, however we are committed to looking at the system, and we have the monthly meetings where we sit with the NGO and the staff to see how we could improve systems.

### **Domestic Violence Act (Introduction of Legislation)**

**53. Dr. Lackram Bodoë** (*Fyzabad*) asked the hon. Attorney General:

Could the Attorney General indicate whether amendments to the Domestic Violence Act, Chap. 45:56 will be introduced in the current parliamentary term?

**The Attorney General (Hon. Faris Al-Rawi):** Thank you, Madam Speaker. Madam Speaker, I wish to state categorically that this Government is the first to

make any amendments to this piece of legislation that is the Domestic Violence Act since the year 2006. It is significant to note that the Ministry of the Attorney General and Legal Affairs together with the department of the Chief Parliamentary Counsel have unremittingly engaged in working in tandem with the Office of the Prime Minister to draft amendments to the Act, inclusive of domestic violence and sexual harassment legislation as they correlate to each other.

The Ministry of the Attorney General and Legal Affairs has caused the birthing of over 42 pieces of legislation under the Family and Children Division Act, 2016, and the Miscellaneous Provisions (Supreme Court of Judicature and Children) Act, 2019. And also by the promulgation of rules and regulations brought to this Parliament. To marry to the stability of the amendments to the Domestic Violence Act it is worth noting that this Government has also strengthened the Judiciary to create the following: A temporary remand centre at the St. Michael's Home for Boys, a separate remand division at the Youth Training Rehabilitation Centre, the retrofitting of a building for the Children Court in south of Trinidad, the rental acquisition of a building for the Children Court in the north of Trinidad, the opening of the Children Court in Tobago, and two new Family Courts in north and Fyzabad as well.

On Friday the 28<sup>th</sup> of February, 2020, and Monday 02 March, 2020, 14 major stakeholders received from the Ministry of the Attorney General and Legal Affairs, the draft amendment Bill. They have been asked to submit their comments on or before 14 March, 2020. I can indicate some have asked for extension of time. The Government is therefore well on its way to laying the necessary amendments in a powerful Bill which we expect to bring to this Parliament, certainly within the currency of this parliamentary session.

**Madam Speaker:** Member for Cumuto/Manzanilla, supplemental.

**Mrs. Newallo-Hosein:** Thank you. Hon. AG, can you identify the 14 stakeholders that you referred to please.

**Hon. F. Al-Rawi:** I most certainly can.

### STATEMENT BY MINISTER

**The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis):** Madam Speaker, we note that under this rubric the Prime Minister normally has 10 minutes within which to give his statement. I requested, as I normally do when the Prime Minister makes his speech for longer than that. I requested the agreement of the Member for Pointe-a-Pierre in his capacity as Chief Whip, to have that waived so that the Prime Minister could speak for a longer period, to the conclusion of this statement. I indicated what the statement was about, because it is very important for the people of Trinidad and Tobago and for us as Members of Parliament to hear the entire statement. Unfortunately, my colleague did not agree [*Desk thumping*] despite the fact that this is a very important statement for the country of Trinidad and Tobago. [*Interruption*] And consequently, Madam Speaker, I rise in accordance—[*Interruption*] May I be allowed to continue in silence? I rise—

**Madam Speaker:** I would like all Members to please observe Standing Order 53 so at least I can hear. Member for Arouca/Maloney.

**Hon. C. Robinson-Regis:** Thank you, Madam Speaker, I therefor rise in accordance with Standing Order 122(1) to seek your leave to move a Motion for the suspension of Standing Order 24(3), which provides for the time limit of Statement by Ministers.

**Madam Speaker:** Pursuant to the Motion under Standing Order 122, I therefore grant leave. This is for the grant of leave to move the Motion.

**Hon. C. Robinson-Regis:** Thank you very much, Madam Speaker. Madam



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Speaker, I beg to move the suspension of Standing Order 24(3) to allow the Prime Minister to complete his entire statement. [*Desk thumping*]

*Question put.*

**Hon. Member:** Division.

*The House voted:*            Ayes    19            Noes    15

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Deyalsingh, Hon. T.

Hinds, Hon. F.

Mitchell, Hon. R.

Garcia, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Crichlow-Cockburn, Hon. C.

Webster-Roy, Hon. A.

Francis, Hon. Dr. L.

Leonce, A.

Antoine, Hon. Brig. Gen. A.

Smith, Hon. D.

Cuffie, Hon. M.

NOES

Lee, D.

**Mrs. Persad-Bissessar SC:** We have brought so many urgent Motions, all denied, the answer is no. [*Crosstalk*] The answer is no.

**Madam Speaker:** Maybe—Member for Siparia, on the count, thank you very much, and could the rest of the vote be taken in silence.

*Division continued.*

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Newallo-Hosein, Mrs. C.

Gopeesingh, Dr. T.

Khan, Dr. F.

Indarsingh, R.

Padarath, B.

Bodoe, Dr. L.

Ramdial, Ms. R.

Gayadeen-Gopeesingh, Mrs. V.

Singh, G.

*Question agreed to.*

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

### **COVID-19**

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, on behalf of the people of Trinidad and Tobago, I want to thank my colleagues, and Madam Speaker, I am authorised by the Cabinet to make the following statement.

Colleagues, fellow citizens, it is in times like these that we define who we

are as a people. We are currently facing two global phenomena that affect us directly and are both largely outside of our realm of control. The first is the widespread presence and deleterious effects of COVID-19, commonly known as the coronavirus. The second is the serious global disruption in the prices of oil, gas and energy-based products that the international market places are facing and responding to in ways that are, in many instances, unprecedented.

COVID-19 first came to the international community's attention in December 2019 when word got out of the crippling effects and alarming spread that was taking place in the Chinese city of Wuhan. The rest of the world looked on as the rapid spread of this virus took place in China and we watched the Chinese Government's reaction to contain and treat the cases that were multiplying at an alarming rate.

**2.25 p.m.**

The Government of Trinidad and Tobago immediately began its monitoring of the virus and the Ministry of Health, as the appropriate body, kept the Government informed of the effects and spread of the virus. The Ministry of Health, through its relationships with international bodies, for example, PAHO and WHO, obtained the latest information available on the virus and "contained" its active monitoring, advising the Government at every step of the way.

We in Trinidad and Tobago have always been at the forefront of decision-making with respect to how we protect our citizens and our shores and we were one of the first countries in the world to take the proactive decision to impose travel restrictions in an effort to prevent the entry and restrict the spread of this virus. On January 30, 2020, the Cabinet took the decision to impose travel restrictions on anyone who had been in China for a 14-day period prior to their arrival in Trinidad and Tobago. We imposed the restriction that any non-national

who had been in China for a period of 14 days prior to their arrival in Trinidad and Tobago would not be permitted entry and any national or resident who fell into this category would be quarantined until it was clear that they were not affected by COVID-19.

Trinidad and Tobago was the first country in the Western Hemisphere to take this decision and was one of the first countries in the world to take any such proactive step to protect its shores and citizens. This and similar or even more drastic responses are now commonplace worldwide. The measures put in place at our international airports and major ports of entry included the screening of passengers. This again was based on the advice of our medical experts who we have been taking advice from at all material times. Thermal screening was implemented, as well as a monitoring of passenger manifests by the Regional Security Services, the RSS, centered in Barbados and the regional centre set up for these types of matters. As the virus began to spread out of China and other countries began to be affected in the following weeks we continued to monitor the situation through the Ministry of Health. At all times the Ministry of Health was keeping the Office of the Prime Minister and the Ministry of National Security briefed on the developments surrounding COVID-19.

On February 26, 2020, the Minister of Health and the Minister of National Security and the Minister in the Office of the Prime Minister met with the Ministry of Health officials and officials from PAHO and CARPHA for scientific and operational updates on the spread of the virus that was now taking place rapidly in countries outside of China and advice was received from our health officials about the extending of the travel restrictions to five other countries other than China. On February 27, 2020 the Cabinet took a number of decisions, including the adding of Iran, South Korea, Italy, Singapore and Japan to the list of designated countries

that we would not permit non-nationals or residents entry to Trinidad and Tobago if they had been in any of these countries for 14 days prior. Again, Madam Speaker, we were one of the first countries to take this decision thereby protecting our country for that much longer.

The Cabinet also decided that additional countries could be added to the designated list by the Minister of Health after his consultation with the Prime Minister and the Minister of National Security. Madam Speaker, we continue to keep monitoring countries and assess and reassess them based on the declared rate of infection. This type of information has been changing dramatically on a daily basis as a result of which we may have even now look to add more countries such as Switzerland and Norway to the list of restricted sources given their reported rates of infection. Given the freedom of movement within Western Europe this approach may even become obsolete in the near future.

An Inter-Ministerial Committee was also set up to report to the Minister of Health and the Minister of National Security to be chaired by the Chief Medical Officer. This Committee drives our preparation for and response to COVID-19, in accordance with WHO guidelines. The membership of this Committee included the Ministry of Health officials, Trinidad and Tobago Police Service, Trinidad and Tobago Defence Force, the ODPM, Ministry of Education, Ministry of Social Development and Family Services, Ministry of Finance, Ministry of Tourism, Ministry of Trade and Industry, Ministry of Communications, the Tobago House of Assembly, TEMA, Civil Aviation Authority of Trinidad and Tobago, the Airports Authority of Trinidad and Tobago, the Port Authority of Trinidad and Tobago, indeed, Madam Speaker, a whole of Government response.

The Ministry of Labour and the Trinidad and Tobago Fire Services were subsequently added to the Committee. This Committee has been meeting and

driving the country's preparation and response to the virus. The Government decided to increase dedicated hospital resources to respond to the possibilities associated with the virus reaching us. We immediately began outfitting the Couva Hospital for treating persons who may become affected, the Caura Hospital and the COSTAATT building at the POS General Hospital were also identified for increasing the areas to treat with COVID-19.

Madam Speaker, in the meantime, we saw what was happening in the world. The spread of the virus was having devastating effects on the global economy of China. The second largest economy in the world, China, has had to cut back significantly on its consumption and manufacturing of some of the products which Trinidad and Tobago supplies. This affected amongst other things, oil and gas commodities and their prices. The demand for LNG and Methanol were two directly affected commodities both of which make up the mainstay of Trinidad and Tobago's energy industry products, with consequential effects on our revenue.

The virus was also negatively affecting countries in very fast manners. We saw what happened to South Korea, Italy, Iran and other countries. We also observed what happened to a number of cruise ships around the world and how rapidly the virus spread and the fatalities to the older people contracting the virus and some of the more vulnerable.

The Government of Trinidad and Tobago continued to take decisions to protect us in Trinidad and Tobago. The Ministers of Health and National Security during the period of time turned away at least two cruises ships from coming to Trinidad because there was evidence to suggest that persons on board were not well.

In the rest of the world we continue to see the spread of the virus. Countries in Europe began to report increasing affected persons in the United Kingdom,

Germany, France, Spain, and many others. Canada, the United States and South American countries were being affected and it meant that the virus was getting closer to home. Our preparations, Madam Speaker, here in Trinidad and Tobago continued, and we also provided assistance for testing via CARPHA using resources to get the samples to CARPHA for other Caricom countries.

At the Caricom Heads of Government meeting in Barbados, COVID-19 and its effects was an agenda item and we discussed it as a region. Madam Speaker, we have significant business with many of the affected countries. We have many direct daily flights to the United States, Canada and even daily flights to the United Kingdom. We have direct flights to one of the largest hubs in Central America, Panama. We have seen how different countries have reacted and taken steps and the criticism of some about the lack of action by much bigger countries than us.

Madam Speaker, during my first address to you at a press conference at the beginning of this period of challenge, I did point out to the national community that we were facing what was not just a health issue, but if it plays out as it portends then there will be very serious economic exposures for Trinidad and Tobago. Unfortunately, exactly that outcome has now come to pass and the effects are upon us. As a nation we had no choice but to steel ourselves and step up to the demands of the situation. [*Desk thumping*]

Madam Speaker, just this week we have seen the spreading of the virus in the United States and across Europe. We are witnessing the rollercoaster results of the international marketplace and the reaction of closing massive theme parks, schools, universities; massive flight and cruise ship cancellations and certain countries declaring states of emergency; the cancellation of the National Basketball Association League and other major sporting events are harbingers. The Formula One Grand Prix carded for this weekend has been cancelled; the Italian Football

League cancelled its operations. The President of the United States has suspended all flights from Europe, save for the UK, to the United States from midnight tonight for a period of time. A United States Congressional delegation visit that was due to arrive here next Wednesday has been postponed. These are some of the reactions to the virus that we are seeing locally, regionally and internationally.

Madam Speaker, this week on my return from Ghana and the United Kingdom I announced that after consultation with the Minister of National Security and myself, the Minister of Health also, we were adding Spain, France and Germany to the list of designated travel restrictions. We also got news of the virus being confirmed in Jamaica, Guyana, Cuba, Dominican Republic and St. Vincent, all close to home. At least one of these confirmations has passed through our country and has used our air services at CAL. So for all practical purposes, Madam Speaker, we have been touched.

Yesterday, the unfortunate inevitable happened and we confirmed our first case of COVID-19 in Trinidad and Tobago; a businessman who travelled to Switzerland and returned to Trinidad on Monday. Fortunately, he self-isolated and did not leave his house. When he began to feel ill on Wednesday and contacted public health officials he and his family were quarantined. Our protocols have been operationalized for some time now, Madam Speaker. We have tested over 50 cases and this is the first one that has tested positive. Contact tracing is taking place. Our professionals have been and are handling the situation and similar situations.

Madam Speaker, at this stage given our stated objectives, the Government of Trinidad and Tobago will advise that from tomorrow all schools and universities and other places of learning would remain closed for one week in the first instance in order to slow the potential spread of any infection that might be with us at this



time. Unfortunately, there continues to be those in our society who insist on acting irresponsibly and spreading false information. The Government has at all times acted with full transparency and will continue to do so and I urge all our people to act responsibly and not spread false information and attempt to create mischief which could only have the effect of creating a sense of panic, which would be the worst state to be in as we confront these challenges.

The Government has advised a number of self-imposed cautionary measures that will slow down, delay and possibly prevent the spread of the virus. Do not expose yourself unnecessarily through non-essential mass gathering; limit your exposures to public places; only travel if essential or it is an emergency; practice good personal hygiene habits such as more frequent washing of your hands, avoid touching your faces and do not do so with unwashed hands, sneeze and cough into tissue and properly dispose of the tissue. Clean and disinfect frequently, surfaces or objects that are touched.

People should stay at home if genuinely suffering from a respiratory illness. This is not a pass to skylark and evade your responsibility and play smart as an employee. Promote a workplace culture that supports people staying at home when genuinely sick. Try and avoid infecting other people at the household and outside of the home. Managers and business owners should implement realistic sick leave policies. Be flexible with workplace arrangements. Allow people to work from home where feasible and act on public health recommendations

I implore citizens not to engage in panic buying as this would only create shortages of materials which should be widely available. Listen carefully to the directives given by those in authority as we will continue to provide you with all the credible information that we have and issue guidelines for your safety and benefit. A number of private schools have closed to sanitize and also as a matter of

precaution. We will continue to monitor the situation which as you know is very fluid.

The Chief Medical Officer and the Head of CARPHA, the Ministries of Health and National Security, will continue to present, on a daily basis, information and reports on actual preparations that have been taking place both operationally and strategically. The Government has initiated an analysis of the short term economic impact of the epidemic with recommendations for Government actions and this will be accompanied by a study on the longer term effects of the COVID-19 on the economy of Trinidad and Tobago.

In the meantime I urge citizens to be responsible and to act with restraint as we navigate this period of the changing and the unknown. The Government will continue to do all that it can to ensure the wider public safety and protection. Together we must confront these challenges and together we must act with confidence that whatever it takes together we will do it and together we will overcome. [*Desk thumping*]

**Dr. Moonilal:** Thank you very much, Madam Speaker. Madam Speaker, pursuant to Standing Order 24(4), Prime Minister, in light of the appeal for the entire country to act responsibly in the circumstances and in light of the fact that it takes an entire country to keep people safe, given all that you have said, do you believe it would have been responsible on your part having led a delegation across the world recently, flying through London twice, to also self-quarantine yourself and members of your travelling party as the highest show of responsibility in the circumstances? Given that the countries that have been named on our list as of March 11<sup>th</sup> and today are not countries where we have direct flights between those countries in Trinidad and Tobago, passengers indeed pass through London, New York or Miami; and given that the person regrettably who has contracted this came

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Dr. Moonilal

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from Switzerland but passed through, we believe London, do you think that there should now be a complete ban—

**Hon. Member:** Guyana.

**Dr. Moonilal:** Guyana as well, and the Prime Minister went to Guyana. Do you believe really this statement you should have made in the confines of your official residence as the highest show of responsibility rather than you and/or your delegation in the public space?

**Hon. Dr. K. Rowley:** Madam Speaker, the logic of that statement is that we should shut down Trinidad and Tobago and we will take no such advice from my colleague, the Member for Oropouche. [*Crosstalk*]

### **REAL ESTATE AGENTS BILL, 2020**

*Order for second reading read.*

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

That a Bill to provide for the registration and regulation of real estate agents in order to promote transparency, accountability and integrity in the real estate profession, to protect and assist persons engaged in transactions with real estate agents and to assist in the detection and prevention of money laundering and terrorist financing, and other related matters, be now read a second time.

Madam Speaker, this Bill before us today represents a continuation of the Government's anticrime plan. [*Crosstalk*] Many people are not aware that crime in all of its manifestations must be managed [*Crosstalk*] by having a very anxious scrutiny and careful regard—Madam Speaker, could I ask for some settling?

**Madam Speaker:** Hon. Members, I guess we all have a lot to talk about, but I want to caution Members, in addition to the Standing Orders, we have all been

warned about social distancing and I think in the Chamber having regard to how close we are to each other one of the ways, talking less, may also help us with social distancing. So let us try.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker. I am looking for at least one face opposite, even one, that is actually paying attention to this. Madam Speaker, this is serious business in terms of managing the approach to crime. And I was saying that it is only when you have a genuinely broad perspective on all of the areas that contribute towards crime that you can actually begin to address the scourge of crime. [*Desk thumping*] That is one of these purposes.

The second purpose, Madam Speaker, in bringing legislation as this Bill proposes, is to better the public interest via a public body which has public purpose. I am going to repeat that. Public interest in a public body for public purpose. And I have centered upon that, Madam Speaker, because that underwrites the constitutionality of legislation such as this which mandates membership on a compulsory basis to an enterprise such as an association.

This Bill quite properly in the provisions before us, in section 27 as a matter of fact, requires compulsory membership to the association. And that compulsory membership to association has tones of constitutionality, which as the mover of this Motion I must address. Let me at the outset state this law does not require a three-fifths majority support. This law does not require it because we have very clear dicta in how we treat with two fundamental rights which are reflected upon, the first being in section 4(a) of the Constitution, which is the right to property, and the second one being in section 4(j) of the Constitution, which is the right to freedom of association.

Madam Speaker, it is now a matter of record that the Government has pursued a number of anti-crime plan initiatives. That put quite simply involved a

reform of plant and machinery, people processes and law all at the same time, bettering the systems that we actually look to give us relief for crime issues, that is, the courts, the prosecutors, the investigators in the police service, the public registries which keep information, the manner in which we populate them by people and by sufficiency of technology, all of that falls into that. It is tied into work such as increasing the number of judges, the number of masters, the number of prosecutors, the number of courtrooms.

When we get to the improvements that we have made to the laws and in particular the laws to prevent crime, be it firearms, gang activity, et cetera, an important aspect of what this Government has done is to focus upon white collar crime and searching the proceeds of crime. The proceeds of crime are to be found in three areas and three areas mainly. Number one, you find the proceeds of crime in companies or entities, let us call it personalities, be it legal personalities such as a limited liability company, a non-profit company or in a partnership, a trading as.

Second place that you would find the proceeds of crime, you find it in cash. Third place that you find the proceeds of crime, is in land obviously. So let us get to the concept before us now. We in Trinidad and Tobago have a very robust environment to measure land and its registration. We have the Conveyancing and Law of Property Act; we have the Registration of Deeds Act; we have the RPA, the Real Property Act, we then also have, Madam Speaker, the land package, the Registration of Titles to Land Act, the Land Adjudication Act, the Land Tribunal Act and the statutory periods of limitation, certain limitation of actions legislation. All of those are our land laws.

Effectively every transaction in land must be registered in the public registry. What we have, Madam Speaker, quite interestingly, is we regulate architects, urban planners, lawyers, surveyors, engineers and to some part builders

through the professional standards that apply. But what we do not do in any form or circumstance other than by way of a private Act of Parliament that we did in 2012, what we do not do is that we do not regulate real estate agents.

So, let us put the concept of real estate agency into the mix of what is Trinidad and Tobago statistically. And let us look to the fact that the contribution to real GDP of real estate activities in Trinidad and Tobago, in 2015, 1.8 per cent; 2016, 1.9 per cent; 2017, 2 per cent; 2018, 2 per cent; 2019, January to March alone, 2.1 per cent. What is the 2.1 per cent in dollar value? Our real GDP is roughly about \$160 billion, it is \$159 billion. This real estate agents management land activities contributes 3.18, nearly \$3.2 billion a year. And a material aspect of that land management is at present entirely unregulated.

We made an attempt at regulation under Dr. Tewarie, the Member for Caroni Central, as the promoter of a Private Members' Bill in the Senate, he the promoter then, the hon. Member, and I sitting in Opposition, we together supported the establishment, by way of a private Act of Parliament, "An Act for the incorporation of the Association to be known as the Association of Real Estate Agents". That was assented to 2<sup>nd</sup> of July, 2012, and AREA, as its acronym says, had certain aims and objectives and the association had certain powers to treat with real estate agents.

What this Act of Parliament does not have in it is the public clothing of a public Act of Parliament, that is, a Government Act by which mandatory membership can be compelled. Let me underscore that. The Public Act of Parliament can compel mandatory membership, and why do we want mandatory membership? We want mandatory membership so that you can make it an offence to not be registered as a member, insofar as you portray yourself or you engage in the practice of real estate agency business. The real estate business under a public

Act, a government Act, allows us to make it mandatory that you are a member.

What are some mandatory membership association laws?—the engineers, the architects, the land surveyors. The only Act of Parliament which actually was passed with a three-fifths majority for mandatory membership was in 1986 which is the Legal Profession Act. Back then it was thought and it has now not been upheld that you had to have for the freedom of association and freedom of property rights that you had to have mandatory membership clothed by a three-fifths majority. That is not the case. I will come to the learning from the European Courts of Human Rights, the Supreme Court of Barbados, the Supreme Court of the United States, Canada and the rest of the Commonwealth and by opinion expressed from the Attorney General that this is in fact not the case.

**2.55 p.m.**

So what else inside of here births this? From a volumetric perspective, we have had in the period 1792—2019—let me repeat that. 1792—2019, as the Minister of Legal Affairs, I standing as that Minister, we have registered 4,280,000 deeds. Under the Real Property Act, in the period 1889—when that law came in and we had the torrent system introduce—to 2019, we had registered 584,490 instruments, memoranda, and what I can tell you, Madam Speaker, on average every year, for instance, in the Land Registry at 2018, we registered 27,306 deeds. We registered bills of sale, charges, deeds poll, judgments, wills. In the Real Property Act or RPO, as some people call it, we registered 10,574. But at the Registrar General, which I consider to be the golden pot of information in Trinidad and Tobago, that pot which has births, deaths, marriages, deeds, instruments, wills, judgments, et cetera, now non-profits organization, et cetera, we register on average 104,386 instruments, not including births and deaths, et cetera. Not the Civil Registry side but on the Land Registry side, we have roughly 105,000 deeds

per year.

What we noticed inside of that is that we are not seeing real estate agents into compliance. So when we look at the Companies Registry, and we look at the land side of it, we are seeing 105,000 instruments, we are seeing 27,000 deeds and we are seeing 10,000 Real Property Act instruments, call it 35,000 instruments to deal with land. But when we looked to the Companies Registry, real estate agents in the period 2010—2019 or companies with real estate names, there are only 719 of those. When we go to AREA, the association that we incorporated by an Act of Parliament, when we get to AREA's membership, AREA tells us they only have 78 resident brokers, 112 sales associates and 17 corporate members. They say that they do not have more because they do not have compulsory membership. It was at that point that, as Attorney General, I engaged AREA—and I want to give a very public compliment to the AREA network [*Desk thumping*] now headed under Mark Edghill who is their President and their previous president. I want to say to them that they have been agitating for a better form of administration to assist in the fight against corruption and criminality, and to better the public interest. And we sat together, they as stakeholders, we as the Attorney General's office, and we fashioned this law in tandem. [*Desk thumping*]

Madam Speaker, what I can tell you, when we looked to the FIU and we looked to the period October 2014 to December 2019, suspicious activities come from real estate agents. Real estate agents are in the First Schedule to the Proceeds of Crime Act. They are listed businesses. They must give suspicious transaction reports and suspicious activity reports. We have received a total, in that period of persons registered with the FIU under that category, 639. But when we looked to the value, we are seeing \$191 million coming from those 639 entities of suspicious activities. So you take a fraction of real estate agents, people that are actually



listed at the FIU, you take the number of STRs received, there are only 38 suspicious transaction reports—only 38.

Those 38 suspicious transaction reports in the period October 2014 to December 2019—those 38—had a monetary value of close to \$200 million. When we look to the Trinidad and Tobago Police Service and we look to their statistical information in the period 2015 to present, what we got in the period 2015 to present, we only noticed under the TTPS fraud matters relative to land, the dollar value that they are looking at right now is only a mere \$1.792 million. In other words then, the police are far behind the FIU suspicious activity, the FIU is far behind the market which is nearly \$3 billion, they are far behind the number of real estate agents, and the real estate agents are in active practice in need of regulation.

So statistically, from Trinidad and Tobago's data perspective, I can underscore as legitimate aim number one that there is a public interest need in causing all persons who engage in real estate activity to fall to be registered and this Bill asks for registration in two forms: a public registry and a private registry. So let us get to what is real estate agency business, what is not real estate business, who are the characters defined in the law that have to treat with this and then, let us look to disaggregate how the law is intended to operate, what the constitutionality parameters look like, and what the ultimate aim is. May I, Madam Speaker, ask what time is full time for me to end?

**Madam Speaker:** Your full time will be 3.30.22.

**Hon. F. Al-Rawi:** Much obliged. So this Bill is 83 clauses long, two Schedules long. I want to say that is one of the most comprehensively drafted pieces of law that we have seen in a very long time [*Desk thumping*] and I want to compliment Chief Parliamentary Counsel, Mr. Ian McIntyre as well as Mrs. Nalini Salick and Mrs. Solange De Souza-Ransome and also, Mrs. Paula Cross-Horton, for the extent

of work that was done in assisting us in producing this law.

In producing this law, Madam Speaker, if I could just say, we looked at real estate brokers and salesmen law coming forward from The Bahamas; we looked at the laws of Bermuda, the Real Estate Brokers' Licensing Act, 2017; we looked at in Bermuda, again, the Real Estate Brokers' Licensing Regulations 2017; we looked at the Real Estate Services Act coming forward in the wider parameters from the Victoria, British Columbia, Canada context; we looked at the Real Estate Agents Act, 2008 as that came from a Ministry of Justice publication, and I will get the jurisdiction in New South Wales; and we looked at the United Nations Guidelines for Consumer Protection.

**Hon. Member:** What about the laws of Jamaica?

**Hon. F. Al-Rawi:** Yes, we looked at the laws of Jamaica. Thank you.

We asked the Law Revision Committee to go into some detail on the real estate agent profession and we looked at local cases. We looked in particular at our own Civil Appeal Court; we looked at cases coming out of the United Kingdom as well from their Court of Appeal; we looked at the Privy Council judgments from Trinidad and Tobago and that latter case is *Mungalsingh v Juman*; and we certainly then looked to the Barbadian jurisdiction as we underwrote the constitutional parameters on freedom of association and also freedom of your rights in respect of property in section 4(a) of our Constitution.

So, let us get to this Bill now. Let us look to the principal actors. When we look to clause 3, we are looking at the concept of a "broker"; we are looking at the concept of a "client"; we are looking at the concept of a "developer"; we are looking at the concept of "property management"; we are looking at the concept of "non-financial nature of real estate business"; we look at a "public body", "public money"; we look at a "real estate agent"; we look at what "real property" means;

we look at what “State-controlled enterprise” means; then we look at a “Supervisory Authority”. Put quite simply, what we are intending to do is to say the following people can practise in the real estate agency. You can have a broker and a broker is a person who handles your money or who engages in the financial side of the real estate industry.

We say you can have a sales associate. That person can act as a real estate agent but not handle money. We provide in the law that the broker must be licensed to handle money. We provide safeguards. We say the broker must have client account separated out, treat the entrust principles, establish fiduciary obligations, protect the broker against the risk of suite for negligence or breach of trust by having industry standards. We say with respect to the sales associate, you must be known. So if you are not a broker, you are not handling the money side of the equation, you will go on to a register where you are known as a broker. So your connectivity to the transaction is public. Very importantly, and I mean nothing pejorative by this, I say that I have included in this law something that I affectionately refer to as the “Rambachan clause” and that is the private developer clause—or I could say the “Imbert clause”, I could say the “Al-Rawi clause” as I declare my interest that I am also engaged in private development and real estate myself.

But the point is, this law also contemplates people who engage in their own projects, their own land, their own subdivision, their own construction. If those people engage in the sale of their own property, as they are allowed to, as an owner or part owner as a developer, we are not yet going to regulate them—that is another law I am working on. What we intend to do there is that they must just simply file notice to say, “Look, I am a developer.” So I am on the radar and that allows, therefore, the Financial Intelligence Unit to knock on my door, or the

Member for Tabaquite's door, or the Member for Diego Martin North/East, we can look at his door, and we can therefore find transparency in the process.

Clause 4 of the Bill is a very interesting clause. It is the disapplication clause:

“This” — law — “does not apply to persons employed by the State, a state-controlled enterprise, or a public body who conducts real estate business, in the course of their employment.”

Why? NIPDEC would be caught by that, Airports Authority would be caught by that, HDC would be caught by that, Land Settlement Agency would be caught by that. We had to make sure that the law was dis-applied to the State's function. We have defined in Part II, in clause 5, what is “engaging in real estate business” and it effectively is in pari materia. It is equal to all of the laws around the world and, in particular, the Commonwealth Caribbean which tells you what is it: auctioning, negotiation, sale, advertising, property management, managing prospects, we meet people who are clients, et cetera, and the material point in clause 5(2) is that we also have another disapplication. We say a person is not engaged in real estate business:

“(a)” —if you are acting—“...for and on behalf of a client under a power of attorney...”

“(b)” —you are furnishing—“...legal advice...” — et cetera

“(c)” —you are:

“(i) an administrator, executor...”

“(ii) an assignee, a custodian, a liquidator, a receiver...”

“(d)” —you deal—“...with real property of which” —you are “an owner or part owner;”

That is what I was referring to a little bit earlier.

“(e)”—You are—“a developer;”

And we have developed—under the “developer” we have a definition for a developer. That is tied into the Planning and Facilitation of Development Act.

“(f)...salaried employee of a financial institution dealing with real estate transactions.”

So we are very careful to say what this law does not apply to because you would have to develop certain individual aspects to come with a little bit later, for instance, private developers or owners and then, the state management of its own real estate. We then go into a definition of what a “broker” is. A broker in the context of—a broker is:

“5 (3) (a) A person”— who “engages...where he:

(a) supervises a sales associate...”

“(b)”—he— “receives client’s money; or

(c) manages the financial aspect of real estate...”

And, Madam Speaker, we then go on to the concept of a “developer” in clause 6(1) which is important.

“A developer, prior to selling individual lots, shall apply on the prescribed form to be registered in the Register of Developers.”

And then we go in what is an unlawful practice in clause 7. Clause 7(1) is if you:

“(a) practice as a real estate agent;”

“(b)”— you— “pass yourself off or wilfully pretend to be a real estate agency;”

“(c)”—you— “make use of a name, title...”— et cetera, of a real estate agent, unless you are on the register that you commit an offence.

What that does in the round in that second part, Madam Speaker, is it provides identity of who the law applies to, who the law does not apply to.

In Part III, we get to “Real Estate Business Registrants”. Now it is very important to note that we have impregnated in clause 8 the obligation that to be registered you have to complete an AML/CFT/PF questionnaire. What is that? Anti-money laundering, countering the financing of terrorism and proliferation financing. This must ring a bell with hon. Members. First was birth in the non-profit organization sector where we birth that law to manage that sector, you pay your prescribed fee, and it is material to note that these documents upon registration are not public documents. They fall to be private documents available for law enforcement, available for disclosure by way of court order, but they are not for public inspection because they may contain private sensitive information, personal sensitive information within the concept of the Data Protection Act and certainly, within the concept of section 4 of the Constitution.

We go into the disqualification in clause 10, and I want to note at clause 9 before I get there, that we are effectively saying if you are going to be registered as a real estate agent you must be satisfying, (a), that you are 18 years of age, i.e. you are an adult, and you hold prescribed qualifications. The prescribed qualifications will come from the association and committee which will set the standards. It is exactly like the Legal Profession Act, Engineering Profession Act, medical profession, dental profession, land surveyors, urban and regional planners. When we look to the prescribed qualifications, we are making sure now that you have a standard that you set. Stick a pin, we have transition provisions where you have an 18-month or longer period for which persons who practise in the industry now can continue—before they must bring themselves to registration—but what we are attempting to do is to regulate on a consistent standard this thing. Remember what comes with this is the benefit like any other profession to charge fees or levy commissions, and therefore, you want to make sure that you have standards in the

law.

Madam Speaker, if I go further, I was at clause 10 on the disqualification. The standard terms and provisions, you have tripped the Proceeds of Crime Act, the Anti-Terrorism Act, you have been convicted of fraud, et cetera, et cetera. Effectively, Madam Speaker, we then go to the manner in which you can register yourself in the various categories and that is as a real estate agent, or as a broker, or as a brokerage—a brokerage is a company or a partnership that engages in that—and we have a transparent system. If I summarize the several clauses: you apply, you fill out the questionnaire, you fill out the forms, you pay the fees, you meet the prescribed qualifications and then, there is a process by which the Registrar General, who is the Registrar for this register, has a process of either saying yes or no. The yes or no, of course, is upon due process. They will inform when you are applying, you will be advertised as having applied for registration, there will be period of objection open, objections are received in writing, you are informed of the objections, you are given an opportunity to put your side of the story forward, the Registrar then takes a decision, the Registrar informs you and, of course, we preserve the right of appeal if you do not agree with what the Registrar has done, you go directly to the High Court.

All throughout this legislation, wherever there is a yes or no to be made and a decision is to be made, we have preserved the due process route and therefore, the constitutional route to say that you have the right of appeal to the High Court. That due process point, that fair hearing aspect, preserves the constitutionality in the event that one were to allege that you require section 4 or section 5 right exception by bringing a three-fifths majority Bill. That is in keeping with the Francis decision of our Court of Appeal, Northern Construction of our Court of Appeal and, of course, the leading dicta Baroness Hale in the now famous case of

Suratt.

Madam Speaker, we then go to the provisions of what is to be put into the registers. In those provisions, you will see that we have some particulars. We asked for certain aspects to be public and certain aspects to remain private, meaning for law enforcement or court order disclosure only. We therefore preserve the sensitive information. You can access to the register. Of course, that access may be live or it may be in the electronic form. You can also have certified copies produced. There are a few amendments that we will bring, for instance, you can only get certified copies to public information not private information.

Madam Speaker, we then very importantly preserve the ability of disclosure, as I said before, but I will just peg it to a clause, it is clause 16. You can only disclose:

“(a) to the Supervisory Authority;” —who is that? The FIU.

“(b) ...purposes of law enforcement or court proceedings;”—that is police, et cetera.

Court order or where any other written law allows you to do that.

Madam Speaker, we then get to the provisions of cancellation, again, there is due process inside of that; suspension, there is due process inside of that.

Part IV treats with the “Real Estate Agents Association”. What we do here is that we set up an association very much like the Law Association or any other aspect. All real estate agents are to be members. It is a mandatory provision. That membership will be entitled to be run by a board. That board is comprised of the person set out in the law, where we set out in clause 22 what the membership looks like. Stick a pin here now. They are allowed to do their rules. Very importantly, I want to put on the record clause 24. Clause 24 identifies the purposes of the association:



- “(a) ...improve...standards of conduct...proficiency...real estate agents...
- (b) ...promote compliance...with the Code of Ethics;
- (c) ...represent, advance...protect the interests of real estate agents...;
- (d) ...promote the exchange of views...;
- (e) ...develop initiatives...;
- (f) to protect and assist the public in Trinidad and Tobago in all matters relating to real estate business;
- (g) to promote good relations...;
- (h) to promote good relations between estate agents and other professional bodies...”
- (i) to do such other things...”

Why have I flagged clause 24? Because that is a public purpose. That public purpose is also tied, Madam Speaker, to the other purposes which are equally public, and those are to be found in the provisions of clause 47 where we deal with misconduct, clause 48 where we described duties and obligations, clause 54 where we have the Disciplinary Committee, clause 55 where we have the functions of the Disciplinary Committee, clause 63 where we have the disciplinary procedures, and a critically important clause, that is clause 70. In clause 70, we mandate the Disciplinary Committee if they observed a crime that they are bound to report it to the Director of Public Prosecutions. All of those tie the public purpose by a public body for the public interest and therefore, underwrite the constitutionality. [*Desk thumping*]

The Real Estate Agents Association can levy in clause 27 the power really by virtue of the fact that clause 27 says:

“All real estate agents”—that includes the personalities identified—“under this Act shall”—that is mandatory—“be members of the Association.”

And they are obliged to pay, you see in clause 29, an annual subscription. Let us stick a pin for a moment. Let us deal with constitutionality for the record, mandatory membership clause 27, the mandatory obligation to pay fees in clause 29. Those traverse on the face of it but not in any fatal or difficult way, the right to property in section 4(a) of the Constitution, and the right to freedom of association in section 4(j) of the Constitution. Compulsory membership, Madam Speaker, I want to recommend to all Members that they get the Supreme Court of Judicature Court of Appeal in Barbados decision, that is Civil Appeal No. 20 of 2018. It was *Norman MacDonald Nurse v Attorney General, the Barbados Bar Association and Florence Nurse*, and that decision coming from the Court of Appeal in Barbados sets out in exact terms the reason why the Barbadian legislation did not infringe their entrenched rights, right to property, right to freedom of association.

Now, of course, it is axiomatic that your money is property. The mandatory obligation in clause 29 that you must pay fees is your property and it is also axiomatic that the freedom to associate also includes the freedom not to associate. It is equally axiomatic that you would therefore now start this conversation of “are you infringing upon rights?” And what I would like, the recommend is that several jurisdictions have really traversed these constitutional provisions, and whether you have constitutionality, number one, within the meaning of our section 13 of the Constitution, i.e. it is just in a society such as Trinidad and Tobago, or reasonable in our society to have a law such as this. But if we take the Baroness Hale argument, we take the Bereaux argument in the Francis decision, the Hale argument in Suratt and, in particular, clause 58 of the judgment of Baroness Hale, you will come to the understanding that not every section 4 and 5 right must have a qualification provision [*Desk thumping*] by section 13, and that is underwritten by the arguments coming in the context of right to property.

I want to put on the record the *Trinidad Island Wide Cane Farmers' Association v Prakash Seereeram*; I want to put on the record the case of *Attorney General v Antigua Times*; I want to put on the record those cases in respect of the right to property, and that right to property was upheld at the highest level to say that if you are taking property via a public body for a public purpose in the public interest that you are not tripping an entrenched right. Under the freedom of association argument I want to put on the records *Attorney General of Barbados v Smith*; I want to also underscore again *Attorney General v Antigua Times*. I would like to further put onto the record the European Court of Human Rights the following cases: *Le Compte, Van Leuven and De Meyere v Belgium*, that is, 1981 4ERHRR at page 1; I would like to put in *A and Others v Spain*, and that is Application No. 13750 of 1988; I would like to put on record the American position to be found in *Lathrop v Donohue*, and that is 367 US 820; I would like to put again *Trinidad Island Wide Cane Farmers' Association v Prakash Seereeram*; and I would like to also put on board the case of *Panday v Gordon*, 2016 WLRF 39.

All of those cases come down upon the simple position: public body, public purpose, public interest allows for the freedom of association argument to not require a constitutional exception. Why? Because you have the freedom to not associate. There is nothing to stop you from becoming a member of any other association.

I unstick the pin on constitutionality. I come now, why did we not just use AREA? We have not just used AREA because they are not a public body, quite simply put. And it is for that simple reason that the strategy, in the mind of the Government, is to invite AREA to bring itself into this association by populating the membership in the manner that they would be allowed to. That would then

allow AREA to delink, by way of repeal, their body and what is also allows, should AREA so decide, is a vesting provision on repeal to transfer assets and privileges that they may have without stamp duty. In other words then, there is a clear and discernible path to achieving a congruity of the measures between the AREA—that is the private body—and the public body which we are creating now. Madam Speaker, six minutes would not give me justice to do what I must do now but I will try to barrel through it. Very importantly, we have gone on to “Licensing of Brokers” in Part VI. In the licensing, we are contemplating that we will set up a committee.

The committee in Part V just before that. The Real Estate Agents Licensing Committee, we have established a constitutional committee where we used the public service backing of the Judicial and Legal Service Commission. That is the independence of constitutionality set out in the Hinds argument, in the De Freitas argument. In these arguments, we looked at ensuring that this committee which exercises judicial or quasi-judicial functionality, for instance, in disciplinary proceedings where sanctions may be had, even though they are appealable under the provisions of the law by going to the High Court, we wanted to insist that the committee was established by a Chairman, Deputy Chairman, an attorney-at-law, all of whom are JLSC appointees, Judicial and Legal Service Commission.

### **3.25 p.m.**

The rest are ministerial or Cabinet-appointees. We have used the Industrial Court formula here. That Industrial Court formula is the mix between JLSC and position. Of course, the Maraj case will tell us that we are well and truly within constitutionality as to construction of that type. We have replicated in the functions of the land tribunal, et cetera, et cetera, recently.

Madam Speaker, we then go in this licencing committee. As I said in Part

VI, beginning with clause 14 to the licencing of brokers, we have a fulsome measure. How they renew their licence, how long they last for, how they may be struck off, suspended, revoked.

Part VII takes us beginning with clause 47 to professional misconduct. [Interruption] Who is the President of the committee? The person appointed by the JLSC. “President” in this Bill means Cabinet pursuant to the Constitution in section 80 of the Constitution; that is standard. So when I say “President”, we mean the Cabinet. That is the Industrial Court formula that I just referred to in answer to a question just put to me by Caroni Central.

“Professional misconduct” is then dealt with at Part VII beginning with clause 47. Again, this is a public purpose. And when we get to “Duties and Obligations of a Real Estate Agent”, we are Part VIII where we deal with the keeping of records and in the keeping of records, we are asking effectively for all of the things by which you can trace a crime or a value. This ties into stamp duty, this ties into money laundering, it ties into fraud, identity theft, mischaracterization of the nature of the property that you are selling or managing, et cetera.

We get, Madam Speaker, to the concept of client money and how we treat with fiduciary obligations to hold moneys in trust. That is a very key provision to protect real estate agents against breach of negligence, claims against negligence, actions in tort, actions in the trustee context from our Trustee Ordinance, section 25 in particular. Part IX deals with the “Disciplinary Committee”. That disciplinary committee is established under clause 54 and they have an entire process to manage that. Of course, we allow for rules, we allow for conflict of interest. We then go to Part X which treats with “Disciplinary Proceedings”, how the proceedings may result in the sanction set out at clause 65: reprimand, censure, suspension, revocation, et cetera, and where I was coming to in clause 70 of a

mandatory provision that the disciplinary committee must inform if they discover a criminal offence.

We have a separate part for offences and penalties as we treat with what is summary, what is indictable, how we treat with it with companies, individuals, et cetera. We deal with miscellaneous, the transition provisions and regulations and rule-making functions between the Attorney General and also the Minister of Finance as we have bifurcated functions. Then we deal with the Schedule which is the constitution of the association and the consequential amendments in Schedule 2 which is the list of offences to go.

Madam Speaker, this is nuclear law. It is tied into the amendments that we will be bringing that are now before the Senate to the manner in which we register deeds under the RPO and old law systems. This is designed to tackle crime and to better the public interest. It is designed to protect real estate agents and the public with equal measure and equal poise. It gives transparency to purpose and it is part of the digitization that we have been doing at the Ministry of the Attorney General as we have digitized millions of records in Trinidad and Tobago.

Madam Speaker, I look forward to the contributions from my learned friends opposite and I beg to move. [*Desk thumping*]

*Question proposed.*

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Madam Speaker. Madam Speaker, I was going to say that this is not by any means an objectionable Bill because I want to concede that its intentions are good and that, as the Attorney General articulated, it is in the public's interest. But when I asked the question who is the President and the Attorney General responded by saying the President is the Cabinet and we look at that particular clause in the law having to do with the establishment of the licensing committee in which you have what

would now be, with my new understanding of this, based on the Attorney General's articulation, is a seven-man committee in which you have three Cabinet appointments, you have three ministerial appointments. I do not know why the distinction is being made between Cabinet and the Minister. The Cabinet appointments are on the advice of the JLSC and you also have the THA represented, which means the entire committee is, in fact, a Government-appointed committee.

So I must say that having gotten the clarification from the Attorney General, I am a little more worried. I was worried in the beginning of that particular section of the Bill, although, as I said, by and large, I did not feel that the Bill was objectionable, but this worries me a little more and I will try to speak to that particular issue as we go further into the debate. Now, my own view is that notwithstanding the good work that has been done in the Bill, the Bill is not ready and it needs considerable more work, and I will explain what I mean by that. I think the Bill does strive for reasonableness, Madam Speaker, but we are not sure on this side that it achieves the balance that it is supposed to achieve in the Bill and because of that, I think problems can be created down the road that it did not intend and for this reason, it requires, in my view, more careful scrutiny and greater attention.

Now, the Bill is about the regulation of real estate agents but as the Attorney General pointed out and I would not deal with that, he has conceived this Bill as an anti-crime Bill and ultimately it is about land and property but also money and law and lawlessness and the regulation of an industry with regard to these things which include more than real estate agents, brokers and developers.

Now, when you read the purport of the Bill:

“An Act to provide for the registration and regulation of real estate agents in

order to promote transparency, accountability and integrity in the real estate profession, to protect and assist persons engaged in transactions with real estate agents and to assist in the detection and prevention of money laundering and terrorist financing, and other related matters”

Who can be against that? You know, and that is why I said that there is very little that is objectionable and more than that, the public interest seems to be the main intent of the Bill. And when you ask the question: Do we need to regulate the real estate industry? Yes, we do. The Attorney General dealt with the crime side and dealt with the money laundering issues. He articulated the contribution to the GDP and the amount of money involved, yes, but there are those reasons and other reasons why we must regulate the industry.

I asked somebody in the real estate industry to look at this Bill and to give me their thoughts on the Bill and the person actually said positive things about the Bill. But I want to identify some of the other things that were said. The person indicated:

This industry is being—that is to say the real estate industry—is sometimes being run like a fish market and needs to have some level of structure and discipline in it.

That is a good justification for the Bill and for the assertion by the Attorney General that we need a Bill like this. The person also said:

Currently there are no regulations or restrictions or proper guidelines for anyone to follow.

Now I know for a fact that that is not entirely true because of the existence of AREA and:

There is no real code of ethics or anything that substantiate professionalism in the industry. Anyone can go on social media and type the words “Land



for sale” and begin to do it.

So there is justification therefore for the regulation of the industry. The person goes on to say and as I said, this is a real estate agent:

I am FIU registered and I am listed with the local financial institution so I maintain high integrity and decorum in the sense of working alongside a group of attorneys, surveyors, valuers, et cetera, that would ensure the smooth running of my operations for both the vendors and the purchasing parties.

And she goes on to say:

FIU registration process is easy but adhering to AML, anti-money laundering practices, requires compliance and this Bill does this and there are persons who are presenting themselves as real estate agents who would do strange things. For instance, when a sale is closing, they may ask a purchaser to cut a separate cheque for them or pay cash and the money is not documented, example, commission agreements, et cetera.

So the person is basically saying that there are lots of irregularities that take place in the industry. I would not go on more on, Madam Speaker, suffice it to say the person who outlines this and makes the case for regulation of the industry identifies four or five troublesome issues with regard to property.

But are there other problems with the Bill, Madam Speaker? And there are other problems with the Bill. Here is what another real estate agent, and I respond in this way by putting the contradictory views of two people in the industry to show that it is not an easy thing to simply put together the Bill without taking these contending views into account. So, for instance, the person says:

All agents who I have spoken to are not aware of this Bill nor were they consulted. Even members of AREA have indicated that they do not know

the details of this Bill.

Then the person also said:

Real estate agents who have been in this business for 10 years must now go through formal education by an accredited institution. How long will this take? Also, will agents with more advanced qualifications still have to go through this process?

So they are raising the issue of how you create the conditions for transition and continuity. Now there is a clause in the Bill related to that. It is an 18-month clause for transition but I think they are raising the deeper issue of how do you integrate the existing system with the system that you are trying to create. The person also said:

Self-employed real estate agents must now be a broker to own their own real estate company?

They are asking the question. And then they go on to say:

Having a registered business and being compliant with the FIU and other laws, it seems to me it should be sufficient, we do not know any more Government intervention.

And so, that is another view. And then the person makes some statements about AREA, I would not read all of them, but basically, they argued the case that they feel that in this Bill, AREA has too much authority and entrenched power. Okay?

So here you have two agents and they have very contradictory views. One making the case that you need a Bill to bring structure and organization and good practice in the industry, and the other person is saying that, look, I do not really have any objection to the Bill but there are certain things that not being taken into account and I do not think this Bill really understands all the issues that we are concerned about in the profession. So I think that the Attorney General must take

this into account and that is why I say that I understand the public interest, the public good part of it, but I do not think that it is a Bill that is ready to be passed. I think that it needs some significant amendments, I think it needs some tweaking and I think that although there has been some consultation, I do not think the consultation has been deep enough. And I am not making those statements in order to prolong the process, I am simply saying that if we are doing a Bill and we are trying to do it properly, let us in fact do it properly.

Now, in this Bill, all state actors are exempt. The Attorney General gave a rationale but I am not sure why they are all exempt. Among the institutions that you mentioned, would this include property management and valuation division and so on within the Government agency? [*Interruption*] Okay. Now, in the past, this would have been covered in the 2015 and subsequently amended procurement law for the disposal of property but that section of the procurement law is now going to be taken out of the procurement law, and I need a better rationale than the Attorney General has given just now for why all of these public and state actors are being exempted from the legislation and why a private entity is being legitimized and transformed to become, in fact, a public entity in Trinidad and Tobago. [*Desk thumping*]

Now, I have no problem with a private entity being given legitimacy and I certainly do not have any problem with AREA as an institution. As I will point out in a minute, I think that they do good work and I think they are very constructive towards the profession. But when you see the issues that are coming up in the Bill, I think we have to question the bona fides of the strategy and the approach in this particular matter.

The second thing too is that clause 12 indicates that notification of within 21 days after a decision to register or not register is made by the Registrar General's

office but it does not say how long it takes to decide. And I think that something which states specifically how long it takes the Registrar General to decide to register, whether there is no objection or whether there is an objection, should be put in and I do not think it should be more than 30 days. *[Interruption]* Twenty-one days of the decision. It does not say when the decision will be made. *[Interruption]* No, no, you can respond afterwards but I want you to take this into account. If you want, I will read the clause. It is clause 12.

**Mr. Al-Rawi:** Just read 11(5).

**Dr. B. Tewarie:** 11(5) says:

“The Registrar General shall, within twenty-one days of receipt of an objection, decide on the merit of the objection and inform the person who made the objection as well as the applicant for the registration of his decision, giving reasons in writing.”

What if there is no objection? Is there a time limit for that?

**Mr. Al-Rawi:** 11(1).

**Dr. B. Tewarie:** 11(1)?

“Upon receipt of an application under section 8, the Registrar General shall cause notice of the application to be published in the *Gazette* and in at least two newspapers in daily circulation in Trinidad and Tobago and such notice shall specify a date by which a person may object to the registration of an applicant.”

That does not state how long the decision-making period is. *[Desk thumping]* What it says is it gives the length of time for making an objection and my own feeling is that it should be not more than 30 days further than the time allocated for making an objection so that people could expect that you get this thing done in quick time. *[Desk thumping]*

Then the Bill recognizes AREA. Now, Attorney General, I am not clear about this too and I would like you to explain this in your winding-up. The Bill recognizes a real estate agent association in Part IV and I thought that it did not recognize AREA particularly. Is that correct or is it not? Does it recognize AREA as a legal body? *[Interruption]* Now? *[Interruption]* In this Bill that you are—  
*[Interruption]* All right.

**Madam Speaker:** Members. Remember, if it is, Attorney General, you wish to respond, then there is a particular way that we go about. Okay?

**Dr. B. Tewarie:** Yeah, we are just trying to clarify for the purpose of having an intelligent debate. So the Bill does not recognize AREA or entrench AREA, it simply entrenches a real estate agents association. *[Interruption]* Okay. But the Bill does, in fact, require all agents to be part of whatever that association is and the chances are that AREA may in fact become the body. *[Interruption]* I understand clearly now.

Now, the other thing is that a code of ethics is mentioned in the Bill but I cannot find an established code and the Minister does this by order after consultation in clause 80. So does that mean then that the Minister, after consultation, will by order bring the code to Parliament? Is that it? *[Crosstalk]* Okay.

Now the real power in this Bill exists in the two committees. Licensing, Part V, Disciplinary Committee, Part IX, and both of these, I thought, Madam Speaker, were appointed by the President but now I find it is the Cabinet basically and notwithstanding the mention of the Judicial and Legal Service Commission, they only appoint half and then the Minister appoints the other half, or three and three, and then the THA appoints the other one. So at the end of the day, this Disciplinary Committee is a totally Government-appointed committee.

Now, what is interesting about this is that this is only so for the licensing committee. For the disciplinary committee, you do not have ministerial intervention, you just have what I assume will be the Cabinet making the recommendations. So in the Disciplinary Committee, you do not have the extra ministerial presence but in the licensing committee, which determines who can deal in real estate and who will not, that one, you have ministerial appointments in addition to the Cabinet appointments and the presence of the THA. I do not see the rationale for that and I would like the AG to explain to me or explain to this House, explain to the population, why he makes a distinction between a Cabinet appointed part of the committee and a directly ministerial appointed part of that particular committee.

Now, the Bill distinguishes between an agent, a broker and a developer and the question must arise what happens if boundaries are crossed. I am not sure that the Bill is clear enough about these things. And what about the other elements in the real estate transaction process? And there are many players in the system, some are covered by law, some are not. Okay? And it raises the other question of whether one individual can play several roles in the transaction process of real estate transfers.

Now, based on my soundings of the industry, it is clear to me that AREA was consulted as an institution. They were involved with the AG's office along the way but it is also clear to me that there has been no deep consultation with members either by AREA or by the AG. And in my estimation, a fair number of agents—and I called quite a few, corporate and individual—did not even know we were debating this Bill today in the Parliament [*Desk thumping*] and they had no idea what the content was.

Now, from my understanding also, AREA by and large, is supportive of the

intention of the Bill but they also have problems because in their indication of concerns to me, they have a list of 26 things that they would be interested in at least engaging and some of these things, they would like to have modified in the Bill. I am not able to say right now what the proportion is but I do know that there is an identification of 26 items that need careful consideration in the Bill from them and I feel that if we are going to do this thing, we might as well do it properly.

**3.55 p.m.**

Now, let me say a few words on some issues that might be relevant to the debate. The first thing is AREA. This is the Association of Real Estate Agents, a duly incorporated entity by an Act of Parliament. And as the AG mentioned, I in fact piloted that Bill on their behalf, to incorporate them when I was, at one time Minister of Planning and Sustainable Development. Now, that is a self-regulating institution. It is a developmental organization. And this is the Act here in which they were incorporated in 2012, and they do a lot of good things.

So for instance, they worked with ROYTEC and developed a number of courses that support and enhance any agent who would take those courses. Now, I would not get into that, but what they have been involved in is trying to really professionalize the industry. So that is a very positive thing. They have put out this document, frequently asked questions, in which anybody who wants to know about real estate and how you go about it. Let us say you know nothing about how to sell a piece of property, and so on, it will give you basic information about it. So it is also valuable to the public at large. They have—I took down as well the curriculum in ROYTEC. I would not say anything about it, except you see that AREA has played a critical, consultative and developmental role in this process, and those things are very, very good.

Now, the AG mentioned large numbers of people involved in this industry. But I tried to find how many real estate agencies there are, and I know the sources that the AG used were results sources. So that he got them like from the FIU, from different institutions, based on filing of documents. But when I looked at the Trinidad and Tobago real estate agencies, there were only 149 agencies established and let us say there were more than that; 200, 500, 600, I do not know. But the point is, out of these 149 of which I engaged a proportion, most of them were not aware of the Bill that we are doing today, which will govern their profession. And I think the AG, I think, as a responsible AG would want to give some time for engagement consultation in order to do this. This need not be a long process, and we will help him along with the Bill, because we think that the Bill is a Bill for a legitimate and reasonable purpose and we would support that, once it is done properly.

Now, the compulsory membership issue becomes a problematic issue, in my view for two reasons. One is the constitutional issue, and I am not going to make a case here for three-fifths. But one is the constitutional issue that the AG raised, which I will deal with afterwards. But the second one is simply, what you might call a mechanical issue. Okay? Here you have AREA, the organization, a private institution, self-regulated, incorporated by an Act of Parliament. Okay? And the route that they must take, if the situation, if the Bill is passed with compulsory membership, is that they must then try and find all the real estate agents in Trinidad and Tobago and join them up. I mean, that is essentially what it means.

And then, when it joins them up, or when it gets them to join, that institution will now be transitioned as the official real estate agency which this Bill recognizes. So it is a number of steps processed, and that in itself, it seems to me, is kind of problematic. But when you take the issue of public interest and private



interest, public purpose and private interest as well, that may complicate the issue. Because what we are doing, if we are doing that, is that we are using a several-stage process of increasing the membership, strengthening the organization then incorporating it as the entrenched body. And the private interest of the individual real estate person is not really, I mean, fundamentally, he or she does not really have a choice in this matter. And I think that if we can forego the issue of not fighting the issue of a three-fifths majority, because I do not think that the issue is that problematic that you will want to fight that issue, I think we, at the very least, want to have some measure of balance and transparency.

**Madam Speaker:** Member for Caroni Central, your original speaking time is now spent. You are entitled to an extended time of 15 minutes to complete your contribution. You may proceed.

**Dr. B. Tewarie:** Thank you, Madam Speaker, I will be grateful for the time. I think that we should have some measure of balance to allow for transparency and to allow for some measure of choice, on the part of the individual, even while you try to strengthen the corporate entity that is now entrenched in law, all right, in order to bring order and process and system to the profession.

Now, there are other issues that we need to take into account. How does this Bill comport for instance with the Housing Act of 1962, which has been amended a few times? And the reason I raised that is that it identifies what a developer is in this Bill. And the developer in this case is a person. I am not sure that the developer as recognized in this Bill can be a company. And perhaps that, if it is a company, it is subject to another law which is company law. All right? But, and I suspect that a development company would be governed by the Companies Act. But in the Housing Act of 1962, which allows a developer to register as a trader in housing, would that cause a problem? Because I know this is limited to the

Planning and Facilitation of Development Bill and it really deals with what is essentially the small developer. What is it in the Bill? How is it? Simple development, where you can develop 20 lots. And then the other issue is that the size of the lot is actually mentioned in the Bill, when you talk about developer. So it takes the issues wholesale from the Planning and Facilitation of Development Bill. And would that then not cause a problem for whoever is a developer or if there are other types of developers?

I mean, I do not understand why there is a restriction of both what a developer is, which is: a person who develops a simple development under the Planning and Facilitation of Development Bill. And there is also a restriction, because of what a simple development is supposed to be, that is 20 lots of a particular size. So what happens if the size of the lot is different? And I do not know if you want to have that kind of rigidity in the law, in the circumscription of what the developer is. Okay?

Now, Madam Speaker, I am all for regulating the real estate industry. I am all for differentiating among the various functions in the real estate industry. I am all for, as this Bill seeks to do, for making sure that scamps and con artists are kept at bay. I am all for ensuring that there is scrutiny in the registration process; that each functionary, whether agent, broker or developer, is kept honest by the oversight of the FIU, so that instances of money laundering and terrorist financing can be monitored, detected and found out.

And there are many laws that govern Trinidad and Tobago, Madam Speaker. And there are, I found two good documents which identified the laws that govern real estate. One is TT Real Estate Laws, which you can find on Caribsurf.net, it simply outlines what the laws are and gives you a short paragraph. You could go and research it afterwards. And then the other one is Real Estate by Hamel-Smith

and Company, which focuses on some of the laws and what involves real estate transactions. But it particularly focuses on the Foreign Investment Act of 1990.

Now, I know that Bill well because it has to do with the acquisition of land by foreigners in Trinidad and Tobago. You can do that without a licence for one acre, if you are an individual, and if it is five—that is a Bill that in fact I piloted and passed by consensus in both Houses in 1990. But it does, in allowing a foreign company as a company to buy five acres or buy as an individual one acre of land. It does open the door to illegal money. It can. And, therefore, those kinds of things, it is important to have the protection that this Bill provides.

And under the law too, it is possible to do money laundering with local transactions. It does not have to be a foreign transaction to do that. And this Bill attends to that by having the registration with the FIU, et cetera.

And there are other issues though, which is that what if you had a situation in which several agencies, not only real estate, are complicit involving a crime, whether it is lawyers, accountants, et cetera, involved in this. I do not—would the reportage by the real estate agency be able to do that? And that is why I asked the question earlier: whether one person can play more than one role in this process. Can a lawyer for instance be a purchaser, a seller, a conveyancer, a valuator? And what are the implications of something like that, given the law that you are trying to pass here? Will that be covered by this law; that practice be covered by this law?

So, Madam Speaker, in raising these issues, I raise the issues to show that, within the profession, you have a contradiction of views and therefore contentious issues are arising because of the existence of this Bill, and because of the nature of this industry. I am raising this issue because there are transition issues from the current state to the desirable state, which need to be managed in a much more

efficient and effective way. I am raising these issues because AREA itself, the one body that exists as a self-organizing system, so to speak, for real estate has some concerns and would like to see improvement in this Bill.

And while we welcome the FIU and property transaction, while we welcome the code of ethics for real estate agents and we note that it will be done by the Minister, it is not here yet. While we have no problems with the Disciplinary Committee, I think we have a serious problem with the licensing committee on this side, Madam Speaker.

I think it is, in my view, too political, unnecessarily so and it makes for too cozy a relationship between the institution that is being legitimized here. That is to say, ultimately it is going to be AREA and the political directorate. And that could have serious implications for the society and the profession and for access, free and transparent access, to be part of the profession.

And I want to flag that because since the AG is talking about public interest, this is a serious public interest matter. Okay? If we are building institutions, creating institutions in this society, they must be free, they must be fair, they must be transparent, and we must not only make it so, we must ensure that the perception that is so is very, very real.

And therefore, on these grounds, I would say on behalf of the Opposition here in the Parliament is that we would like to support this Bill but we cannot support this Bill as it is now. We need some amendments. We need some changes. We need some consultation. And we need some tweaking of this Bill, to make sure that we get a Bill that establishes a strong profession, an ethical profession that deals with the problem of lawful violations in the real estate business, but establishes an institution and a law that is truly in the public interest in Trinidad and Tobago.

Madam Speaker, I thank you for the opportunity to say these few words.

*[Desk thumping]*

**The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker, as I rise to make a fairly brief contribution in this very important matter that is engaging the attention of this honourable House here today. I would begin, of course, Madam Speaker, by making a very generalized observation, generalized yes, but very specific to the UNC and the Opposition in this House.

I listened to the Member for Caroni Central as he sought to respond to the honourable and distinguished Attorney General who presented these measures heretoday, demonstrating the logic, the wisdom, the need for the measures which seek to register and regulate real estate agents, to promote transparency, accountability and integrity in the real estate profession, to protect and assist persons engaged in transactions with real estate agents, and of course to assist in the detection and prevention of money laundering and terrorist financing, matters that are very important to all of us in Trinidad and Tobago and the world.

We listened to the Attorney General, and I listened to the Member for Caroni Central painstakingly and I must tell you, Madam Speaker, again today in the generality, I hear all of the very frivolous challenges and objections to these measures, and the very worn and beaten line that we want to support this. We support it in principle. It is a good idea but we cannot support in it in this form. I mean, I am tired of hearing it, and trying to stand in the way of the development of this country and in the development of this agency. I mean, the UNC—this institution. The UNC has been in Government in this country for six, plus five years. Right? They did nothing about what is in front of us today. The very hard-working UNC Attorney General—*[Interruption]*

**Dr. Moonilal:** Madam Speaker, on a Standing Order, 48(1), get to the Bill, please man.

**Madam Speaker:** So, Member for Laventille West, I will give you some leeway but, you know, please get to the matter before us.

**Hon. F. Hinds:** So, Madam Speaker, I am just making the point. I mean, for example, Madam Speaker, the Member finished off his contribution by pointing out as we have it here in clause 30. Clause 30 of this Bill establishes a very important committee, the Real Estate Agents Licensing Committee. It establishes it for the first time. And it says in subclause (2), that the President shall appoint the committee comprising of seven members and I would not detain myself to list them. It is in front of all of us.

This is a very important development. As I said, it has not been done before, in respect of the real estate agents. But it has been done before in respect of our Equal Opportunity Commission. It has been done before in respect of our Industrial Court, the same formula. It has been done in this country before in respect of the Environmental Commission. It has been done in respect of the Land Tribunal. It is not strange to parliamentarians. It is before us. It is the same blueprint. It is the same formula.

In fact, it is in the court's attention of the Equal Opportunity Commission that the Suratt case came to be, in which Baroness Hale identified the circumstances under which a Parliament could establish these kinds of bodies, as we saw it in the Nurse case in Barbados recently too. The Attorney General alluded to it coming out of Barbados. And of course the fact that it does not necessarily require constitutional majorities in order to implement them once certain provisions are observed or dictates are observed.

So the Member spoke and behaved as though this is new to us. It is not. It

is a well-worn, well-known formula we have exercised before in several important pieces of legislation for the good governance of Trinidad and Tobago. [*Desk thumping*] Let me start with that. And this is why I can say it is frivolous and trifling and a pretense so as not to support it.

The Member also made the point that many players in the existing industry on the platform are not aware of the details of these measures. Act No. 10 of 2012 gave birth to what we call AREA, the Association of Real Estate Agents. That was born as late as 2012. And the record would show that many of the operators in the industry remained outside of the ambit, outside of the gaze of AREA. Not all wanted to participate, for various reasons.

In fact, the records would show, if I am not mistaken, and it does not provide a very comprehensive regulatory platform anyway, which is why we are here today, partly why we are here today. And AREA's membership comprises of 78 resident brokers, 112 sales associates and 17 corporate bodies. Those are the persons who volunteered to fall under the limited regulatory domain, as established and anticipated in Act No. 10 of 2012. Others remained outside of their purview.

When the Attorney General was preparing for two years to bring these measures before this honourable House, he engaged in the normal widespread consultations with the Law Association, with AREA, which speaks on behalf of those who wanted to be under its purview. The Attorney General invited public comments, giving everyone, even those who chose to stay outside of AREA's ambit, an authority under Act No. 10 of 2012, an opportunity to come in and put written and live submissions before him and the committee that drove this Bill. To listen to the Member for Caroni Central today tell us that many people are not aware is also hypocritical and timewasting. They had an opportunity for two years, while this was being prepared.

**Dr. Tewarie:** It was not properly done.

**Hon. F. Hinds:** It was not properly done. Bad as you think it is, when you were in Government you did nothing about it. [*Desk thumping*]

**Dr. Tewarie:** Four and a half years, nothing to do with it.

**Hon. F. Hinds:** Madam Speaker, I will not be disturbed by the Member who has his full undisturbed, unperturbed opportunity to contribute to these measures. So I will proceed.

The Member, as well tells us that this—you know, what we are doing, he considers, is taking these private profit-driven operators and virtually making them public by regulating they affairs. How thin. How empty. How frivolous, Madam Speaker. They carry out what we consider to be a very public function. Land, as Malcom X told us many years ago, is the basis of wealth for individuals, for communities, for tribes, for countries, for the world; land.

And Madam Speaker, transactions in land, this is why the law, old land law taught us that you could sell thing of a peppercorn. The principle is the importance is that it must keep moving. Nothing must obstruct the movement of land. It is fundamental to the stirring of the economy. It does not matter the consideration. It could be a peppercorn. That highlights to me the importance of land and persons who deal in the movement of land from one owner to the next, for one purpose to the next, they are fundamental. That is very public. That is the sense in which I say this is a public activity.

And they need to be regulated, if only for that reason, along with the fact, of course, that studies have demonstrated that there have been a lot of very disturbing behaviours on the part of those so involved. There are cases where persons purported to be working for the buyer and for the vendor at the same time. But does not trouble my friends on the other side, because that squares with some of



the ethics that they have tried to impose on this country from time to time, and their ethos. [*Crosstalk*]

I know. I know. The Member, therefore, tells us, and he made reference, passing reference, to clause 4, and wondered why we were exempting, as we have attempted to do in these measures, the public officers, those who work for the State, like in the Property and Real Estate Services Division and the HDC, those persons who are engaged in the activity of real estate, or the movement of property or developing property. I just want the Member to know that is not really their core business.

HDC is in the business of land and development and all that. But I would not say it is their core business. It is not profit-driven for them. This is a public service for the benefit of the public distributing public goods. Of course, the HDC is a private company, state-owned, but I would not say that real estate business is the core business of HDC or PRES D working under the Ministry of Public Administration. And for those reasons they are exempt. It would be too cumbersome to bring them into the pool here, one. They are not doing it for profit, per se. They are running social programmes, public programmes, if you like. And there is, to my mind, the distinction that seems to escape the Member for Caroni Central.

And of course, the measures before us, this Bill is linked to the agenda to improve the legislative strength of the financial sector and is known without apology, part of the anti-crime strategy of the Government as well, because we have oftentimes said, and the Attorney General said it here today, ill-gotten gains and money laundering that surrounds and moves it could be hidden in three different ways. It could be hidden in cash, which the demonetization efforts recently unveiled and dealt with. And the Minister of Finance told us another time

and another place that many of the old cotton notes have not yet come forward. So some are still in the atmosphere. It dealt with that, a direct attack on that.

**4.25 p.m.**

Ill-gotten gain could also be hidden in property, which is what this is dealing with. It is part of the anti-crime strategy of the Government. And, of course, it could be hidden in trusts and in interest in property as well as in businesses; money laundering takes place in businesses. We have people who would stage a big concert and then take some of the ill-gotten gain and deposit it in the bank the morning after to give the impression it was profits from the concert, or from the show in NAPA, or from the big football game and all the other things they launder through.

So we make no apology for that. We built this country and we protect it these ways. [*Desk thumping*] We do that. And it is in attempting to do that that we find in our sights sometimes—we see the UNC. We have no problem with them basically, we are all here as Members of this House.

So let me continue. Madam Speaker, AREA tells us—that is the major institution under the Act of which I alluded to earlier, tells us from their knowledge and experience they have been handicapped in their operation. So we pass a law in Parliament to achieve something and those who administer that law are telling us plainly that they have been handicapped in so doing. You think we must accept that, we must go further. It is abhorrent to allow that state of affairs to continue. And they told us in a correspondence dated February 11, 2020, that members, and hear this, Madam Speaker, quoting AREA, you know, operating under law:

Members are not forthcoming with information regarding transaction data due to the lack of legislation. They cannot enforce it and members are not

forthcoming. And today the Member for Caroni Central unwittingly, I am not ascribing to him anything “evilous”.

**Mr. Singh:** What is that?

**Hon. F. Hinds:** My word, I am a Rasta man. [*Laughter and crosstalk*] Yes. When I am—

**Madam Speaker:** Member, I would just remind you that the language of this Chamber is English. Please proceed.

**Hon. Member:** “Evilous.”

**Hon. F. Hinds:** Madam Speaker, let me confine myself to frivolous. [*Laughter*] Yes, yes, wicked, wicked. Madam Speaker, if I am required to speak the Queen’s English, I give a good attempt at it, but as a Rasta man sometimes, you know how we do the business.

But, Madam Speaker, the point I am making is that when the Member for Caroni Central got up here today, he was unwittingly trying to pretend or pretending to speak on behalf of the people that AREA is saying possibly that they are not forthcoming, there are those who deliberately want to remain outside of regulation.

**Hon. Member:** That is what they want.

**Hon. F. Hinds:** Understand that. He speaks unwittingly today on their behalf because if they wanted to be heard, they would have joined AREA since 2012 and they would have participated like the 78 resident brokers, like the 112 sales associates and the 17 corporate bodies; that is the point.

Madam Speaker, in 2018, the FIU noted that there were \$20 billion in suspicious transactions. That is what they know, that is what their operations reveal. But there are many more valued at billions more that the FIU may not at this point be aware of, or at least not by 2018. Let me give you a couple of

examples. I do not know, if in that \$20 billion they have recorded a June 2012 transaction.

**Mr. Singh:** What year?

**Hon. F. Hinds:** June 2012. Something wrong with you too? [*Laughter*]

**Hon. Member:** “Corona”. [*Continuous laughter*]

**Hon. F. Hinds:** I tell you the UNC is dangerous, you know. Anyway, I will not be distracted. “Leh me tell yuh”, and, Madam Speaker, we have passed legislation in this House dealing with these matters, and I do not know if a certain—if this transaction for 10,200 square feet, two lots of land in the ward of Arima, San Fernando, Siparia, Erin Road, bought at a price of \$800,000, stamp duty \$84,000.

**Madam Speaker:** Member for Laventille West.

**Hon. F. Hinds:** My Lady.

**Madam Speaker:** Members, it is now 4.30. We shall take the suspension now. We shall resume at five o’clock. This House is now suspended.

**4.30 p.m.:** *Sitting suspended.*

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

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

**Hon. Member:** “Ah boy. Come on man, try to prolong it.”

**Mr. Deyalsingh:** They tried to shut you down.

**Hon. F. Hinds:** Thank you, Madam Speaker. “Let meh doh say that eh, geh we in trouble.” Madam Speaker, during the break I paid another round of attention on the very obviously well-thought-out concept and definition of the term “developer” in these measures, in this Bill and it means:

“...a person who—

(a) engages in simple development...”

Well, the Member for Caroni Central, possibly because it is simple, got that part

right, with the help of the Attorney General. So I need not elucidate.

“under the Planning and Facilitation of Development Act and includes a person who has applied for—

(i) outline or final planning permission not requiring a certificate of environmental clearance;”

—“change of use”, a person who has applied for—

“(ii) change of use, residential or building developments or any additions thereto where the cumulative floor area with additions, if any, does not exceed a gross floor area of five hundred square meters;”

And the definition continues, I would not detain us.

And, Madam Speaker, we were reminded today that insofar as the so-called “private developer” is concerned, and by that I mean, the individual who does his own thing purchases or obtains a piece of land, “lotifies” it, puts the water, the lights, the cable, develops it, and the roadways and what have you, and distributes, even for sale, but that person’s core business is not development, I would say. And therefore, those persons are not taken in, they are exempted from the provisions of this law.

Suffice it for them that they must register that development with the—and register with the FIU so that another agency of the State can pay attention to the financial implications and applications of that development, because as I said, these measures carry a crime-fighting portfolio or component. But such persons are exempted from the processes that are outlined here for those who develop beyond that. So this definition takes into account those matters.

Madam Speaker, sometime ago in this country, a very well-known family—it pains me to call their names, they would have heard it so many times since the

1990s—but purchased some land in Tobago, developed it, “simple development” based on what I have just read. And, of course, a lot had been heard and said about that in this country. I can speak about that because of course there was never and still remains nothing to hide.

But, my friend, the Member for Chaguanas West who is not in the Chamber at the moment, played a very critical role back in the '90s, I was a Member of this House, in dealing with that particular development. And, of course, the measures here today, Madam Speaker, would regulate those who would have been developing beyond that kind of development as I have just described it, known as Land Date in Tobago. It led all to a Commission of Enquiry, it led a lawyer called Robin Montano, giving evidence, leading—one fella called “Skippy” and all kinds of things. But at the end of the day, I read the report of that Commission of Enquiry and all against—the individual against whom those frivolous and horrific, I would say, allegations were made, was completely exonerated and so the story goes.

Madam Speaker, the measures before us today are in my view very sensible and compelling. I was saying before we took the break that part of this has to with our attempts at crime fighting and I will come to some elements of the Bill very shortly. But before we took the break, I was making the point, Madam Speaker, that a certain Christian Gokool, I am just quoting from a deed, a registered Deed based on a conveyance where a real estate agent would have been involved and I am just saying these are matters that may not have been within the purview of the FIU to have reported \$20 billion in suspicious transactions. Young—*[Interruption]*—No, sorry. Yes, I have the figure here, yes. We see here where, yeah, \$20 billion in 2018. The FIU noted that \$20 billion in suspicious transactions.

And I am making the point, Madam Speaker, that not all suspicious transactions would have been brought. And therefore, these measures before us today put another layer of responsibility, and transparency, and openness on the part of those who it regulates. Because once the Disciplinary Committee that is established under this law, and I will come to that in more detail in a while, identifies that some wrongdoing or criminality took place, then they have a duty, it is not optional, they have a duty to report it to the Commissioner of Police or to the Director of Public Prosecutions for further attention. And I think that is very, very sensible and commendable and I would like to congratulate the Attorney General and those who along with the help that he got, in order to conceptualize these matters.

I was making the point that this young man not known to be employed, with a young wife, partner, in 2012, purchased a property, cash.

**Mr. Mitchell:** What is his name?

**Hon. F. Hinds:** Christian Gokool from the document. Eight hundred thousand, paid stamp duty and I have the deed here. Paid stamp duty to the tune of \$84,000. And, of course, that was June 2012. In September 2012, the same Gokool, bought two lots again in the same area.

**Mr. Lee:** Madam Speaker, 48(1), please. I fail to—the relevance, and the individual is not here.

**Hon. Member:** Professional misconduct.

**Madam Speaker:** Okay. So 48(1) does not deal with the absence of an individual. And while I think we should tread cautiously on people who are absent, if it is necessary to the argument, I will allow it.

**Hon. F. Hinds:** I am obliged, Madam Speaker.

**Madam Speaker:** My other point of 48(1), I see no irrelevance yet. I will allow

you some latitude.

**Hon. F. Hinds:** I thank you, Madam Speaker. Another property in 2012, for \$2 million. I wonder whether that is involved in the suspicious transactions that this legislation before us today is attempting to pick up on behalf of all of us. Because terrorist financing endangers all of us. Parliaments have been attacked, police precincts have been attacked, army camps have been attacked, and these measures here today are in part and without apology attempting to deal with the possibility of terrorist financing, whether this was involved. Four lots at \$2.8 million, that is two transactions in the year 2012, eh, by the same individual.

November 2012, now another one, 12,000 square feet, another two lots and this was for land right behind a certain house in Phillipine along the same roadway. Where I recall as a Member of Parliament, I received a public out—there was a public outcry. Some Acheleous family complained that noise pollution was disturbing them in the atmosphere. Now—[*Interruption*]—they sold the house and you know who bought it in November 2012? The same Gokool, Christian Gokool. He never lived in it once. [*Interruption*] “Well, ah go ask de neighbour”. You should ask the neighbour! He is asking me, the Member for Pointe-a-Pierre, asking me how I know that. You should ask your neighbour. [*Desk thumping*] In parliamentary and other terms.

**Mr. Mitchell:** A notable person living there.

**Hon. F. Hinds:** A certain SIS built a mansion on the spot. The family complained loudly, they ran. That was bought in November 2012, for \$6 million, stamp duty \$355,000. So that in 2012 alone, Christian Gokool, bought three properties totaling \$6.8 million and paid a stamp duty totalling \$579,000.

In December 2013; 53,690 square feet, 10.7 lots next—right behind the same mansion of which I just spoke, for a price of \$3.1 million, paying stamp duty



\$175,000, Madam Speaker. So between 2012 and 2013, the same individual bought four properties for \$9.95 million and paid stamp duty to the revenue of this country, \$754,000.

Apparently, those who were dealing with this found that that record started to look funny, look bad. So in came that individual's wife. My inquiry as a Member of Parliament speaking in this House, on the authority vested in me as a Member of Parliament is that that person was an attorney at law within one year of service and bought a property valued at \$3.5 million, six acres and 12 purchases, from a certain T. Mahabir.

So that at the end of the day, Madam Speaker, as I conclude on this record, which I am not sure the FIU has picked up and therefore, in fact, I am calling on the FIU today to pay attention to this. In those two years and September 2014, that is what I told you, that one for \$3.5 million, bought five properties totalling 62 lots for \$13.4 million, paid stamp duty of \$999,000 and has not occupied or lived in one of them since then. If that is not a suspicious transaction, you, Madam Speaker—well, not you, Madam Speaker, I must leave you out of this; I ask this House to tell me what is?

**Hon. Member:** Suspicious activity.

**Hon. F. Hinds:** And the police “doh” have to wait for anybody to make a report to them, Madam Speaker.

**Madam Speaker:** Member for Laventille West, your original speaking time is now spent. You are entitled to 15 more minutes to wind up your contribution.

**Hon. F. Hinds:** Thank you very much, Madam Speaker. [*Desk thumping*] So we see a triumvirate between the Gokool's with that record, SIS who built a house and a certain well-known citizen of Trinidad and Tobago. And every document of which I speak is in my hand, Madam Speaker. And I call as I move on, on the FIU

to tell me and I am going to write a letter to them and enquire on behalf of the people of Laventille West, whether in 2018 when they discovered \$20 billion in suspicious transactions, these transactions, Madam Speaker, form part of that and if not, why not?

Madam Speaker, the Attorney General told us and I verily believe it to be true, that in the process of developing this Bill, these measures, attention was paid to the existing laws of The Bahamas, Bermuda, Canada, New Zealand and with particular reference to the appeal in *Norman Macdonald Nurse*—which I referenced a while ago—*v Florence Nurse* which made the ruling that we traversed shortly a while ago.

Madam Speaker, the policy of this Bill just by way of restatement, the policy of this Bill was wide ranging and it recognized the fact that as the Government moves towards modernizing property law, institution of measures to suppress the opportunity for money laundering and fraud which land and these transactions can facilitate, these measures were very important and it proposes here significant reform of this industry.

I was having a sidebar conversation with an active participant during the break in this industry who tells me, yes, Trinidad and Tobago is one of the places in the world that we can consider ourselves blessed because we have had over the years, constant increases in the value, asset improvement. So those who bought land would have seen the prices, the value increase consistently over the years and that is a plus to Trinidad and Tobago. Only to make the point, Madam Speaker, how important a contributor to the GDP this industry is, and why it needs to be protected along the lines of the policy as I have explained. It is to protect those who are served by real estate agents, it is to protect the agents themselves, because regulation does that, human beings can go on a frolic of our own.

I am a member of the legal profession and a member of the Law Association. The law in the Law Association, it is mandatory once you are called to the bar, you become an attorney-at-law, you must under law—what is the Act?

**Hon. Member:** Legal professional.

**Hon. F. Hinds:** I know it is the legal—but what year? 1986, yes. Yes, you must become a member the association. You must be governed by the rules of the association and it has the force of law, it has the force of law. There is no logical reason for one to think that the work of the real estate agent in moving property around, facilitating its movement is not as important as the work of lawyers who do conveyancing as well, another aspect of the movement of land.

So it is very, very good. And, Madam Speaker, let me as I promised you earlier, let me move very quickly to some of the elements of the Bill. The member for Caroni Central must note that in clause 5:

“(1) A person engages in real estate business if he—

(a) auctions or negotiates the sale, exchange, purchase, lease or licensing of real property;”

And that definition continues, but I will bring his attention to (c), if he:

“engages in property management, either as a consultant or as an agent;”

Now, PRESID, and HDC and the public officers, I addressed that earlier in my contribution. They are not engaged in the real estate business in terms of either as a consultant, or as an agent. They may—so, I am just urging you to take note of that. That might put an end, or at least weaken the frivolity that surrounds you now that you are taking objection to this important Bill.

I am not quarreling with you, because you are a man of—a modicum of good judgment and that is why I wonder sometimes, so badly about you. But the

Disciplinary Committee, Madam Speaker, established under Section 54 of this law. The Disciplinary Committee very important, because what we are talking about here is ill-discipline. Going contrary to the ethics and the ethos and the norms and that which is expected as a person with some fiduciary responsibility in these important transactions, Madam Speaker. And it is a breach of that discipline that this Disciplinary Committee established under Part IX in clause 54 is intended to deal with. So you have errant behaviour, errant members and therefore, a disciplinary committee is critical.

The Member for Caroni Central tells us feebly here today that this is a Government control, he is now grinning at me. Yes, feebly. And I am—Madam Speaker, there is and I am quoting the clause:

“There is established a Disciplinary Committee which shall consist of seven members appointed by the President...”

**5.25 p.m.**

Important constitutional officeholder, President, and as follows:

“(a) A Chairman, being an Attorney at law of at least ten years’ standing...appointed on the advice of the Judicial and Legal Service Commission;”

Where does the Government have any control over that? It is—that person the Chairman, is appointed on the advice of the Judicial and Legal Service Commission by the independent President, it being independent itself.

Secondly, Madam Speaker—[*Interruption*] Secondly, Madam Speaker, well in that case the Government control the Leader of the Opposition. “Doh make sense, dais why I describe it as feeble.” Right.

“(b) three Attorneys at law of at least seven years’ standing, appointed on the advice of the Judicial and Legal Service Commission;”

Again:

“(c) three persons with at least five years’ experience in real estate business.”

Where would the Attorney General get to know those persons, he would make reference to the association that governs them. In the Law Association in our Disciplinary Committee, no Government “doh” decide who will sit on the Committee, it is the Law Association works that out.

So, this vain imagination on the part of the member for Caroni Central, widely and wrongly applauded by my friends on the other side, which suggest their support for his “feebility” troubles me greatly. Now he grinning at me again.  
*[Laughter]*

Madam Speaker, section 55(1) speaks to the functions of this Disciplinary Committee, and I have already established forcefully, and logically, how important this Committee would be:

“(1) The functions of...”—this—“...Committee are to hear and determine complaints made against a real estate agent and any other matters related to professional misconduct by a real estate agent.”

The first point I want to make to my friend, is that there are processes already to regulate the behaviour of the public servants who might be involved in the business like PRES D, as I told you earlier. There is a regime for their discipline, they have regulations that govern them. This is designed to deal with real estate agents, and in sub-clause 2 it says:

“(2) In the performance of its functions, the Disciplinary Committee shall not be subject to the control or direction of any person.”

And by person, it does not only mean a natural person, it means person in its widest constructions or entity. So we have put into the law here in plain terms that

in the performance of the functions of the Disciplinary Committee, it should:

“...not be subject to control or direction of any person.”

—or entity. If that does not give the member for Caroni Central comfort and he continues taking this line as an objection to these measures, you can see plainly, Madam Speaker, how disingenuous my friends are, and why I began by saying it is all a pretense.

Clause 61 says:

“(1) A member of the Disciplinary Committee who has a direct or indirect interest in a matter under consideration by the Disciplinary Committee shall declare his interest at the earliest opportunity and shall not participate in the consideration of, or vote on, any question relating to the matter.”

Simple, but legislated. If you have any personal interest in the thing, you recuse yourself. We had a—very quickly, Madam Speaker, permit me—Member of Parliament of this House, we have our own internal arrangements here. Parliament regulates its own affairs. We had a Member of Parliament who was disciplined by the parliamentary disciplinary apparatus and went to court, a next estate, to seek redress. And of course the court quite wisely and properly, kicked him out—forgive my strong language—kicked him out on his neck, in metaphor, and pointed out Parliament as an estate regulates its own affairs.

We heard over the last few days talking about this kind of thing, big hullabaloo about my colleague from Port of Spain North/St. Ann’s West, and we had to tell the world, Madam Speaker, anytime the company—he has nothing to do with it you know—his brother, anytime, any matter concerning his brother who is an employee of that company comes up, he immediately recuses himself, the ethical and the PNM thing to do. I think we should applaud ourselves. That is how

we do the business. [*Desk thumping and crosstalk*] Yes, yeah and we took pains and we will do more, to show that in all cases of fair bidding process, everybody bid, and whether even if they do not succeed in the bid as happened often, still recuse yourself from the level of the Cabinet. But the point is, this Bill recognizes, Madam Speaker, that the Disciplinary Committee will regulate its own affairs, and if a member has a personal interest or a direct interest we also had to come to this Parliament and chase—that is a different story—Madam Speaker, I should not use the word chase, asked this House to remove a member from a Committee when he would not do that having been detected that to have a personal interest. It is all ethical, but I will commend the Attorney General because on this case, while it is ethical and proper, and one might assume it is good for everyone and we will accept it, you put it into law.

**Mr. Al-Rawi:** We maintain high standards.

**Hon. F. Hinds:** Put it into law. And of course, a very interesting feature, Madam Speaker, in clause 63(1), it says:

“(1) A person who wishes to make a complaint against a real estate agent shall make the complaint in writing before the expiration of four years...”

Every lawyer would recognize that in accordance with the statute of limitations, a four-year what we call loosely “a statute bar”, you lose your right to the action, however strong or weak it might have been, if you do not take action in four years. This measure here in 63(1) recognizes the same limitation, because the implications are equally as grave. Sometimes the error in a transaction, a conveyancing, or a real estate and his client relationship sometimes the problem only becomes known many, many years later, many years later.

So, Madam Speaker, even the Law Association making comments on this

and we must commend them, not always they rise to the occasion, but on this occasion they did, and they made comments and pointed out statistics in England alone that showed fraudulent property sales are on the increase with the value of such frauds moving from £37.2 million in 2013, to £24.9 million in 2017. You would swear plenty Trinidadians who we know was there.

So, Madam Speaker, the situation is in front of us. My time has run. The situation is in front of us. I would like to commend these measures, it is a very gallant and worthwhile effort, Madam Speaker, on the part of this Government to regulate what is known to us, and to the industry is a largely unregulated platform [*Interruption*] and AREA, yes, I was just about to say that. That organization that stood up on behalf of the industry—

**Madam Speaker:** Member for Laventille West—

**Hon. F. Hinds:** I give strong support to this on behalf of the people of Laventille West, Madam Speaker.

**Madam Speaker:** Member for Tabaquite. [*Desk thumping*]

**Dr. Surujrattan Rambachan (Tabaquite):** Thank you very much, Madam Speaker. Madam Speaker, I want to join with the sentiments of my colleague for Caroni Central in terms of his contribution to the Bill here today, [*Desk thumping*] and to compliment him for the issues that he has raised, which I think are issues that are worthy of the attention of the hon. Attorney General.

Madam Speaker, as I begin, you know, and listening to the Member for Laventille West, I wonder why the Member for Laventille West chose today to raise the issue of Landate, which involved the Member for Diego Martin West. [*Desk thumping*] I really was trying to understand, I was trying to understand why he raised that matter and then other matters. Sometimes he loses the opportunity to make a really grand contribution because he is so much engaged in trying to



defame and denounce and demonize people, and he would be well advised to follow the true tenets of the Rastafarian faith, by really upholding the human dignity including that of himself.

Madam Speaker, I want to begin by complimenting all those who worked on this Bill and bring it forward, but I also want to state something perhaps that might not be known here, but I have a little bit of history with this whole matter, and especially AREA, while I used to be the academic advisor at Roytec. And while I was there, it was in 1993/'94, members of AREA then, which included its President, Mr. Gerard Kenny, persons like Cecil Quesnel, Max Herrera, David Millar, Roger Murray, Kenneth Gittens, a whole range of very significant people in the real estate business, and significant businessmen. They came to Roytec in order to design a course for “sales agents” as they were then called, not real estate agents as such, and I am very proud to say that after 30-years and that effort that started there at Roytec, it has emerged to what it is today. And I compliment AREA for this.

Because, when a group of professionals in a society, citizens of a society, can move to self-regulate the profession, I think that sometimes is bigger than having laws to regulate, because in my view always, self-regulation is the most important form of regulation. But it is a fact to me that there is need for regulation of real estate agents, or the industry, to protect buyers of properties, as well as to protect sellers and agents.

The hon. Attorney General made reference to certain court cases, which you know are part of our own jurisprudence, the case of—two particular cases stand out in our laws. One, the *Mulgalsingh v Juman*, from the Court of Appeal of Trinidad and Tobago, and there is also the other case of *Angela Attong v Dianne Hunt*, and it will be very interesting to read the contents of these two cases from

our own local courts. Because they do tell an important story about the role of sales agents, as well as the role of the persons who get into a relationship by—I do not want to use the word if I use it in inverted commas—“employ” a real estate agent to sell a property, and you know, it is very clear how much there can be misunderstanding unless you have clear and proper guidelines, in terms of contractual relations. And in one of these cases in fact, some of what AREA had developed has been referred to in these particular cases.

So AREA has done quite a lot of good work, and that the fact that the Court looked at something that they had developed in terms of a standardized agreement, I think it is something that should come out of this law also that we are dealing with, you know, standardized agreements.

Because the fact is that a lot of people have been defrauded in this country by sales agents, a lot of people have been defrauded. There are very few people really who know what it takes, what they should be clear about before they buy a piece of property.

Madam Speaker, before I go further, let me just state in relation to something that the Attorney General said while he was speaking, making reference to me. And I think it is important that I say this, because I have been a developer since 1983, not now, since 1983, but I also want to put on record that I am registered and I have a certificate of registration, with the Financial Intelligence Unit of Trinidad and Tobago, and the registration number is RE/LB/268/2019. [*Desk thumping*] I am registered and I think I ought to put that on the record because so many things are said about developers like myself because we are politicians, not recognizing that contrary to what the Member for Laventille West says, we do have some personal ethics and integrity in terms of what we do. [*Desk thumping*]

Madam Speaker, there are unscrupulous real estate agents in this country. In my own private business, people come to me to buy properties of course, and they have actually paid to real estate agents moneys for properties and have gotten a deed for the property, but when they go to borrow money from the bank against the property to build a house and they get back to Town and Country, they realize that what the person had is an outline approval but does not have any final approval from the particular agency, that is important.

Now, Madam Speaker, if you are a developer in this country and for the benefit of people who are listening, if you are buying a property you ought to be sure that that developer has Town and Country outline approval, that they have the approval of the County Medical Officer of Health and the Public Health Inspector, that they have the approval of the Ministry of Works and Transport and the Division of Drainage for the quality of the roads that is built to the standard of the Ministry of Works, as well as drainage. That they have design approvals and final approvals including inspection and testing from WASA, that they have approvals for the fire hydrants that are installed, only after WASA has tested and by the way, Madam Speaker, there are only three or four persons allowed to sell approved fire hydrants in Trinidad. That they have approval from the Regional Corporation Building Inspectors Division, and then finally from the Council. And a lot of the people do not know that. And a lot of the sales agents take advantage of the lack of information that people have and people think they have bought a piece of land which they can go and borrow money against. And sometimes they spend a lot of the money on these lands and then they cannot get a mortgage to go ahead with their development.

So I wanted to say that and put that on the record, because if we are talking about education as my friend from Chaguanas East will speak, you know, what is

contained in the education—in the particular course that has to be developed you know we must be sure that agents and so on are really and truly educated about what they ought to provide, and that the law in itself when we talk about accredited courses, that the courses are truly accredited, but accredited not just from the point of institutional accreditation, but from the point of view of the content. And that the content meets the requirements of the customers, or both purchasers and customers.

Madam Speaker, the other reason that this law is needed is, there are fraudulent real estate agents on the prowl. You know there is a very important article, Thursday March 12, 2020 in the *Guardian*, where, you know, it says:

“People selling properties in Trinidad need to ensure they are dealing with reputable real estate agencies and agents.”

And you have people, you can test it, people putting advertisement in the newspaper claiming they can sell your property for an exorbitant price. They claim to have mobile offices, Madam Speaker.

And let us face it, anyone can claim he is a real estate agent in Trinidad, you know, right now you know. Anyone can print a card, and give it out and claim you are a real estate agent, there is nothing to stop you, and sometimes it is a very gullible society, where people think they are getting a deal. You see, that is a problem in this society you know, the deal mentality, “Ah tink ah gettin ah deal” There are people and real estate agents, so-called real estate agents selling state lands. Cutting it up and selling it, right now in Claxton Bay. I reported that to the authorities that people are selling state land and people—there are lawyers in this country, I do not know how they give deeds, and the deeds are registered with a number in the Red House. How is that happening? How is that happening? How are lawyers allowed to prepare a deed? A simple two page kind of thing, and

people bring it to me all the time in my office as an MP and I say “but this can't be legitimate”. It cannot be and I am happy the Attorney General is recognizing what I am saying. So I think all of these kinds of matters, you know, the discerning public has to be protected in this particular kind of way.

Madam Speaker, the attempts by AREA, therefore to bring some measure of order to the profession is laudable, laudable. And I was very happy that my colleague Dr. Tewarie had the opportunity in 2012, July 02, 2012, to make sure an Act of Parliament, 10/2012, incorporated the AREA. I think AREA has done two important things that will be important for us in this debate and in the formulation of this law. One is with standardization of agreements, listing agreements and forms. And two, the code of ethics and standards of practices. And I think that you know, when the Minister seeks to set up this code of ethics I hope that what AREA has done would not in fact be discarded.

But the role that AREA is going to play in the process of the body to be established by the body corporate to be known as the Association of Real Estate Agents of Trinidad and Tobago, seems to be up in the air because that association is going to have its own board, there is going to be elections and so on. And whether this makes AREA defunct, of course, they are already incorporated, but what role are they going to play? How are they going to be incorporated? In other words, Mr. Attorney General, Madam Speaker, how are we going to recognize their work, and bring it into the domain of what we are doing here in terms of AREA?

What is of great significance to me also, is the Real Estate Agents Licensing Committee. I consider this to be a very good move, very good move, because it guards guest exclusion and promotes fair opportunity to obtain a licence, because you know, you can have a situation where people want to control an industry and

they find ways and means to exclude you. And I think that you know, when I read about the licensing committee in the Bill, I am very happy in Part V of the Bill, to see how the appointments are going to be made, the seven members you know, the:

- “(a) ... Chairman”—particularly—“appointed on the advice of the Judicial and Legal Service Commission”—the
- “(b) Deputy Chairman...”—also, and the—
- “(d) ...person with experience in accounting, business or finance, nominated by the Minister;”—and
- “(e) two persons, each having least five years’ experience in the real estate business, nominated by the Minister...”

That provides me with a little bit of concern, like it provided my colleague, because you know, you want to know are the real people in the profession going to get in here, or is there going to be any kind of veiled discrimination, in terms of who are going to be chosen by the Minister in this regard. Of course, we have to trust the judgment of the Minister. We trust that there is going to be fair play.

But I hope, I really hope that the experienced people in the industry, the people with the talent, the people who can make the contribution, the people who have laboured, are going to be the persons who are really chosen by the Minister to be nominated as part of the licensing committee. You know, clause 32(2):

- “(2) In the performance of its functions, the Committee shall not be subject to the control or direction of any person.”

I found that, you know, why is it we needed to put that clause in? You know, what were we trying to really protect? You know, I found it interesting that that clause was placed there.

- “...the Committee shall not be subject to the control or direction of any person.”

Are we recognizing somehow that in this country there is a contact society, and that there is discrimination and that people are unfairly treated, and what have you? I think that that is something important. But I also note, in section 38:

“38. The Association shall provide the Committee with a Secretary, staff and services as may be required for the efficient performance of its functions.”

Now, that is something that I am worried about. Is there a potential for conflict here? Is there potential for conflict? The Association of Real Estate Agents is providing the committee with secretary and other staff. Should the licensing committee be totally independent of the Association of Real Estate Agents? And should it be funded by the Government as a truly independent Committee? Why should the Association of Real Estate Agents be the one who is providing the secretary and staff? I ask the question, Mr. Attorney General, maybe there is a reasonable explanation for it, you know, what prevails now in terms of for example, surveyors and doctors and pharmacist and so on, maybe you are au courant with the law, and maybe you will be able to say something, something about that.

Now, the other matter that I want to raise is the matter of the objections to the issue of a licence. Now, nowhere in the law here have I seen that if a person whose application is subject of an objection, does the person have any right to know who makes the objection, or who has made the objection. And I wonder whether due process does not require that you be open and transparent with the person who has made the application, letting the person know who is making the objection. I did not really get it clear from the law, Mr. Attorney General. I am asking that.

At the same time, the penalties for the committee failing to meet deadlines, I

thing that is something that needs to be looked at. Yes, in several areas here you give a certain time line as to, you know, how long they have to do something or what have you, and respond and so on, but what penalties are involved when they do not respond? And who can make the intervention in order to ensure, or command that they abide by the law. For example, Dr. Tewarie raised an issue earlier on, and I still do not think that a clear answer was given in terms of when an application for registration is received, and when the application is received and when the application—I just cannot find it at the moment—is received, how long does the Authority have in order to really process that application? Should there be a number of days? You know, you receive it, it says, you know, immediate upon, it says:

“(1) Upon receipt...”

Clause 11:

“11. (1) Upon receipt of an application...the Registrar General shall cause notice of the application to be published in the *Gazette* and in at least two newspapers in daily circulation...and such notice shall specify a date by which a person may object to the registration of an applicant.”

But it did not say, “within five days” you understand me? And I will give you an example, I will give you an example, and this is a really interesting example, as you would see when I give it to you.

Someone made an application to Town and Country Planning Division with respect to permission to develop land. On October 23, 2019, and they got a response on February 26, 2020, four months after. When we have been told by Town and Country Planning Division that they will take 60 days to do this, 120 days and there is no recourse for the person who has made that application. The person has money invested, the bank overdraft is running at an interest rate and



what have you. And they take their merry time to reply to you.

So I think that while you want to punish people on one side for being errant, at the same time, you know, we have to tighten the belt for the people who we put into positions of authority. And I would say apply penalties to the Committee for failing to meet the deadline. That might sound very drastic, Mr. Attorney General, but I do not think it is as drastic as it appears. I think it is important that we do that.

**5.55 p.m.**

The other matter that I wish to raise has to do with the definition of “developer”. Now, in the section of the Bill, clause 1, developer—I want [*Crosstalk*—I am reading here from page 3 of the Bill as circulated, the definition. Right?

“‘developer’ means a person who—

(a) engages in simple development under the Planning and Facilitation of Development Act and includes a person who has applied for—

(i) outline...”

—approval and so on, but I want to go to the third part.

“(iii) land subdivisions, including engineering operations, comprising less than twenty plots, provided that each plot falls within the range of four hundred and sixty-five square meters”—about 5,000 square feet—“and eight hundred square meters inclusive;”

—about 10,000 square feet. Okay? Now, so this person is a developer because they are engaged in simple development, 20 plots and under, 465 to 800, but let me look at the other one now.

“(b) has subdivided land of which he is an owner for the purpose of selling more than twenty lots, where each lot measures a minimum of eight hundred square meters;”

So what does this mean? There is something that is not clear to me here. Maybe it is clear to you, but it is not clear to me. *[Interruption]* Yes, sure.

**Mr. Al-Rawi:** I thank the hon. Member for raising this. We intend to amend this definition. It is not reading right, and as Caroni Central pointed out and we ourselves observed, we want to capture all. The mischief to be captured here is really owner or part owner. So we take on board your recommendations. They are in accord with what we are thinking about as well, and we will certainly come up with a different draft in the short space of time that we have. Thank you.

**Dr. S. Rambachan:** And in that regard, I think it is important for you to look at other legislation, in particular India, which has a definition of “developer” and there is one other place that I was researching that also has a definition of developer that—I will give it to you, AG. I will find it and give it to you, but I think it is important to do that. I am very happy that you are picking that up.

Now, the other point is this. You are talking about lots, 5,000 square feet, 465 to 800, but Caribbean Housing in central Trinidad, they are developing lots, 3,300 square feet, 3,500 square feet, as far as I understand. It is advertised for sale, that is how I saw it. Where does that put them in terms of this legislation? In addition to that, I am unclear in this legislation because it says here—it talks about the sale of lots. Now, what is the definition of “lot”? Does the lot mean a property on the lot? No. So, does a developer—sorry? *[Interruption]* A developer—well, that is what I am going to ask. I am asking for clarification, because I mean it is important the law is very clear. A person developing lots and houses on the lots, you see, it makes one feel whether that person has to get a sales agent, a real estate

agent and sell those properties or whether the person can sell for himself or herself.

**Mr. Al-Rawi:** Thank you, hon. Member. The intention is, other jurisdictions actually have developers and self-owners regulated by a much larger piece of law. So our intention is to except-out the owner who is a developer and we will attend to the definition of developer, and we will come with a second piece of law as we develop it in conjunction with the industry as to how, if you are self-organizing. So to answer your question, it is intended that the developer would be able to do everything by himself. If he does get a real estate agent, well, the law catches that person, but if he is doing it by himself, it is a different circumstance. All we want is a notice so that, at least it is on the register to say I am not an agent to whom this law applies, because I am an owner, part-owner or developer.

**Dr. S. Rambachan:** It is clear because there is going to be a register of developers and I agree with that. I think that is very, very important, just like, I mean, at the same time, one has an FIU certificate, I think it is important to be a registered developer.

So, Mr. Attorney General, you are saying that a developer does not necessarily need a real estate agent or the services of a real estate agent to conduct his or her business as a developer. I think that is confusing a lot of developers right now. In fact, I got about four calls before lunchtime today to clarify this in the whole scheme of things. So I think that is an important thing that we can clarify. So we are going to amend that.

Now, in the registrar of developers, for example, it is said there that the Registrar General may seek—in clause 15—additional information as may be required.

“(b) Part 2, a private register containing such other additional information as may be required by the Registrar General.”

The law does not say what that kind of information is. Is there a reason why the law does not state or give an indication of what kind of information will be required by the Registrar General? I think that is important to be clarified also.

In general, I think that it is important to have this legislation. I think it is an important Bill. I also think that there should be given an opportunity to a lot more people to bring their views forward on this Bill.

Attorney General, you said when you were speaking that you had listed about 700 real estate agents in Trinidad and AREA just has about maybe in total, 200 persons. Now, what has happened to those 500 other persons who are operating? Do they have views like the Member for Caroni Central said today when he consulted? You know, is it your intention to go out and get a wider consultation if you really want to bring everybody in the ambit of this law. May I ask?

**Mr. Al-Rawi:** Thank you again. And again, I want to sincerely thank you for giving way on this many occasions. Just to clarify, because AREA only had a couple hundred people registered, I took the “bush” approach—I am using Trinidadian parlance—to go to the Companies Registry to see how many companies were listed with the name real estate or real property attached to it and that is where we got the 700. So it is not that they are necessarily real estate agents. Anecdotally from the banking sector, we get information that they are actually hundreds of people involved in it.

We have had this in discussion for two years straight. We went through the Law Association, the Bankers Association, AREA and a number of entities, but like with most Bills, you tend to find that it is only at the end that people really wake up when the message comes in. I could tell you now, we do not intend to finish this Bill today. We want to marinate just a little bit further, take on board

some of the conversations that we have had here and, certainly, the comments coming from AREA yesterday, which again are important. They are, in fact, here with us this evening paying attention to what we are doing. So just thanking you again for giving way to allow me that.

**Dr. S. Rambachan:** Hon. Attorney General, the last point I want to make is that I do not necessarily agree with your matter of three-fifths majority, because I do believe that in the concept of freedom of association and you know, how we seek to circumscribe freedom of association, you know, is subject to interpretation. You know, I know you quoted certain cases and laws and opinions and so on, I respect that very, very much but, at the same time, I do not necessarily agree with all of that. So I am in support of the general purport of this Bill. You know, as I said—

**Madam Speaker:** Member for Tabaquite, your original speaking time is now spent. You are entitled to 15 more minutes if you wish to complete your contribution.

**Dr. S. Rambachan:** Madam Speaker, I am virtually finished. I simply wish to state that, you know, I am in general support of the Bill, but I am happy to hear the Attorney General is going to spend some more time in terms of ironing out these areas. Thank you very much. [*Desk thumping*]

### ADJOURNMENT

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday, the 20<sup>th</sup> day of March, 2020. At that time, we will conclude the matter before us. When that is finished, it is the Government's intention to resume debate on Motion No. 1, on the Private Security Industry Bill. Thank you very much, Madam Speaker.

*Question put and agreed to.*

Adjournment

2020.03.13

*House adjourned accordingly.*

*Adjourned at 6.05 p.m.*