

HOUSE OF REPRESENTATIVES

Friday, March 02, 2018

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, the hon. Maxie Cuffie, MP, Member for La Horquetta/Talparo, has requested leave of absence from sittings of the House for the month of March 2018, and the hon. Shamfa Cudjoe, MP, Member for Tobago West has requested leave of absence from sittings of the House during the period March 01—12, 2018. The leave which the Members seek is granted.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 2010. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Siparia Regional Corporation for the year ended September 30, 2012. [*Hon. C. Imbert*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Police Complaints Authority for the year ended September 30, 2015. [*Hon. C. Imbert*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Police Complaints Authority for the year ended September 30, 2016. [*Hon. C. Imbert*]

UNREVISED

5. *Papers 1 to 4 to be referred to the Public Accounts Committee.* Report of the Central Bank of Trinidad and Tobago with respect to the Progress of the Proposals to Restructure CLICO, BAT and CIB for the quarter ended December 31, 2017. [*Hon. C. Imbert*]
6. Administrative Report of the Port of Spain City Corporation for the period October 2014 to September 2015. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
7. Administrative Report of the Port of Spain City Corporation for the period October 2015 to September 2016. [*Hon. C. Robinson-Regis*]
8. Ministerial Response of the Ministry of Health to the Fourth Report of the Joint Select Committee on Social Services and Public Administration on an Inquiry into the Prevalence of Sexually Transmitted Diseases (STDs) amongst school students and into general services administered to treat STDs in Trinidad and Tobago. [*Hon. C. Robinson-Regis*]
9. First Ministerial Response of the Ministry of Energy and Energy Industries to the Fourteenth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2016 with specific reference to the Ministry of Energy and Energy Industries. [*Hon. C. Robinson-Regis*]

JOINT SELECT COMMITTEE REPORT

(Presentation)

Public Administration and Appropriations Committee Ministry of Public Utilities

Dr. Lackram Bodoë (*Fyzabad*): Thank you, Madam Speaker, I wish to present the following report: Ninth Report of the Public Administration and

Appropriations Committee (PAAC) on an Examination of the Ministry of Public Utilities - follow up on the recommendations from PAAC's First and Third Reports and the corresponding Ministerial Responses as well as the Ministry's Statement of Expenditure as at October 2017.

URGENT QUESTIONS

Petrotrin's Transition Team (Details of Compensation Packages)

Mr. David Lee (*Pointe-a-Pierre*): Thank you Madam Speaker. To the Minister of Energy and Energy Industries: Based on Petrotrin's media release on February 28, 2018, indicating that a transition team was appointed to oversee the operations of Petrotrin, can the Minister state the compensation packages for each member of this team?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): [*Desk thumping*] Thank you very much, Madam Speaker. On February 28th, Petrotrin issued a release which stated that apart from the President, Mr. Fitzroy Harewood, whose resignation became effective on that day, four other senior managers left including the Vice President, Exploration and Production; the Vice President, Refining and Marketing; and the Vice President, Human Resources, to clear the way for the transition.

A transition team was announced, this team is expected to operate between three to six months, until a permanent remodeling of the company is achieved and the recruitment of new full-time leadership will transform the company into viability is completed.

The compensation package for the transition team, Madam Speaker, has not as yet been finalized, but I can assure this House that it will be significantly less than what previously existed as this transition team considers most of its work largely as

public service.

Dr. Moonilal: Thank you very much, Minister, for the information. Could the Minister indicate whether or not it is the intention of Petrotrin that persons who are directors and are consultants can give instructions or directions to managers and employees of Petrotrin?

Madam Speaker: I will not allow that as a supplemental question. Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Given the information which has been provided to the House and taking into consideration that it has to do with restructuring of employees, could the Minister inform this House who will have the responsibility in dealing with HR and IR issues at Petrotrin?

Sen. The Hon. F. Khan: The person who has been assigned responsibilities for that is the Deputy Chairman, Mr. Reynold Ajodhasingh.

Mr. Singh: Thank you, Madam Speaker. Hon. Minister, you indicated that four of these senior managers left. Left? Could you define that for me? Were they dismissed, were they constructively dismissed? Is there term severance or a voluntary separation on their part?

Sen. The Hon. F. Khan: Madam Speaker, there were mutually agreed upon terms and conditions for their parting with the company.

School Feeding Programme (Reduction of Meals)

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*): To the Minister of Education: With regard to reports indicating that the Ministry of Education intends to reduce the School Feeding Programme by 4,000 meals, can the Minister indicate what agency was retained to conduct the scientific analysis that influenced this decision?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. No agency was retained to do any scientific study with respect to the reduction of school meals by 4,000. Madam Speaker, I can add further that the decision to reduce meals was based on information received from principals in their schools, who indicated that there were excess meals in their schools. Thank you.

Mr. Karim: Could the hon. Minister indicate whether a means test is going to be utilized to determine the excess meals?

Hon. A. Garcia: Madam Speaker at present we are conducting a review of the entire programme and a means test might be one of the instruments that we will use. I am not at this point able to say whether this will be used or not. It will depend on the information that will come to us as we provide the necessary audits of this programme. Thank you.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, could you indicate, given that the data is now coming in, whether the means test will be effected for the new academic year in September 2018?

Hon. A. Garcia: Madam Speaker, I just indicated to this House that we are in the process of conducting an audit into this whole programme and investigations are on-going; at this point, I cannot divulge such information.

**Petrotrin's Privy Council Ruling
("Fake Oil" Scandal)**

Dr. Roodal Moonilal (Oropouche East): Thank you very much, Madam Speaker. To the Minister of Energy and Energy Industries: In light of the ruling of the Privy Council this week and the recent firing of former Petrotrin employee Vidia Deokiesingh, can the Minister indicate why Petrotrin has not yet reported the "fake oil" scandal to the Police?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you, Madam Speaker. As I have indicated to the nation and this House before, after an internal audit report and two reports by foreign consultants, Kroll and GCA, which is Gaffney Cline and Associates, which indicated that there were discrepancies in the production of oil reported and sold in the Catshill field, Petrotrin after due diligence terminated the contract for the licence with A&V Drilling and Workover Limited and terminated the employment of one of its employees, Mr. Vidia Deokiesingh.

I have also indicated to this House that in November 2017, based on Senior Counsel's advice, and let me repeat that, based on Senior Counsel's advice, Petrotrin forwarded a copy of all its reports and findings to the Director of Public Prosecutions for his determination.

Dr. Moonilal: Thank you very much. Is the Minister aware that several months ago A&V Drilling removed all their equipment including their on-site office from the facility in Barrackpore?

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

Dr. Moonilal: Thank you very much. Could the Minister state whether or not the Government is contemplating taking any action to freeze the accounts of A&V Drilling as you did with SIS on the Beetham waste water matter?

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

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you, Madam Speaker. We will answering all of the oral questions, there are no written questions.

ORAL ANSWERS TO QUESTIONS

Total Outstanding Debt (People's Republic of China)

91. Mr. Rodney Charles (*Naparima*) asked the hon. Minister of Finance:

Could the Minister provide Trinidad and Tobago's total outstanding debt to the Government of the People's Republic of China?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. Trinidad and Tobago's outstanding debt with respect to loans and financing facilities to the Government of the People's Republic of China, as at the 31st of January, 2018, is \$2.229billion. The details of these debts are as follows: for the construction of the National Academies—plural—for the Performing Arts, there are two loans. The outstanding balance on the first loan is \$440,295,212 and the outstanding balance on the second loan \$180,835,533.

With respect to the Couva hospital, children and adult facility and training facility, the outstanding balance on that financing facility is \$924,511,500.

1.45 p.m.

With respect to the financing facility for the development of six sporting facilities, the outstanding balance on that facility is \$545,157, 619.00, and for the acquisition of one multipurpose patrol vessel on trust, on credit as it were, the loan arrangement which we had to organize, because they did not, the outstanding balance from that is \$138,609,487 bringing a total—these are all TT dollars.

Mrs. Robinson-Regis: Excluding arrears.

Hon. C. Imbert: Yes, excluding arrears. Yes, of course, you are quite right. Thank you very much, Member for Arouca/Maloney, these are all excluding arrears, and that was loans. We also have a claim which the former administration left for us as a gift when they cancelled the aluminium project, and the current claim on that

from CMEC, which is a state-owned company, China Machinery Engineering Corporation. The current claim against the Republic of Trinidad and Tobago for the capricious decision of the last Government to simply cancel that project, is US \$201 million or almost \$1.4 billion which taxpayers of this country will have to treat with.

Mr. Charles: Does the Minister of Finance not think it irresponsible to use words like capricious with respect to the loan, when that will affect the legality and the issues before the court?

Madam Speaker: I would not allow that.

Mr. Charles: And I did not use it with respect to the loan, I use it with respect to oil.

Madam Speaker: Member for Pointe-a-Pierre.

Mr. Charles: Are there, Minister of Finance, projects being contemplated in the pipeline that would require increased loans, and if so, in what areas?

Madam Speaker: I again would not allow that as a supplemental. This is about the total outstanding debts.

**People's Republic of China
(Plans to Strengthen Relations)**

92. Mr. Rodney Charles (*Naparima*) asked the hon. Minister of Foreign and Caricom Affairs:

What are the Government's plans to strengthen our foreign relations with the People's Republic of China?

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dennis Moses):
[*Desk thumping*] Thank you very much, Madam Speaker. [*Interruption*]

Madam Speaker: Members, I would like to hear the Minister respond to the question.

Sen. The Hon. D. Moses: Thank you very much once again, Madam Speaker. The People's Republic of China has been and continues to be a valued international partner in the development of the Republic of Trinidad and Tobago. Founded on historical migratory ties, the relationship between Trinidad and Tobago and China has strengthened since the establishment of diplomatic relations in June of 1974.

I wish to recall that on September the 17th, 2015, the Government adopted a new official policy framework in which China was identified as a country with which intensified relations would be pursued. In this regard, the Government of Trinidad and Tobago has engaged at the highest levels with its Chinese counterpart. In 2016 and 2017, Trinidad and Tobago welcomed senior representatives of China's legislature and political advisory body respectively, and two Members of Cabinet—and that is of our Cabinet, the Cabinet of Trinidad and Tobago—and the Chief Secretary of the Tobago House of Assembly participated in high level events hosted by the Government of China in 2017. Our political interaction also extends to regional and international fora. A recent example being, my participation in the Second Ministerial Meeting of the Community of Latin American and Caribbean States China Forum which was held last month in Santiago, Chile.

Madam Speaker, with a view to enhancing bilateral corporation, a number of activities are being pursued in the short to medium term. Prime Minister, Dr. The Hon. Keith Christopher Rowley has been invited officially so to visit China. Separately, in 2013 His Excellency Xi Jinping, President of the People's Republic of China, proposed the establishment of the Silk Road Economic Belt and 21st Century Maritime Silk Road, commonly known as Belt and Road. This initiative is opened to participation by all interested countries and advocates, connectivity in policy, facilities and infrastructure, trade and finance. Under the initiative, the Chinese Government has earmarked funds through the new Silk Road Fund and

the Asian Infrastructure Investment Bank and has backed major infrastructural project in Asia, Africa, Europe and the Middle East.

In May of last year, 2017, China hosted the Belt and Road Forum in Beijing, China to reveal its vision for the initiative and facilitate discussion among interested countries. Trinidad and Tobago participated in that meeting at a ministerial level. Over 60 countries were represented in the forum. This country's interest in the Belt and Road Initiative was reiterated during a bilateral meeting between His Excellency Wang Yi, Minister of Foreign Affairs of China, and myself, in the margins of the CELAC China ministerial meeting which has held recently in Chile.

Madam Speaker, another area I would like to focus on is one that took place in 2017, the framework and concession loan agreements in relation to the acquisition of a multipurpose patrol vessel being used by the Trinidad and Tobago Defence Force were concluded. I wish to inform that negotiations are underway in a number of other bilateral arrangements. Madam Speaker, there are numerous collaborative initiatives in train and several under consideration. These—[*Interruption*]—include:

- the export of fish products of China;
- financial services;
- sport exchange; and
- the use of available grant funding.

Madam Speaker, finally, I wish to conclude by affirming that our relationship with the People's Republic of China remains robust and will continue apace to strengthen our relationship with that country. I thank you. [*Desk thumping*]

Mr. Charles: Has Trinidad and Tobago appointed an ambassador to China as yet? And if not, when will one be appointed?

Madam Speaker: Member, one question at the time. Minister of Foreign and Caricom Affairs.

Sen. The Hon. D. Moses: Many thanks to you, Madam Speaker. We are well on our way to making appointments after due consideration to what is required and the availability of persons that fit what is required, and in short order announcements will be made as regard initiatives of this nature. Thank you.

Mr. Charles: Does the Minister consider it irresponsible that given the debts and given our warm relationships with China, that after two years no ambassador has been appointed?

Madam Speaker: Member for Naparima, I would not allow that question. I am just reminding you that there is a Standing Order that governs questions. One, it is that it must not be argumentative or opinions. Please let that guide you. Member Pointe-a-Pierre, supplemental.

Mr. Lee: Thank you, Madam Speaker, could the Minister state, based on his response, when the Prime Minister will be visiting China?

Sen. The Hon. D. Moses: Many thanks to you, Madam Speaker. The answer is no, I cannot with any greater level of specificity, other than that which was offered to this honourable House in the past.

Mr. Lee: Thank you very much.

Dr. Tewarie: Would the Minister clarify what Trinidad and Tobago has identified as its principal interest in the Silk Road Project?

Sen. The Hon. D. Moses: Matters related to that question hopefully would be treated in a fulsome manner in the meeting which was mentioned earlier that is upcoming. Thank you. [*Desk thumping and laughter*]

**HDC Towers, Curepe
(Rationale for Determining Housing Development Areas)**

93. Mr. Rodney Charles (*Naparima*) asked the hon. Minister of Housing and Urban Development:

Given the Housing Development Corporation's plans to build eight (8) towers in Curepe, could the Minister provide the rationale for determining the areas for housing developments?

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

Thank you very much, Madam Speaker. The rationale for determining areas for housing developments is based on the following:

1. The demand for housing in particular areas as indicated by applicants in the Ministry of Housing and Urban Development's home application and fulfilment system database; and
2. The availability of land in the said areas.

Dr. Moonilal: Thank you, Minister, for the very brief answer. Could the Minister indicate whether for this particular housing development there is the requisite EMA approvals, Town and Country approvals, and regional corporation approvals?

Hon. R. Mitchell: Madam Speaker, there is outline approval by the Town and Country department and the EMA approval. The last submission has been made, and we await EMA approval very shortly.

Dr. Moonilal: Could the Minister also indicate, with regard to your answer, whether work continues at the several estates along the East-West Corridor to complete units for delivery, including the Edinburgh Towers in Chaguanas, although it is not on the current?

Madam Speaker: Member, I would not allow such a widening. If you are talking

about the eight towers in Curepe I will allow your question with respect to that. So, maybe you could rephrase the question so it—

Dr. Moonilal: I would not.

Madam Speaker: Okay, good.

**Establishment of Implementation Committee
(Details of)**

94. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Prime Minister:

With respect to the establishment of the Implementation Committee, could the Minister indicate:

- a) the role and function of the Committee;
- b) the remuneration of each Committee member;
- c) the intended life span of the Committee; and
- d) the expected outcomes of the Committee?

The Minister of Finance (Hon. Colm Imbert): The answer to part (a), the committee would interact with the private sector with the objective of advising on potential areas of development and projects, and report back to the Prime Minister. Answer to part (b), the members of the committee are serving on a voluntary basis. The answer to part (c), there is no set end date for the lifespan of the committee. And the answer to part (d), the expected outcome is that this body would interface on behalf of the Government, with the private sector, in order to identify projects that the private sector is interested in and what the Government can do to facilitate the implementation of these projects. The further outcome would be stimulation of the economic through increased private sector investment.

Dr. Moonilal: Thank you very much. To the Prime Minister. Would the Prime Minister indicate whether or not he believes it is a conflict of interest to have

members of the private sector soliciting projects from other members for the private sector for Government support, including financial support? [*Desk thumping*]

Hon. C. Imbert: Absolutely not. We think this is a very efficient, productive and transparent method to identify private sector projects.

Mr. Lee: Thank you, Madam Speaker, to the Prime Minister. Could the Prime Minister state who are on this implementation committee?

Hon. C. Imbert: Madam Speaker, although I did not come prepared to answer that, and that was answered already—asked and answered. I do have a newspaper report, which indicates that the members are: Christian Mouttet, as chairman; Richard Young; Blair Ferguson; Shameer Ronnie Mohammed; and Gloria Jones. Shameer Mohammed is the chairman of Caribbean Airlines, Gloria Jones is from Tobago tourism sector, Richard Young is the chairman of the Trinidad and Tobago International Financial Centre Management Company Limited, and Christian Mouttet needs no introduction.

Dr. Moonilal: Thank you very much. Hon. Prime Minister, are you aware that even among the names you are calling there are members of the business community—the names you are calling—there are members there who are in business. Their businesses are linked, almost like a cartel, and that means that there is a conflict of interest in working on an implementation committee? [*Desk thumping*]

Hon. C. Imbert: First thing, Madam Speaker, I am speaking on behalf of the Prime Minister. I do not appreciate the insinuations of the hon. Member opposite. I am speaking on behalf of the hon. Prime Minister, the head of the Government. [*Desk thumping*] I see no conflict of interest whatsoever, I see no cartel, I see no interlocking anything, Madam Speaker.

**Launch of WASA App
(Details of Cost)**

95. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Public Utilities:

Could the Minister indicate the cost of setting-up and launching the Water and Sewerage Authority app for e-billing, rapid response and repair?

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Madam Speaker, the cost associated with the development and launch of the WASA app for e-billing, rapid response and repair is \$133,400. This sum represents expenditure for the setting up and development of an android and IOS compatible application, along with the authority's cost for launching the WASA app. In keeping with the initiative to utilize in-house resources and contract less, this app was largely developed in house with the major external cost being the development of the IOS version of the app.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, to date has WASA levied on any person's property for outstanding arrears?

Madam Speaker: I would not allow that as a supplemental question. Member for Cumuto/Manzanilla.

Mrs. Newallo-Hosein: Thank you. Hon. Minister, can you indicate how successful has this app been thus far in persons being able to report and have speedily repair to any leaks?

Sen. The Hon. R. Le Hunte: Madam Speaker, the WASA app has actually gotten a rating of 4.2 stars out of five on Google Play Store, so that is one good indication. [*Desk thumping*] We have 1,680 people who have downloaded the app so far, so that is another good indication, and people have been reporting leaks—1,680 people have downloaded, and we have been having people reporting the

leaks and fixing the leaks via the app. [*Desk thumping*]

Mrs. Newallo-Hosein: Could the hon. Minister indicate how many subscribers are there to WASA for water? How many customers does WASA have?

Madam Speaker: I am not going to allow that as a supplementary question.

**Construction of Port in Toco
(Cost-Benefit Analysis)**

96. Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*) asked the hon. Minister of Works and Transport:

With respect to the construction of the port in Toco scheduled to commence in 2019, could the Minister indicate:

- a) whether a cost benefit analysis was conducted; and
- b) the name of the company responsible for conducting the cost benefit analysis, if the answer to part (a) is in the affirmative?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. [*Desk thumping*] A feasibility study for the establishment of a port facility at Toco was conducted in 1990. The cost benefit analysis was conducted as part of the feasibility study. The feasibility study which included the cost benefit analysis was conducted by a consortium of consultants called the Sea Bridge Team. The consortium included the following consultants: Newel Lewis Broadbridge Associates Limited, the Architects; PLANVIRON Limited, the planners; Lee Young and Partners, the engineers; Hart and Leonard Limited, the cost consultant; Lloyd Best, the economist; Peat Marwick, the accounts and management consultant.

Madam Speaker, the basic findings of the 1990 sea bridge team remain the same today. The port was feasible then and it is feasible now. The Toco port is also part of the Government's national development plan. Together with the proposed new

first class road to Toco, the port will open up the northeast quadrant of Trinidad for development, which we see as an important growth pole, and create opportunities for investment and economic activities, job creation, residential, commercial and industrial development, including eco-tourism. It will also improve the standard of living generated for residents of that part of Trinidad. The proposed Toco port will also reduce the journey time to and from Tobago by sea from four hours to one hour, which will be significant benefit to travellers and will create new linkages and connectivity between Trinidad and Tobago, especially in the area of domestic tourism. I thank you.

Dr. Moonilal: Thank you very much, Minister. Could you indicate what is the proposed financial arrangement to pay for this port?

Madam Speaker: I am not going to allow that as a supplemental question.

Dr. Gopeesingh: Hon. Minister, could you give an approximate cost for the construction of this port?

Sen. The Hon. R. Sinanan: Thank you. Madam Speaker, all the appropriate costs and so are being worked out at this point in time, and I am unable to give a final cost at this time.

Dr. Moonilal: Thank you very much. In naming the consultants Minister, are you aware that the consultants hired by your Ministry are also consultants being sued by your Government for cartel behaviour? [*Desk thumping*]

Madam Speaker: I am not going to allow that question.

Dr. Khan: Hon. Minister, could you indicate to us if there was ever any attempts—

Sen. The Hon. R. Sinanan: Madam Speaker, I have not heard.

Dr. Khan: Could you indicate to us if there were ever any attempts to construct this port? What year was it? And what occurred?

Sen. The Hon. R. Sinanan: Madam Speaker, the information that I was asked is based on the feasibility study. That is the information that I walked with. I could always forward that to the Member for San Juan/Barataria, as requested.

**Rebranding Bmobile
(Cost for TSTT)**

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

Could the Minister state the cost for TSTT to rebrand Bmobile?

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Madam Speaker, TSTT launched the bmobile brand in 2005, which is still in operations today. In November 2016, TSTT retired its other commercial brands, including: blink, blink mobile, blink vigilance, and consolidated all its products and services under one brand bmobile. The associated cost of this consolidation was approximately \$4.2 million.

**Water and Sewerage Authority
(Decision to Produce Bottled Water)**

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

Could the Minister state whether the Water and Sewerage Authority (WASA) has made a decision to engage in the production of its own brand of bottled water?

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Madam Speaker, no decision has been taken by the Water and Sewerage Authority to engage in its own brand of bottled water.

**WASA Repair Works
(Restoring Road Surfaces)**

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

Could the Minister state the measures in place to restore road surfaces after repair of water leaks by WASA?

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Madam Speaker, the Water and Sewerage Authority upon completion of a repair of a leak on a roadway undertakes temporary restoration within 24 hours to 48 hours for primary and secondary roads to minimize disruption to traffic. Subsequently, permanent restoration is undertaken to re-establish the running surface by the authority, using asphalt concrete consistent with standards as specified in the authority's technical standards. The completion of which is subject to budgetary constraints. In an attempt to address the backlog of roads to be repaired, WASA has been collaborating with the Ministry of Works and Transport, and the regional corporations in the implementation of a programme utilizing combined resources for the restoration of roads and potholes throughout the country. The programme started with a pilot in Penal and has since been extended to Port of Spain and Chaguanas. The Ministry of Works and Transport and WASA are working with all regional corporations in the execution of this programme. With respect to Tobago, a memorandum of agreement has been established with the Tobago House of Assembly for the assembly to conduct permanent restoration of the roadways upon notification of completion of repairs of leaks by WASA.

RELATED BILLS

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, in accordance with Standing Order 50, section 1, I seek the leave of the House to debate together

with this Bill, the Property Tax (Amdt.) Bill, 2018, which relates to the same subject.

Assent indicated.

VALUATION OF LAND (AMDT.) BILL, 2018

Order for second reading read.

The Minister of Finance (Hon. Colm Imbert): Thank you very much, Madam Speaker, I beg to move:

That a Bill—

Mr. Singh: Madam Speaker—

Hon. C. Imbert: Oh, sorry.

Mr. Singh: I wish to rise on Standing Order 49.

Madam Speaker: Is it that the matter is sub judice?

Mr. Singh: Yes, Madam Speaker.

Madam Speaker, I wish to bring to your attention the matter of *Devant Maharaj v the Commissioner of Valuations and the Attorney General*. This matter is CV2017/01839. It is a live matter before the courts of this country. It started on May 19, 2017. Madam Speaker, it went before Justice Frank Seepersad, then subsequently with the Court of Appeal, and it is currently a live matter before Justice Jacqueline Wilson. [*Desk thumping*]

Madam Speaker, I would be failing in my duty if I do not bring this to your attention to you as Speaker. [*Desk thumping*] We have recognized the principle of the separation of powers, and we recognize that we have a role of legislature in the public interest, but we also recognize that there is a role for the Judiciary, and this matter the litigant is awaiting judgment before the courts of this country, we feel it is inappropriate at this point in time for us to engage in this debate. [*Desk thumping*] [*Interruption*]

Madam Speaker: Having regard to the submission, I call on either the Minister of Finance or the Attorney General to address this so that I can make a determination.

Hon. C. Imbert: Thank you very much, Madam Speaker. I am anticipating this challenge from the Member for Chaguanas West, or somebody else. The matter before the court in CV2017-01839, *Devant Maharaj v the Commissioner of Valuations and the Attorney General of Trinidad and Tobago* concerns judicial review of the decision of the Commissioner of Valuations to require all property owners to complete a valuation report in accordance with the Act and return same with supporting documents to the Valuation Division of the Ministry of Finance for the calculation of the property's annual rental value. The matter is before the House, so the amendments for these two Bills have nothing to do with that whatsoever. [*Desk thumping*]

Madam Speaker: I therefore rule it is not sub judice. Please proceed. [*Desk thumping*]

Hon. C. Imbert: Thank you very much, Madam Speaker. I am mindful of the fact that we could be accused of trespassing on the jurisdiction of the court and interfering with the separation of powers. We were very careful to ensure that this specific matter that is awaiting a judicial decision is not the subject of these Bills. [*Desk thumping*]

We were very, very careful being mindful of that. We were briefed by senior counsel, eminent senior with respect to that, and we left a certain section of the legislation severely alone because of the fact that it is at the core of the matter before the—[*Interruption*]

So, Madam Speaker, let me continue with what I was saying. I beg to move:

That a Bill to amend the Valuation of Land Act, Chap. 58:03, be now read a second time. [*Desk thumping*]

Valuation of Land (Amdt.) Bill, 2018 (cont'd)
Hon. C. Imbert (cont'd)

2018.03.02

Madam Speaker, the Property Tax (Amdt.) Bill, 2018, and the Valuation of Land (Amdt.) Bill, 2018, standing in my name, the Members opposite have kindly agreed that they be read together, and I wish to thank you for that. Having to go through both of them would have been a little arduous.

2.15 p.m.

Madam Speaker, in 2009—and I wish to also thank the negotiating, thank the Member for Arouca/Maloney for the hon. Member's negotiating skills and I wish to thank the Member for Pointe-a-Pierre for his magnanimity in agreeing to this. Now, in December 2009, Madam Speaker, there was a convolution of legislation governing the taxation of property in Trinidad and Tobago. At that time, the governing legislation regarding the taxation of property was the Lands and Buildings Taxes Act, Chap. 76:04, which had been enacted almost 90 years before that, in 1920. In addition, there was Part V of the Municipal Corporations Act, Chap. 25:04, which was brought into operation in 1996 and then the Valuation of Land Act, Chap. 58:03, which commenced in 1970 and the Taxes Exemption Act, Chap. 76:50, which came into force in 1902, 116 years ago. The result of this convolution of legislation was a system that was outdated, inefficient and lacking in equity.

Allow me to give you some examples of the inefficiency and inequity in the previous system. The Lands and Buildings Taxes Act governed Tobago and nine municipal corporations in Trinidad, but excluded cities and boroughs. In light of this, assessment rolls with information on valuation and taxation of property—and required under the Lands and Buildings Taxes Act—were created for Tobago and the relevant municipal corporations. Part V of the Municipal Corporations Act, on the other hand, governed all the municipal corporations including cities and

boroughs but excluded Tobago, given that Tobago is not covered by the Municipal Corporations Act but has its own governing legislation in the Tobago House of Assembly Act, Chap. 25:03.

The information for valuation and taxation of property under the Municipal Corporations Act was located in house rate books which, strangely, were only created for the cities and boroughs. The Valuation of Land Act, however, governed all the municipal corporations, including the regional corporations and the cities and boroughs and Tobago. So you had a whole series of Acts, some covering Tobago, some not covering Tobago, some covering Trinidad, part of Trinidad, all of Trinidad, some covering corporations, some covering cities, some not covering cities and boroughs and so on.

And as I stand before you today, Madam Speaker, I am advised that there has never been a complete valuation roll created under the Valuation of Land Act, even though as I said earlier, the Valuation of Land Act dates back to 1970. So we are talking—how many years is that? That is almost 50 years. There has never been a proper valuation roll completed for properties in Trinidad and Tobago under the Valuation of Land Act.

With the eventual creation of house rate books for all municipal corporations, including cities and boroughs, since that was the aim of the Municipal Corporations Act, the Lands and Buildings Taxes Act, and by extension the assessment rolls, were no longer applied to these corporations. So the end result was: the Municipal Corporations Act governing Trinidad, but the Lands and Buildings Taxes Act governing Tobago. This allowed for inequity. Let me explain. There were significant disparities in valuation dates and by extension valuation rates or values. We are told that the last global valuation of property in the nine

regional corporations or their predecessors, the counties, and Tobago, was conducted in 1948, 60 years ago—or is that 70 years ago?—if you do the maths. Seventy years ago. There were some valuations conducted in 1990 and in the boroughs, governed by the Municipal Corporations Act, there were some more recent valuations in 1975, in the case of Port of Spain; 2004, in the case of San Fernando; and 2008, in the case of Point Fortin. But as you can see, this was a very incomplete, outdated, antiquated and rather messy process.

We were also advised that the valuations were not conducted as required. The councils under the cities and boroughs conducted valuations at various times, but valuations done under the Lands and Buildings Taxes Act were considerably behind those done by the councils. By that I mean they lagged behind. The result is a plethora of valuations for property in the country that does not reflect the true value of property.

In my 2018 Budget Statement, I made the point that over the years as property values increased—as reflected in various transactions, such as the sale, lease, development, disposal and acquisitions generally—property taxes did not keep pace with these updated property values. And I indicated that the time has come when property owners must begin to contribute to a share of these benefits to assist in financing the country's development. I can also tell you, Madam Speaker, that in addition to arbitrary valuation dates and rates, also differences in the rates themselves, under the Lands and Buildings Taxes Act, a flat tax rate was applied on land. The rate was \$10 per acre on land in size from less than an acre to 10 acres; \$15 per acre on the next 11 acres, up to 100 acres of land; and \$20 per acre or part thereof for land over 100 acres.

On every building, a flat annual tax of 96 cents was applied where the annual

taxable value did not exceed \$24. Alternatively, an annual tax rate of 7½ per cent was applied where the annual taxable value exceeded \$24. I am certain you can see, Madam Speaker, how confusing and arbitrary all of this is. The rate of tax was significantly different for properties under the Municipal Corporations Act. This is not widely known though people who are living in these areas know this, but the country does not know. In Port of Spain, the tax rate for residential is 10 per cent; for commercial it is 10 per cent; for industrial it is 10 per cent. San Fernando, it is 8 per cent for residential, commercial and industrial. In Arima, 10 per cent tax on residential, 10 per cent on commercial, but 6 per cent on industrial, which is quite curious. In Point Fortin, it is 2 per cent on residential; 2½ per cent on commercial, 6 per cent on industrial and 2 per cent on agriculture.

Again, a very curious series of figures that—I am just looking at it on the face of it for agriculture to be taxed at the same rate as residential or close to the same rate as commercial properties in Point Fortin really does not make any sense. Chaguanas, the rate is 10 per cent across the board, including 10 per cent on agricultural land which makes absolutely no sense as far as we are concerned on this side, because there are certain things that you want to encourage.

Another crucial element in respect of the legislation in 2009 was the basis on which land was valued which differed among different pieces of legislation. Under the Lands and Buildings Taxes Act, land carried a flat tax rate which required no valuation. So it did not matter where it was, what it was like, whether it was flat, whether it was mountainous, whether it was swampy, there was just a flat tax based on the size, not on the nature or location of the land.

Valuation was done on buildings separately from land on an annual rental basis. Any building or machinery or plant housed in the building was valued at 6 per cent

of the present capital value. Under the Municipal Corporations Act which deviated from the Lands and Buildings Taxes Act, which both pieces existed side by side, land, building and machinery and plant carried the term “rateable hereditament” and were valued as one unit. So under the Municipal Corporations Act they put everything together, land, building, machinery, plant, called it a hereditament and valued it as one unit.

Under the Valuation of Land Act you had separate valuations for land, building and machinery and plant. The effect of this was at a house, for example, in one of the nine municipal corporations would have been valued and taxed differently from one located in one of the cities or boroughs although they could be almost identical in terms of the size and the type of construction and so on. The taxes were also paid to two different entities. Land and building taxes were paid to the Board of Inland Revenue and municipal corporation taxes were paid to the corporations.

It was against this backdrop of confusion that a decision was made to revamp the system and to bring into force a new regime for taxation of property in 2010. On that day the Property Tax Act, Chap. 76:04s and the amendments to the Valuation of Land Act came into force. The new regime put in place a central valuation system under the Valuation of Land Act, a central taxation system and a central collection of tax under the Property Tax Act. And it is important to understand how the two pieces of legislation operate. The Valuation of Land Act gives the mechanism for the valuation of a property. The Property Tax Act gives the mechanism for the collection of tax on a property. They are two different things. In this regard, the Commissioner of Valuations is charged under the Valuation of Land Act with the responsibility of valuing all lands on an annual rental basis and can also value land on a capital site and improved value basis for the purpose of

property tax.

The Board of Inland Revenue on the other hand has the responsibility to assess the tax and collect the tax on property. The rates of tax are uniform, based on property type: residential, 3 per cent; commercial, 5 per cent; industrial, plant and machinery housed in a building, 6 per cent; plant and machinery not in a building, 3 per cent; and agricultural, 1 per cent. So from what I have said before, you can see the logic now in the rates. Before it was completely arbitrary, with agricultural properties in Chaguanas being taxed at 10 per cent. Now, all agricultural property throughout Trinidad and Tobago will be taxed at 1 per cent. In addition, residential at 3; commercial at 5; industrial at 6; it all makes eminent sense. It is like a graduated scale going up in terms of economic value and then going back down in terms of agriculture which you want to encourage.

Now, Madam Speaker, why should we amend these Acts before us? Why are we doing what we are doing today? It is no secret that the country is experiencing some financial challenges. It is no secret. When land and building taxes were enforced, the tax yielded in excess of \$100 million per annum and the waiver of this tax over the last—it is nine years—has meant that the Treasury has foregone in excess of a billion dollars in revenue over the last nine years if the original Lands and Buildings Taxes and Municipal Corporations Acts had remained in place.

Now let us look at the amendments themselves. The amendment Bill to the Valuation of Land Act will make a number of amendments to rectify some deficiencies needed to implement the Act. I do not intend, Madam Speaker, to go into detail on every clause since some of them are merely, what I would call, clean-up clauses, cleaning up the languages and so on. So what I would look at, Madam Speaker, is the more salient amendments.

Clause 1 of the Bill is the short title, typical. Clause 2 is the interpretation section. Again typical clause in a Bill of this nature. But what we are doing in clause 6 is the amendments to deal with the creation of a valuation roll. As I indicated previously, there is no complete or proper valuation roll in existence in Trinidad and Tobago today and there has never been, not since, ever, since the 1900s.

The Valuation of Land Act under section 6 provides that an owner of land is to provide a return of land to the Commissioner of Valuations. But, the information requested in the present return is insufficient to allow the Commissioner to do an initial due diligence on the property to be valued. By way of example, the present return does not treat, if at all, with information on commercial and industrial building rental, nor does it deal with land, only rental. It was thought necessary there to revisit the format and contents of the return with a view to providing as much upfront information as possible to the Commissioner of Valuations.

This would not prejudice the Commissioner from requesting further information given that the Commissioner has the power to do that, to obtain information under sections 27 and 29 of the Act. Clause 19 therefore deletes the existing Schedule and substitutes a new one. Clause 5 provides for amendments as it pertains to the return. The clause provides that the Minister could amend the Schedule by order, defines for when a person wilfully commits an offence, as it relates to the return, has been increased from \$500 to \$5,000.

The next issue is the definition of the owner. In creating the valuation roll, determining the actual owner of the property is critical. This is information that must be in the roll. The term "owner" is littered throughout the Valuation of Land Act and is also linked to the Property Tax Act. When you look at the two of them, however, it is found that the two pieces of legislation carried different definitions

for owner. It is therefore necessary to amend section 2 of the Valuation of Land Act by deleting the definition of owner and substituting a new definition so that the definition of owner in the two pieces of legislation would be in conformity with the Property Tax Act. That removes any ambiguity as to what an owner is. This amendment is found at clause 3(a)(iv) of the amendment Bill.

With respect to the basis for valuation, the Valuation of Land Act provides definitions for land and various types of land, like industrial, commercial and residential land. However, the Valuation of Land Act was silent on the treatment of condominiums, town houses and multiple-owner commercial units which do not fall into any definition so that owners of condominiums, town houses and multiple-owner commercial units could possibly have avoided paying the tax in the past.

Clause 3(c) therefore amends section 2 of the Valuation of Land Act by inserting a new subsection (5) to explain how a valuation could be conducted for town houses and condominiums and multiple-owner commercial units. The subsection deems buildings such as these as land for the purpose of liability tax.

Clause 6 of the Bill would seek to insert a new section 7 which provides for the Commissioner of Valuations to record an annual rental value of land as the annual rental value determined on the basis on a return submitted under section 6 where the annual rental value is less than \$18,000. Once the annual rental value is less than \$18,000 this will reduce the burden on the Commissioner to dedicate resources to visiting lands for the purpose of conducting a valuation.

Clause 8 of the Bill would empower the Commissioner of Valuations to not only revalue land where it is believed to be overvalued but also where it is undervalued.

Clause 6 of the Bill also inserts a new clause 7A that would require the

Commissioner, where that person is of the view that more than 50 per cent of all land in Trinidad and Tobago has been valued, to notify the Minister who would by order then declare the valuations are in effect. This is very, very, important, Madam Speaker.

There are opinions, strong opinions too, that in their current configuration there is a requirement that 100 per cent of all properties in Trinidad and Tobago be valued first before collection of property tax begins. Now, that is an untenable situation, because new properties are constructed almost every day so that you would never achieve 100 per cent of all properties. But there is an interpretation, as I said, a strong one, that says the way the Property Tax Act and the Valuation of Land Act are currently worded you must value 100 per cent before you begin to collect property tax. That cannot work and we have set the threshold now at 50 per cent. So once 50 per cent of properties in Trinidad and Tobago have been valued, the collection of property tax will be commenced by a notice published by the President.

Section 9 of the Act provides for fresh valuations, five years from the date of the last valuation. Clause 7 of this amendment Bill seek to amend that section to allow the Minister to set the date when fresh valuations would be conducted.

Madam Speaker, the owner of land is required where there is a revaluation of land to be notified of such. The Valuation of Land Act now provides only for notification by registered post. No other method of notification. Clause 8 allows for a different type of service of the Bill, including personal delivery or by normal post to the owner rather than simply registered post. We found registered post was very, very restrictive. Section 13(3) sets up the machinery for notice to have been deemed to have been served, persons residing outside of Trinidad and Tobago,

because we will have property owners who do not live here but would be subject to tax.

Objections. Clause 11 of the amendment Bill will amend section 19 of the Valuation of Land Act to list six additional areas of objection. So we are giving property owners more flexibility with respect to objecting to a valuation that could be heard by the Commissioner of Valuations. The list that is now being included was provided under the Property Tax Act, but appropriate amendments were not made to the Valuation of Land Act to allow conformity.

On review, it was felt that matters like in objection on the basis that the annual rental value of any land appearing in the valuation roll is incorrect or unfair, were best placed in the Valuation of Land Act. So that the process of objection can now take place under the Valuation of Land Act because the Property Tax Act is simply an arithmetical calculation. Once the valuation is done on the Valuation of Land Act, you simply apply the percentage in the Property Tax Act. So we felt it was best to put the process for objection into the Valuation of Land Act, take it out of the Property Tax Act.

So the list of objections under the Property Tax Act will now be found under the Valuation of Land Act. The Valuation of Land (Amdt.) Bill also introduces a new appeal process against decisions of the Commissioner for an objection. This is part of the whole move, the worldwide movement towards alternative dispute resolution. Of course, persons would still have the right to go to court but we felt we would introduce a form of alternative dispute resolution as an intermediate step, and the Member for Caroni Central would remember there is a similar provision in the procurement legislation to avoid a whole flood of matters going to the court, you try to sort them out before. And this is why we are introducing this appeal

process.

The Bill also provides for a recourse even if the Commissioner fails to determine an objection. As it now stands the law allows for—Madam Speaker, how much more time do I have?

Madam Speaker: You will see it is just 2:59:24.

Hon. C. Imbert: Another 20 minutes. Thank you very much. That is more than enough. The law as it now stands allows for appeals to the Tax Appeal Board and then the Court of Appeal. The first step in the new process is that there would be an extrajudicial appeal to a valuation tribunal and then further appeals would go to the High Court. So this is in an effort to remove complete judicial process as the first step in an appeal, let it go before a tribunal which is not a superior court of record and with it, it is expected that 80 to 90 per cent of the matters would be sorted out there.

Clause 15 of the Bill inserts a new Part IIIA before Part IV to introduce the tribunal and all the elements that go with a tribunal. The functions of the tribunal are not only to hear appeals in respect of valuations, but also include adjourning proceedings to allow parties to negotiate between themselves, and that is another worldwide movement. You have the movement towards alternative dispute resolution, away from litigation and then you have the movement towards mediation, even removed from dispute resolution. So it allows adjournment of proceedings by the tribunal to allow parties to negotiate between themselves to arrive at amicable settlements of objections. That is section 25G(1)(a) and (b) of the Valuation of Land Act.

As I said, the thought process is to see if we can have the parties avoid litigation which can be costly, time consuming and acrimonious. As the general

tone of our court system espoused in the Civil Proceedings Rules 1998, for those of us who go to court, sometimes, you will see the objective of the Civil Proceeding Rules is to avoid going to court, believe it or not, they actually say that. That the objective of it is to try and encourage the parties to settle their differences.

Many matters before our courts today are being guided towards mediation and negotiation of settlements. It is only after having done all of that and the parties fail to come to mutual agreement there would be no choice but to litigate the matter and then they can proceed to the High Court.

Madam Speaker, there is a particular matter introduced in the public domain by Members opposite regarding the role of the Minister of Finance and his influence over the work of the tribunal. The only thing I would wish to say is that even though under the new section 25A(3), members of the tribunal will be appointed by the Minister. Under section 25G(2) of the Valuation of Land Act, the Minister will not be able to give directions to the tribunal of any kind, in respect of any application or proceeding that may come before them. So all the Minister does is appoints the tribunal. After that, the Minister has no influence or power and it is similar to the way we appoint the President. This Parliament, the Electoral College appoints the President. We in here have the ability to do that, but after the President is appointed, that is the end of that. We cannot direct the President and that is exactly what is going to happen with this tribunal, exactly the same. This simply appoints and after that does not get involved.

In light of the new Part III there is cause to provide for consequential amendments to the Act. The word "appeal" is being deleted and a new definition substituted allowing for appeals to the tribunal to the High Court. The definition of Tax Appeal Board has been deleted and replaced by a definition for valuation tribunal.

Clause 12 of the Bill inserts a new section 23 to allow a person to appeal to the tribunal in the case where the Commissioner fails to determine the objection 12 months after service of notice of objection on the Commissioner of Valuations. So we are putting in another protection for the public, where if the Commissioner fails to treat with an objection the tribunal can immediately start to treat with it after a 12- month period.

Clause 16 of the Bill seeks to amend section 26 of the Valuation of Land Act to give the Minister the power to prescribe fees by Order for extracts from the roll that may be requested by the person and these would be small fees. Section 27 of the Act empowers the Commissioner to obtain information for the purpose of the Valuation of the Land Act. Clause 17 of the Bill will amend section 27 to allow the Commissioner to obtain information also for the purpose of the property tax.

In obtaining the information, the Commissioner was empowered to require any person to attend and give evidence before him. Section 27(3) allowed any person appearing before the Commissioner to have his reasonable expenses paid out of public funds. This provision would be repealed under clause 17. A new subsection (3) has been introduced to provide that the Notice for attendance of witnesses before the Commissioner should be sent to the person directly or his agent or attorney or by registered post.

Section 32 provides that any person refuses to attend or give evidence is liable on summary conviction to a fine of \$5,000. Clause 18 would amend section 32(2) provide that a person shall not be convicted unless service of notice to attend is served not only personally but can be served on his agent, attorney or a registered post.

We have some cleaner provisions, Madam Speaker, that I spoke to, I would just

refer to some of them. Clause 3 deals with some definitions. Clause 4 realigns the type of valuations that could be done and makes it clear that the capital value of property is to be used only when necessary. Clause 9 amends section 16 to delete the requirement to obtain the name of the person and postal address of the person in possession of land not being the owner as this person is now captured in the definition of owner.

2.45 p.m.

With respect to the property tax, because we are dealing with the two together, the Property Tax (Amdt.) Bill makes a number of amendments to rectify deficiencies. The Bill has 25 clauses. Again, I would not speak in any great detail on several clauses but let me start to deal with the more important ones: “Exemptions”. Section 16 of the Property Tax Act provides for the exemption of certain lands from taxation. Clause 6 of the Bill will amend section 16 in the following manner: By deleting the provision that exempts lands used for the purpose of education, philanthropy or religion, since these are already provided for under paragraphs (a) and (b). So it is just a duplication. It is not a deletion. It is just cleaning up some duplication.

By deleting in paragraph (d) the words “an incorporated charitable institution” and replacing with the words “a charity exempted from corporation tax under the Corporation Tax Act for approved charitable purposes”, this will make it consistent with modern law. By deleting paragraph (f), substituting a new paragraph to include a reference to a list of statutory authorities and state enterprises that would be exempt from property tax, and by including the words “and occupied by” to ensure that the exemptions only apply where tertiary institutions are in occupation, because you could have a private tertiary institution that is not being used as a

school and therefore this is to ensure that it is being occupied and used for a school.

With respect to assessments, clause 3 inserts a new section 3(2) which seeks to explain how assessments would be conducted for townhouses, condominiums and multi-owner commercial accommodation. This is just following through from the changes that are going to be made to the Valuation of Land Act. We are just making sure the Property Tax Act will also provide for collection of tax for condominiums, multi-owner commercial accommodations and townhouses, and so on.

Clause 10 amends section 21, which deals with objections to assessment. It provides that an objection to an assessment is required to be filed within 21 days after receipt of the notice of assessment, rather than after the tax becomes due and payable. With respect to the appeals process, this is now being moved to the Valuation of Land Act. So all of the references to appeal in the Property Tax Act have been removed and now placed in the Valuation of Land Act where we believe they more properly belong.

We have amended the words in subsection (3) of section 22 in respect of an incorrect assessment, so it does not limit an objection only to the ground of an incorrect assessment. There may be many reasons why persons would object to an assessment of tax, but the way it is written now is that you can only appeal an incorrect assessment. There may be other things that somebody may wish to object to. With respect to subsection (5), the Board of Inland Revenue would be able to serve notice of the final assessment where the objector refuses or neglects to furnish any particulars required of him or her in a particular time. This allows the BIR to look at the objection and confirm, reduce or increase the tax.

Clause 10 allows the owner who fails to file an objection within the time frame and has a reasonable excuse for not doing so, to apply to the Board of Inland Revenue for an extension of time. So all of this is designed to give property owners as much flexibility as possible. Subsection (12) is also being amended to allow for the offsetting of an overpayment of property tax against other taxes owed to the State. The owner would also be entitled to a refund of property tax in the circumstances where there has been an overpayment. Subsection (13) is being amended to provide that the rate of interest on a refund being outstanding for more than six months, would be at an interest rate of 6 per cent rather than 1.2 per cent per month, again being consistent with interest rates in the modern era. Clause 11 of the Bill would repeal section 22 of the Property Tax Act which contains the grounds of objection. All of that is going into the Valuation of Land Act.

Liability to tax: Clause 5 of the Bill, this is the Property Tax (Amdt.) Bill, inserts a new section 15(2) to ensure that the fact that a building or other chattel creates a tax liability, does not by such liability give the person liable to tax any legal entitlement to the land. You know what is happening now. People go and just pay the tax on land and then they claim it. That is a loophole that we must plug, because it has been responsible for a lot of controversy where people start to pay the tax on land and then say it belongs to them.

Clause 4 of the Bill amends section 10 of the Property Tax Act. It makes it clear that the tax is to be raised, levied or collected every year from January 1st. Section 33 of the Property Tax Act is amended by clause 17 to provide that the annual tax as previously due and payable under the Act on the 31st of December, will now be due and payable on the 30th of September in every year. So no longer it will be due on the 31st of December. It will be due on the 30th of September to bring it in line

with the financial year.

Section 34 presently provides for the Board of Inland Revenue to send a notice of non-payment of tax to the owner should any tax be unpaid before the 15th of September in any year. Clause 18 of the Bill will amend this to change the date from the 15th of September to the 15th of March, again, consistent with the fact that taxes would now be due on the 1st of January. Section 34(3) allows for the increased tax of 10 per cent and the interest at a rate of 15 per cent on tax that is not paid by March. However, the Board can waive any penalty or interest where they consider it just and equitable to do so.

Clause 22 of the Bill will amend section 38 to make it clear that the 10 per cent increase in tax, and interest of 15 per cent, must be paid after the four-day statutory time limit for payment. Clause 9 of the Bill will amend section 20 of the Property Tax Act to provide for the amendment of the assessment roll by the Board of Inland Revenue where there is a change or variation in the information that is in possession of the Board of Inland Revenue in respect of land. Inland Revenue on its own, comes into possession of information on land that may not be in another register and they now would have the authority, once it comes to their knowledge, to make amendments. Where the roll has been amended and there results an overpayment of the tax due, the Board shall now refund the owner within 60 days of the overpayment.

Clause 12 of the Bill will seek to amend section 23 of the Property Tax Act, which deals with the deferral of tax. The amendment will delete the current section, replace it with a requirement that the relief granted will be valid for a period of two years and may be renewed if the conditions of the applicant remain unchanged. And what this means—and I will give you an example. If you have an elderly

couple in Woodbrook who are impoverished and cannot pay the tax, they would get the exemption. But they may pass away; they may bequeath the property to another person who has the capacity to pay, so every two years you will review that situation to see if the owners or occupants are in the same position, entitled to the waiver. And if they are, they continue to enjoy the waiver. If they are not, then the taxes will be imposed as they should be.

Hon. Member: Like the “Rahael” clause.

Hon. C. Imbert: The what clause? “Rahael” clause? “All yuh does say all kynating yes.” [*Laughter*] Madam Speaker, the rest of the Bill is just clean-up clauses. Madam Speaker, before I close—I think I have five minutes—I just want to read what is on the Ministry of Works and Transport’s website. You can go there. We have a property tax link. It is right up at the top.

Hon. Member: The Ministry of Finance.

Hon. C. Imbert: Sorry, Ministry of Finance. What did I say?

Hon. Member: Works.

Hon. C. Imbert: Works? Oh my goodness. Why did I say that? I am working too hard. The Ministry of Finance’s website. When you go there you would see a property tax link on the Ministry of Finance’s website and it gives an example of a calculation where a property could rent for \$3,000 per month. The annual rental value will be \$36,000 per year. The annual taxable value will be \$32,400 because you take out 10 per cent for voids, and the annual property tax will be \$32,000 by 3 per cent, \$972 per year or \$81 per month. I want to read this again. A property that would attract a rental of \$3,000 per month will attract a property tax of \$81 per month. Let me say that again. A property that would normally attract rental of \$3,000 a month, under this legislation will attract a property tax of \$81 per month,

not \$8,000, not \$800,000. Eighty-one dollars per month is what your typical property owner will pay in property tax.

I beg to move. [*Desk thumping*]

Question proposed.

Madam Speaker: Hon. Members, you are reminded that leave has been granted for Bills 1 and 2 to be debated together. Member for Tabaquite. [*Desk thumping*]

Dr. Surujrattan Rambachan (*Tabaquite*): Thank you, Madam Speaker. Madam Speaker, this Bill is a very, very contentious one, extremely contentious. Every time you interfere with the property rights of people, any time you interfere with the security zone in which people have found comfort, you are going to find that there is going to be a lot of reaction, and that reaction comes especially when people are not well-informed and well-educated about what we are debating. And despite the number of years that have elapsed and the manner in which this Bill was rushed through at the end of 2009, still says that after two and a half years, or two years, and the Government wanting to bring this Bill back, they have done a very poor job of educating the people and dealing with the contentious issues. [*Desk thumping*]

Madam Speaker, I want to respond to a couple of points that the Minister made, but first to say that the Minister, in one of his statements, had indicated that they intended to collect \$503 million in taxes in 2017, which is about the time that they wanted—well, in fact, in the final estimates of revenue for 2017 the Government said they wanted to collect—expected to collect \$503 million in property taxes. Now, when you compare that with the \$71,413,824 collected in the year 2009, it means to say that the objective of the Government is really to collect 700 per cent more in taxes in 2017. [*Desk thumping*]

How is this 700 per cent more that they intend to collect going to be spread, and who is going to bear this burden? Because the Minister made a very interesting comment towards the end of his speech when he said—he gave a good example—a proper example—of a house valued at \$3,000, \$36,972 a year calculate. But, Minister, and Madam Speaker, I have said in this Parliament and I say again, the statistics in this country provided by the Board of Inland Revenue show that 76 per cent of our population earns less than \$6,000 a month. If 76 per cent of our population earns less than \$6,000 a month, and if you assume a person earning \$6,000 a month has to pay an additional \$972 a year in taxes that amounts to quite an interesting sum for that person. For many persons sitting here in this Parliament, getting \$50,000 a month as a salary, \$81—[*Crosstalk*]

Mrs. Persad-Bissessar SC: I would like to hear the Member, please.

Madam Speaker: Hon. Members, I will remind you of the provisions of Standing Order 53. Please continue, Member for Tabaquite.

Dr. S. Rambachan: Eighty-one dollars might not sound a lot to people but when you consider that so many things have risen in this country, including the cost of [*Desk thumping*]*—*the cost of living, the cost of transport, and when you consider that so many things that should have been provided by the State to the citizens and that the citizen is now not benefiting because of mismanagement and the poor management of the economy, like CDAP drugs and other things, and the citizen now has to pay for it, that \$81 is a very important sum of money for people. [*Desk thumping*]

Mrs. Persad-Bissessar SC: The cumulative cost.

Dr. S. Rambachan: Yeah, and the cumulative cost. For many persons it is a monthly cost. Madam Speaker, so you are looking at the Government attempting to

raise the amount collected by 700 per cent within 2009 and 2018. Madam Speaker, the hon. Minister should also tell the people that this property tax, and this attempt to collect 700 per cent more than they collected in 2009, comes in the wake of all the taxes people pay now: the health surcharge tax; personal income taxes; corporate taxes, which we know have risen; the business levy; the Green Fund Tax; stamp duties; taxes at the pump. You remember we pay tax at the pump. We pay stamp duties; we pay for death certificates; we pay for birth certificates—

Mrs. Persad-Bissessar SC: Online tax.

Dr. S. Rambachan: We pay online tax. It is a plethora of taxes that people pay in this country and I will argue here today that people would not mind paying taxes if they got value for the money that they pay in taxes. [*Desk thumping*] And that is where the crux of this debate will be.

The Minister also made reference towards the end of his speech to certain clauses in which he speaks about the matter of arrears and people having to pay interest— 15 per cent interest and so on, on arrears. Well, if you owe, you have to pay. But the problem is this. How about the citizens and the business people in this country, the ordinary citizen, who for years and years have not gotten their tax refunds, but they do not get interest on the tax refunds due to them? [*Desk thumping*] How about the citizens of this country who are waiting for their VAT refunds for months and years, they continue to pay overdraft interest on that in the banks, and yet they do not get back interest from the Government because of the Government's inefficiency and the system and the process by which they should be getting their VAT returns on time?

So it is good and well to speak, as he does, about the conditions and the provisions in the law, but let us look from the other side of what the citizens are suffering, in

fact, now. The Minister also said that refunds are going to be made within 60 days. Madam Speaker, I would like to think that that is going to be real, but just to tell you about, again, refunds on personal income taxes and refunds on VAT and so on, indicate that that is something that is a pie-in-the-sky and will not be realized. But what recourse does the citizen have when the citizen does not get what is promised in the law? What recourse does the citizen have? Who is defending the citizen in this country?

Hon. Member: The UNC.

Dr. S. Rambachan: And that is important. Our role in the Opposition here is to throw the stark reality in the eyes of the Parliament and the people, that the law must not act on behalf of the Government, the law must act also for the citizens of the country. [*Desk thumping*]

Madam Speaker, there is also going to be a lot of contention in the society as to how you calculate capital value, for example, of properties, and so on. I can see a lot of things happening with respect to appeals. But there is a matter which the Minister raised when he talked about his role in the appointment of the Valuation Tribunal, and the hon. Minister indicated that his role stops when he appoints the members of the Valuation Tribunal. But I would like to make reference in the Bill to amend the Valuation of Land Act, 25B which also gives the Minister the power to suspend a member of the Valuation Tribunal from office [*Desk thumping*] on the ground of misbehaviour or physical or mental incapacity or for cause. And it seems to me that that is the sole discretion of the Minister.

So if a member of the Valuation Tribunal says, you know, “I am not going to go along with what the political directorate expects of me” and refuses, to be independent, then the Minister will step in. I mean, I do not want to throw this at

the Minister but the Minister has a reputation for firing people. [*Desk thumping*] He fired the Governor of the Central Bank. He fired people at Petrotrin. He is now known as the ‘fire man’, you know, in the Government.

Mr. Imbert: Madam Speaker, 48(6), I have not fired anybody at Petrotrin. I would like him to withdraw that; imputing improper motives.

Dr. Rowley: Cabinet “do that”.

Mr. Imbert: Neither the Governor of the Central Bank.

Dr. S. Rambachan: I will withdraw and continue. I have no problem with that.

So, Madam Speaker, the dispute here today is not whether taxes are required or not. If we are in government we need taxes to run the country. If they are in the Government, they need taxes to run the country. But the issue is about equity and fairness [*Desk thumping*] and side by side, the efficiency with which tax dollars are spent in the interest of those who are called upon to pay taxes. That is where the issue is. And as much as there is an obligation to pay taxes, there is a responsibility on the part of the Government to be efficient and give value to the people who are called upon to bear this burden. [*Desk thumping*] That is important, Madam Speaker. I will remind the Government that they lost an election on the “Axe the Tax” and the people stood up, and it is going to happen again. [*Desk thumping*] And as I have asked before, I ask again: Are people receiving value for their taxes being paid in this country, Madam Speaker?

Hon. Member: No.

Dr. S. Rambachan: There is always going to be resistance to taxes, but the resistance will be more acute if people perceive that their taxes are being wasted. And the question looms large in this debate: what is the people’s perception today of how their tax dollars are being spent? What is their perception today? If you

cannot get CDAP drugs, if you are like Mr. Shabbat sitting in the San Fernando Hospital and you cannot get a pacemaker right now and you are staring death in the face—Mr. Minister of Health—if you cannot get simple things done—CT Scans and what have you—people are going to resist and they are going to get bold and they are going to get aggressive in this country. And a lot of the anger and aggression that you see in this country now from ordinary citizens, decent, peace-loving citizens, is coming from the frustrations that are being imposed by the incompetence of the Government that sits opposite to us. [*Desk thumping*]

You see, a lot of people in this country perceive this property tax as a reactive tax, a tax that is meant to bleed the pockets of the people to fund incompetence, to fund the debts that are being created, and that—

Mr. Imbert: Eighty-one dollars a month?

Dr. S. Rambachan: Eighty-one dollars means nothing to a man who can buy a Mustang to drive. [*Desk thumping*] But \$81 means a lot to a man who buys a B14 that is 10 years old, to carry his children to school. [*Desk thumping*] “Yuh run into dat.”

Mr. Imbert: You “driving” a Porsche.

Dr. S. Rambachan: You run into that. Madam Speaker—

Mr. Imbert: You have two Mercedes Benz.

Dr. S. Rambachan: Madam Speaker, people—[*Crosstalk*]

Madam Speaker: Member for Tabaquite.

Dr. S. Rambachan: Thank you, Madam Speaker. People would rather see a proactive tax aligned to a specific human developmental objective. But again, what are the developmental objectives of this Government? Had they had, like they said, a plan, and developmental objectives, after two years in office you would have

seen a difference in the quality of life and in human development in Trinidad and Tobago, but you have not seen that. The population is becoming convinced that the property tax is an attempt to get money to pay for mismanagement. [*Desk thumping*]

Hon. Member: Correct, mismanagement.

Dr. S. Rambachan: So have we gotten a fair deal for the taxes we pay? How efficient are we in this country in spending our tax dollars? And I want to argue that, generally, the Government has not been very efficient as they should be and as they claim they were going to be when they campaigned in 2015 with respect to their spending and spending efficiency. You know, overall, when you look at things in this country and you do some assessment and you listen to the economists and so on, I make bold to state that we are perhaps spending—

Mr. Al-Rawi: I am so sorry. I enjoy my friend's debate but 48(1), Madam Speaker. I have not heard a single clause referenced, and I do not think this is a wide perambulating debate, respectfully, as much as I enjoy my friend's contribution.

Madam Speaker: I am going to give you a little leeway to build your context, but please, remember what the debate is about.

Dr. S. Rambachan: Madam Speaker, when you impose a tax on people, the tax is supposed to be used for the benefit of the people. I am demonstrating by the evidence before us, by the performance of the Government, by the spending, that taxes are not being used for the benefit of the people. [*Desk thumping*] And if you are going to have people pay a property tax, people must be sure that this tax is going to be used. So, Madam Speaker, for example, the Government has given no indication how they are going to spend this tax. If you go to a place like—if you go

to other countries. If you go, for example, to St. Catherine's, in St. Catherine's you can see when they pay property tax how much the city is going to use, for what, and how much the region is going to use, for what—St. Catherine's in Canada.

So you know what percentage is going to be used by the city for fire services, for roads, sidewalks and drainage, for parks, for trees, recreation grounds, for general government, for transit, for libraries, for museums, for community planning and development, for street-lighting, for the contribution to capital projects, senior citizens centres and so on. But this Government has not told us how they are going to use this tax. They made a general statement in saying that local government corporations are going to collect the taxes and the taxes are going to remain. But we have not had before this Parliament the reform of the local government legislation that will give effect to—

Madam Speaker: Okay. So, Member, as I said, I allowed you some leeway. We are not debating anything with local government taxes, local government reform or anything like that, so I am not going to allow you to go into there. Please continue. Keep to what is before us.

Dr. S. Rambachan: Madam Speaker, then I am supposed to go, clause 1, clause 2. Because you see, I am seeing—I do not know. I am seeing this Bill through the eyes of the people. [*Desk thumping*] You know, the hon. Minister, he did his job well. He went through clause by clause. I responded to a couple of the statements he made with regard to the clause, but I am here to see the Bill through the eyes of—I respect what you are saying, Madam Speaker, and maybe some time you might just tell me, well, I have to sit down, but I am telling you—

Madam Speaker: Member, please do not go there. I am not telling you to sit down. All right? I am allowing you to debate. What I am saying is, you are not

going into anything about local government reform, and so on. Please continue.

Dr. S. Rambachan: Thank you, Madam Speaker. Madam Speaker, therefore, we would like to know—the citizens would like to know—how is this tax going to be used for the benefit of the people. How is this tax going to be used for the benefit of the people? Madam Speaker, it is not just the \$81, you know, that the Minister spoke about, you know. It is all the other taxes put together that really amounts to something. And remember, if they do not pay that \$81, their properties will be subject to levy. And then it is a whole process they have to go through, and maybe even pay a lawyer to go and defend them, and what have you, or a consultant, and so on. So it is not just about the \$81. You have to look at it—

Mrs. Persad-Bissessar SC: Maybe you have to pay more. They are just taking the smallest amount.

Dr. S. Rambachan: Exactly. I am just using the simplest example that the Minister gave.

Mrs. Persad-Bissessar SC: And therefore we have to rebut him.

Dr. S. Rambachan: Madam Speaker, so we have to ask where are these taxes going? You see, if you look at St. Catherine's, if you look at New York, there are published documents—Toronto—as to how their taxes are going to be used. But, Madam Speaker, where in the regional corporations—if you take one regional corporation which is supposed, given the expectation that they are going to be allowed to collect their taxes, how do we know that these taxes—what is the guarantee that these taxes are going to be used at the level of the people in the corporations? How do we know that these taxes are going to be used there?

I would like the Government to give us some guarantee, when they respond, that these taxes are going to be distributed fairly across the regions and the taxes

collected remain in the region. What is the assurance the Government is going to give in that regard, so that people are going to be sure that they are going to benefit from the moneys that are going to be collected? You see, Madam Speaker, it is one thing to collect money from the existing people, and so on, and it is one thing to say, “I am going to collect seven times the amount I collected in 2009”, but at the same time it is not just about collecting from the existing households, you have to look at how you are going to raise tax revenue by improving the economy as a whole.

So one of the things that the Government should be focusing upon is how do you also increase business activity in the country; get more investments going in the country so that you get more taxes out of those businesses? Or how do you increase housing in the country in which there is a shortage of about 200,000 units so that you get more taxes out of that?

3.15 p.m.

And if you tell me that this money that is being collected or moneys that you collect now are going to be used in a purposeful way so that you increase the revenue as a whole, I can understand that, because then the regions can benefit from this. But I have seen no evidence, I see no promise as to how this money is going to be redistributed to the regional corporations and that is something that bothers me very, very deeply. You see why it bothers me, Madam Speaker, is that when we said that we were going to pay health surcharge as a tax, one expected—
[Interruption]

Madam Speaker: As I said, I am not going to let you go into a whole debate about various taxes, I take the point you have made with respect to tax being for the benefit of people and so on. I think that has been made. Please move on to your

next point.

Dr. S. Rambachan: Madam Speaker, you know, the tax is not only going to be paid by the small household you know, there are hundreds of small businesses in this country that employ people and without them employing people, the situation will be worse, eh and we need also to understand that they are also going to be called upon to pay these taxes. To what extent are these taxes going to be affordable? Is it that they are simply going to pass on these property taxes to people now; and rent value is going to go up because people are going to pass on these things to the people who are renting? With a demand for 200,000 houses where people are either sharing homes or renting homes, the burden is a very real one. You know, I am not arguing that we do not want taxes you know, I made that very clear at the beginning. I am arguing about the efficiency with which tax is being used and also, the additional burden and can people bear the burden in the country? [*Desk thumping*] That is what I am arguing.

Madam Speaker, the taxpayer wants to be sure that the taxes are being used for his or her benefit in the regions in which the taxes are collected and that is something that we have to have some basis for telling us. You see, Madam Speaker, if I am paying property taxes, and I live for example, in the region of Couva/Tabaquite/Talparo Regional Corporation, 162,767 persons live there now. In the last survey done between 2009 and 2011, there were 43,095 dwelling units. Now, we have all that area of Point Lisas and so on, all the businesses and everything that come within the Couva/Tabaquite, I would like to know from the Minister, by region, how much taxes he estimates will be collected from businesses, from commercial enterprises, industrial enterprises and residential houses in the Couva/Tabaquite/Talparo Regional Corporation. How much?

Because I think it is important to know that and I think that the citizen who is living in that area and who needs benefits in that area, needs to know that to know whether those taxes are going to be used for their benefit or what percentage is going to be used and what percentage is going to be transferred to the Government. Or are all these taxes simply going to be submerged into the Consolidated Fund and we would not hear anything about it and it would not go back to the people? So where is it going? I would want to say, you know, if we are collecting these taxes, should we set up a special fund? A special accounting fund for these property taxes so we know that it goes out to the region and we can know how much is being spent on each one of the particular things that we are talking about.

So I am using this example of the Couva/Tabaquite/Talparo Regional Corporation because it is one of the areas that has a lot of poverty, like also down in the Siparia Regional Corporation and where the demand for dollars, at this point, is very high at the level of the regional corporations. I am making, therefore, a strong case for the taxes to stay or a greater percentage of the taxes to stay in the regions in which the taxes are collected. That is, to me, very, very important. You cannot deal with some of the social problems unless you spend money in providing facilities for people to stay away from the kind of life you do not want them to engage in, whether that be play fields, whether that be schools, whether that be activity centres or what have you. I am making a very strong case in this regard on behalf of the regions. So if the taxes are collected, the taxes remain in the regions.

Madam Speaker, I would really like the Minister to have his people do research on how taxes are collected and distributed in some of the more developed countries of the world, and I think he will be surprised when he sees how the taxes are distributed to the regions and what percentage remains nationally.

Madam Speaker the other matter I want to raise is the matter of the adequacy of the human resources to administer and collect the taxes. Madam Speaker, who are the valuers? Who are the valuers? How are these valuers being trained? If you say you are going to implement this tax shortly, how many persons have you already trained to be valuers and who trained them? How are the citizens sure that these persons who are coming to do the valuations really are people who are competent? Sure enough, they can go and they can appeal but you want to avoid this long frustrating process of the appeals, so if you can get it done right the first time, it is always going to be less frustration on the part of the citizen. I would like the Minister to also tell us, therefore, what kind of human and administrative infrastructure has been put in place.

And you know, Madam Speaker, with due respect, I say that because we have to look at our track record with matters of administering laws where we need to have oversight and implementation and we see some of the difficulties that have occurred simply because we did not train people properly and we did not have enough persons in place to do the implementation that is supposed to be done in a manner that is satisfying to the citizens.

Madam Speaker, the matter of valuations, therefore, is something that is of great concern to me. How are these valuations going to be done? And I understand, you know, how we have lost taxes, you know, Minister, I understand. Not meaning to cast any aspersion, but Alexandra Street, 2009 to 2015, \$47 million paid in rental according to the newspaper. Right? And if that is the case and you take 5 per cent of that less 10 per cent, you lost about \$2.5 million in taxes. Yeah. So I know, we are losing—some people have benefited, not only in terms of the rents they got, they benefited also by not paying the taxes.

So, Madam Speaker, the case I am making, you see—[*Crosstalk*] [*Laughter*] I want to speak on behalf of the people, you see every time we collect a tax and we do not use it well, the people suffer. And if I go to speak about the kind of cost overruns that took place in this country where tax money—whether we got that money by taxing profits on oil, taxing on gas and what have you, but when you have, in Scarborough, a hospital that doubled in price and took so long to build and we collected taxes and now we are going to collect taxes and we are not sure that that money is going to be spent efficiently, that is why I have to speak on behalf of the people. [*Desk thumping*] This is a people issue, this is a people issue and let us not escape that reality.

Again, you know, \$81, the Minister makes out to be nothing. It is nothing to the big man but it is much to the small man. [*Desk thumping*] It is very much to the small man. You have to go out there and see the person who is working for \$90 and \$96 a day and understand that \$81 a month takes up one day of his pay [*Desk thumping*] to understand what that means. So it is misleading for the Minister to focus on \$81 only and not to talk about all the other taxes that the person has to pay. [*Desk thumping*] The Minister should tell us how it is going to affect large businesses, medium businesses but in particular, medium and small businesses, especially at a time when we have to increase entrepreneurial activity in the country.

Mr. Al-Rawi: 48(1), Madam Speaker, reluctantly but “oh lord”.

Madam Speaker: Member, I uphold the objection, please move on.

Dr. S. Rambachan: Thank you. You know, on December 20th on the *Newsday* of 2009 in an article written by Sean Douglas, the hon. Prime Minister said:

“I know a lot of people for whom \$100 is a lot of the money.” —people—

“...are struggling to make ends meet.”

[*Crosstalk*] And it was the hon. Prime Minister, in his very compassionate way, rejected claims that the property tax would not cause hardship.

Hon. Member: He said that?

Dr. S. Rambachan: This is from the *Newsday*. So for his Minister to come now and say that \$81 means nothing, you know, I rather think [*Crosstalk*] that the hon. Prime Minister has a more compassionate and caring heart than the Minister of Finance at this stage. [*Continuous crosstalk*]

Madam Speaker: Members, anybody who wishes to join in the debate will be allowed an opportunity to join in the debate when their time comes. I want to hear the contribution of the Member for Tabaquite. Please, proceed.

Dr. S. Rambachan: Thank you, Madam Speaker. But we want to collect seven times the amount of taxes, all right, seven times.

Madam Speaker: Hon. Member for Tabaquite, your original time is now spent. You are entitled to 15 more minutes, if you wish it, you may proceed.

Dr. S. Rambachan: Yes, Madam Speaker. Thank you. Madam Speaker, you would have read in the newspaper and you would have heard from the lips of the Minister of Finance as well as the junior Minister of Finance that approximately \$45 billion is owed in back taxes to the Government. How come the Government has not attempted to collect these taxes rather than gone and impose more taxes on poor people?

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

Madam Speaker: Member for Tabaquite, I uphold the objection on the basis of Standing Order 48(1). Please proceed to your next point.

Dr. S. Rambachan: Thank you, Madam Speaker. When you take \$81 from

people, when you take \$81 from a poor man every month, you take it from him and you put it into your coffers, right, but way back on January 27, 2017, a year ago and even before that, when the Minister become Minister of Finance, he was talking about multinationals and transfer pricing and the fact that they were cheating this country of millions of dollars and I believe—*[Interruption]*

Mr. Al-Rawi: 48(1), Madam Speaker.

Madam Speaker: Member, I will allow you a little leeway but I am not sure where you are going with that, just be careful. Remember what we are talking about. We are talking about property tax and valuation.

Dr. S. Rambachan: Yes. You see, Madam Speaker, when these multinationals set up their transfer pricing, what they eventually do, they work it in such a way that—*[Interruption]*

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

Hon. Member: “Wait fuh de point, nah man.”

Dr. S. Rambachan:—that, Madam Speaker, the Government has less profits to tax in terms of the multinationals. *[Desk thumping]*

Madam Speaker: So we are not talking about profits and taxes on multinationals. Please continue, Member, and please do not let me have to rise again on 48(1).

Mr. Al-Rawi: First time I see you stretch to make a debate.

Dr. S. Rambachan: I am not stretching to make any debate. *[Crosstalk]* I am speaking and I stand here very vociferously, very courageously. *[Desk thumping]* The hon. Speaker is right to correct me and I respect that but I want to say here today that nobody is going to shut up the Member of Parliament for Tabaquite *[Desk thumping]* for speaking on behalf of the poor man in this country. *[Desk thumping]* The poor man has enough to bear in this country. Nobody is going to

stop it. And if in 2009, the Member for Diego Martin West could have said that \$100 was important to people, what has happened in 2018? What has changed in 2018? [*Desk thumping and crosstalk*]

Madam Speaker, I have made my point this evening. I do not have to belabour my point but I have made my point and the people know that I have made my point, that I have stood for what is right, and what is right is to defend the pockets of the people of Trinidad and Tobago. Thank you, Madam Speaker. [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker. I can easily understand the difficulty my friend from Tabaquite experienced for the last 40 minutes or so. It is because they find themselves like the proverbial cat on a hot tin roof. They do not know what to say but they just have to find something wrong or something bad about everything this Government is trying to do in the interest of the people of this country. Imagine, Madam Speaker, the Member for Tabaquite, he expresses deep concern, according to him, about how do we spread the burden of the tax of which we now speak; how do we increase businesses across all the regions in this country, the 14 of them, and Tobago, in order to redistribute these taxes. Well, I simply say to my friend, it is this Government that has proposed and we are working steadfastly on the reform of the local government sector.

Madam Speaker: Okay, Member, I am not going to allow you to go down that road. Your friend on other side I have prevented the Member for Tabaquite and therefore, I am not going to allow you to go there.

Hon. F. Hinds: I am obliged. I was just mentioning that that is how we intend to go, and he wanted to know how we would utilize the taxes that these measures will generate. Madam Speaker, he just has to look at our history: our housing

programme alone, our education programme alone, demonstrate two major ways and he is wondering about it. Well, we have a thing in this country, which he ought to know well, called a Consolidated Fund. When taxes are collected, they go into the Consolidated Fund and that provides a simple answer to my friend from Tabaquite as to what would happen with these moneys.

And, Madam Speaker, he is very concerned about taxes and how they would affect the poor—he raised it, I am duty bound to respond—and how it would affect the poor. Well, there was a company in this country that earned itself \$400 million more than the lowest bidder in a waste water project in the Beetham. A company called the SIS. And from the day after the elections with those taxpayers' revenues spent, it disappeared. [*Crosstalk*]

Miss Ramdial: Madam Speaker, 48(1).

[*Madam Speaker stands*]

Hon. F. Hinds: I am moving on, Madam Speaker, I am just answering. I am just responding. Cannot be found.

[*Madam Speaker remains standing*] [*Continuous crosstalk*]

Madam Speaker: Member, remember what this debate is about. And while you are entitled to respond, I want you to remember that certain matters were not allowed when the others—so please do not revive them. [*Desk thumping*]

Hon. F. Hinds: I am in motion, Madam Speaker, I am in motion. We pledged, this Government pledged, in our manifesto to rationalize the tax structure and to reintroduce the property tax because we recognized that very uniquely and very much to the detriment of the Government and the people of this country, and when I say people, I mean even the people who say that it is unfair to the country for us to own rich properties and we are not paying tax. We took a policy decision, a

manifesto pledge, to return to it and this is why we here today you know, Madam Speaker. This is why we here today.

The land and building taxes regime was problematic as has been explained and the rates varied across the country. The land was valued, it was a flat tax as we would have heard, no valuation on land and it was based largely on size. For these reasons and more, we decided to implement this property tax. The background to this cannot be forgotten and for the benefit of the citizens of this country, the Property Tax Act in 2009 and the Valuation of Land (Amdt.) Act of 2009 were both assented to, became law, by the President on the 31st of December, 2009, in this country and were expected to come into operation on the 1st of January, 2010. Madam Speaker, section 52A of the Finance Act 2015 provided for a waiver of the property tax for the period of the 1st of January, 2010, to the 31st of December, 2015. So there was no land—the property tax was waived for that period. On the 2nd of February, 2018, as a further step in the implementation process, two Bills were introduced in the House of Representatives, these are the two Bills that are now being debated here today. So, Madam Speaker, the people of the country, listening to my friend from Tabaquite, must understand that it is a responsible Government on this side of the House who is reintroducing measures, because as my friend from Tabaquite pointed out, governments need to collect revenue in order to conduct the nation's affairs and today, we seek to amend these two laws in order to give effect to them.

As I indicated, Madam Speaker, there are two main reasons why these Bills are important. As for the valuation of lands amendment, it is a forerunner to the effective collection of the property tax in the property tax regime, and it also aids to a fixed, accurate values to land for that purpose, the paying of the tax, and of

course, for other purposes. Land is the basis of all wealth as we all know. In fact, people have fought for and died upon it. And of course, as we have already agreed, people hide and launder money through land, businesses, cash and other monetary instruments. Taxes are paid on property to states everywhere in the world but in Trinidad and Tobago, because of the conduct and the philosophy of “axe the tax” on the part of the last Government, in their populist approach, that was not done uniquely in Trinidad and Tobago.

I call in aid a comment well recorded around the world by Oliver Wendell Holmes, a former US Supreme Court Judge, speaking on the business of taxes and I quote. He said:

“Taxes are what we pay for a civilized society.’... Programs providing health, education, infrastructure and other amenities...”

In our case, like GATE.

“...are important to achieve a common goal of a...”—civilized society—“prosperous, functional and orderly society.”

All of these require the Government to raise taxes. Tax, he says:

“...is a key ingredient of the social contract...”

The Member for Tabaquite was telling us a moment ago and I am not belabouring the point, but he was telling us a moment ago in this House that there are tensions in the society and there is a whole lot of anger and so on. It is collecting taxes and meeting public goods and services that keep the social contract in order; it is the key to it and that is why we are here today. And you would notice, Madam Speaker, my friend from Chaguanas West, before we got off the ground today, he representing the sinking and the philosophy of the UNC, got up here in obstructionist mode to tell us about sub judice and you had to rule upon it.

Madam Speaker: Member, please do not go down that road. Please continue.

Mr. Singh: Withdraw, withdraw. Obstructionist.

Hon. F. Hinds: “Um-um”. All in an attempt. And when you reflect on the *Hansard* in the debates in 2009 in the month of December and early January 2010, you would see—I mean, for example, Madam Speaker, I am making reference. The now Sen. Wade Mark, back on Tuesday, 29th of December, 2009, representing the UNC in full flight in the Senate, in response to these measures, said and I am quoting from *Hansard* of that day and I am quoting him:

“The hon. Minister in the Ministry of Finance and the Minister of Trade and Industry spent less than 15 minutes to introduce a measure...”

And hear the words.

“...that will cripple house owners...”

“Yuh hear the strong language?” That was the UNC in 2009.

“...that will cripple house owners and business owners and impact negatively upon people who own shacks in this land.

This measure...”

He continued:

“...as far as we are concerned, is unconstitutional, undemocratic anti-working class and anti-working people.”

[*Desk thumping*] That is the kind of language that they muster in order to object to these sound measures, to maintain social cohesion and to provide all the goods and services that a government must, to keep the people of the country alive and going and they raised objection to it.

Madam Speaker, in 2009, the very Member for Siparia, speaking on the same measures and I would not bother to waste your time quoting her but I should paraphrase. She said that this tax will pauperize the citizens but the Minister of

Finance, before he took his seat, a while ago, told us and you see the measures that we have before you for this tax are based on an annual rentable value. An assumed rental value which is to be determined by the Commissioner of Valuations. And the Member for Diego Martin North/East, the Minister of Finance, a moment ago told us—and they did not want to hear it—on a property where the annual rental value is \$36,000 a year or \$3,000 a month, the property tax will be \$81 per month. So if you have a property and you can earn \$3,000 in monthly rent upon it, all you will be required to give this State, one of the least anywhere in this hemisphere, is \$81 a month.

Mr. Al-Rawi: Two dollars and sixty cents a day.

Hon. F. Hinds: That is \$2.60 a day. And then the Member for Tabaquite, on behalf of the UNC, gets up here to tell us that there are people, the large majority, 75 per cent of the people he said, the workforce, earns \$6,000 or less a month, implying that each of these persons will have to pay \$81 more per month and \$100 means so much to them. That is not the truth. It is the homeowner who is expected to pay \$81 a month. And in fact, for that person earning less than \$6,000 a month, two years ago, in a budget presentation here, we took that to \$7,200 a month. They pay absolutely no tax, no PAYE, none. So, Madam Speaker, you see how disingenuous my colleagues on the other side could be?

The Member for Siparia, as I was telling you, claiming that this tax will pauperize people.

Mrs. Persad-Bissessar SC: That is in 2009.

Hon. F. Hinds: Yes, so she has changed her tongue. [*Crosstalk*] She is saying she is not saying so today. The Member for Siparia.

Madam Speaker: Please, direct your contribution this way. Please continue.

Hon. F. Hinds: I thank you, Madam Speaker. The Member for Siparia is now terrorizing me but I will tell you why I said that. [*Crosstalk and laughter*] The Member for Siparia is on *Hansard* as describing the property tax in 2009 as state terrorism, economic terrorism. I read it, it is right here. That is the language that they muster in order to fool the people in this country but they would not do it. They did not do it in 2015 and they would not do it in 2020. “Is licks like fire” when that time comes because we are doing the right thing and the country knows, the property owners know. Those who own industrial property, residential properties, commercial properties or land, they know in their hearts, they are willing.

As a matter of fact, I might happily tell you, Madam Speaker, over 150,000 people have already submitted their returns to line up to deal with this property tax, notwithstanding legal challenge and I am not dealing with it. Notwithstanding their obstructionist posture, 150,000 people have—and I note a provision in this Bill. In their thinking, they had their mouthpieces carry a strong argument as the Minister of Finance told you, that you must have 100 per cent of the properties in the country valued by the Commissioner of State Lands before you could implement this tax, an impossible task. [*Crosstalk*] The Commissioner of Valuations. Impossible, because as has been simply and logically pointed out, every single day, new properties are being developed in this country and it would be impossible to have all before you start. So the Bill before you, wisely provides that once 50 per cent of the properties in the country are valued in that way, then you can kick in the property tax and it gets to work. But for the obstructionist, they will want to set the impossible bar of 100 per cent and, therefore, it has to be rejected.

3.45 p.m.

And it is not the only thing they oppose. They oppose the—everything they

oppose. They oppose everything that is good. They oppose everything that is good for the people of Trinidad and Tobago.

As I was telling you, Madam Speaker, people out there are saying that the land and building taxes were not fairly operated. They are saying they want to pay this tax. They identify that there is no relation between the cost of property and the value of land under the land and building taxes and, therefore, it behoves us to improve things.

Since 2010, we lost over \$1 billion in revenue in this country because of the conduct of the last Government. “Axe the tax” was their mantra. They put an end to the land and building taxes. They put the Property Tax Act in abeyance, and as a result, this country lost \$1 billion in revenues. And I will tell you this, when you hear the Member for Tabaquite speaking on behalf of the UNC, concerned about what we will do with taxes; well, left up to them we will have none. Left up to them we will have none, especially in circumstances where national revenues are down, public debt is up, and corruption was rampant in the last five years, things are economically bad, and the Government needs revenues in order to continue its work.

So, Madam Speaker, clause 11—if I may just deal with a few of them, although I think some of them have already been dealt with—amends section 19 of the existing law. And Madam Speaker, in clause 11(b), this Bill seeks to insert:

“after paragraph (d), the following new paragraphs:

- ‘(e) that annual rental value of any land appearing in the Valuation Roll is incorrect or unfair having regard...’”

It allows an objection to be filed. And the reason why I am focusing on this provision is because it allows for due process. [*Crosstalk*] If someone has an

objection to the valuation, it is here they will find solace. It allows them to object—[*Interruption*]

Mr. Indarsingh: The Speaker is on her legs.

Madam Speaker: Hon. Members, I usually do not have a difficulty hearing the Member for Laventille West. I am certainly being challenged at this time. Please continue, Member for Laventille West.

Hon. F. Hinds: Thoughtlessness of the UNC on the other side, but I should survive. [*Desk thumping*] Yes, I should survive. That is how they react to the truth. They do not want to hear it. As a matter of fact, they want to leave and go home now.

Madam Speaker, if someone holds the view that the land, for example, if it is exempt and it ought not to have been included in the Valuation Roll, they have an opportunity to object as well. They could object on the grounds:

- “(f) that land should not have been included in the Valuation Roll;
- (g) that land omitted from the Valuation Roll should be included therein;
- (h) that land included in a series or complex of land units as a single land on the Valuation Roll should be listed separately on the Valuation Roll or omitted therefrom;
- (i) that land listed separately in, or omitted from the Valuation Roll should be combined with one or more of a series or complex of land units and listed as one single unit of land; and
- (j) that the Valuation Roll is incorrect in some other material particular.”

Madam Speaker, all of these allow the citizens who are going to be affected by these measures to seek redress or corrective action short of the expense and the time and the trouble of going to court.

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I even heard the Member for Tabaquite raise concerns about the power of the Minister to remove one of the valuation commissioners and expressing this unfounded fear that the Minister may act whimsically.

Even so, the principles of natural justice must always apply and when the Minister or public officials is acting or fails to act all that he does is amenable to the laws of judicial review and, of course, it is subject to the rules of natural justice.

So the scaremongering on the part of the UNC, falling through the lips of the Member for Tabaquite, loudly supported and applauded by the Member for Siparia, we understand it is all designed to create smokescreens and to create doubts in the citizens of this country, when in fact it is a responsible Government coming in after five years, and two years we are now in Government plus, and we had to fight, through the courts and in other ways, to be here today, but we will always do the best thing and the most noble things in the interest of the people of Trinidad and Tobago, and we do so without fear and we do so without apology, and we call on the citizens of this country to discontinue, to pay no heed to the UNC. They are—[*Crosstalk*] to ignore them, Madam Speaker, put in simple language, to ignore them and their “seagullism”. Yes, ignore them, so that we can get it.

So, as I said, clause 15 as well, a new section 25A allowing due process, and, of course, a new section 25G, which outlines the functions of the tribunal; all of this in an effort to pass, as they call it sometimes, we know it to be good law, so that the people of this country will benefit therefrom.

And there was some mention, sometime ago and a comparison with the poll tax. Madam Speaker, I just wanted to say, for the benefit of the citizens of this country that that poll tax, well the word “poll” was used to mean—[*Interruption*]—oh, you

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are not raising it now? The Member for Siparia raised it.

Mrs. Persad-Bissessar SC: Where and when?

Hon. F. Hinds: In the debate in 2009.

Madam Speaker: Direct your contribution this way. Member for Laventille West, please direct your contribution this way.

Hon. F. Hinds: Obligated, Madam Speaker. Thank you very much. Ours is very much different to the poll tax, which was a head tax. Poll meaning, poll, a head tax. Actually it meant that. Regardless of one's status, regardless of one's income, regardless of the number of people in a particular household, there was a tax applied to each of them. It was a poll tax. And, of course, the way their system was structured, the local government authorities, having to raise their own taxes for the most part, to finance issues in their local government authorities, they were prepared to raise these taxes, and that created problems.

Ours, these proposals here are significantly different. This is a progressive tax, meaning it is based on the annual rentable value of the land. So the greater the value of the land, the more tax you pay and by corollary the lesser the value of the land the less tax you pay. And that is what equity and good sense, in our circumstances, is all about. And again, I remind those who would listen to us, that by way of an example, all of this that would mash up businesses and mash up households and destroy citizens and state terrorism, all of that comes to naught in the face of the fact that by way of an example on a \$3,000 annual rental property the owner of the property will pay only \$81 per month.

Madam Speaker, I would like to, as I approach my own conclusion in support of this, I would like to say I give full support to these measures, as offered to this House by the Member for Diego Martin North/East, full support. I am confident

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that the people of Trinidad and Tobago would have seen in the last two years and a few months that this Government, their Treasury, their Central Bank, their public accounts are in safe hands in the Government of the PNM, very safe hands. I can raise my hand today in boast, today not one single credible challenge could be put against any Member of the Government for using—[*Interruption*]

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

Hon. F. Hinds:—office for any personal benefit or gain, none.

Mrs. Persad-Bissessar SC: Talk about the Bills.

Hon. F. Hinds: I am.

Madam Speaker: I remind you of Standing Order 48(1).

Hon. F. Hinds: Thank you very much, Madam Speaker.

Madam Speaker: Okay?

Hon. F. Hinds: Thank you. So, Madam Speaker, I was coming to my own conclusion in support of this, and I was saying, Madam Speaker, that in the last budget presentation, we would have heard about revenues estimated to be about \$35billion, expenditure brought from \$64 billion down to \$50billion, efforts to rationalize the economy and balance the books, as it were, with great difficulty. We see this measure, not only as a tax-raising measure, which it naturally is, but it is also fixing, if I may use a well popular—I regret to use it. It is making Trinidad and Tobago better. We had a failure in 2009. We put these laws on the books and we were not able to give effect to them. All manners of manipulation took place and objection, including the use of the court.

But today, Madam Speaker, we are here without all of those problems in front of us and we seek the support of our friends on the other side for the benefit of Trinidad and Tobago. And I thank you, Madam Speaker, for the opportunity. [*Desk thumping*]

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker, for the opportunity to contribute to a Bill to amend the Property Tax Act, Chap. 76:04, together with a Bill to amend to Valuation of Land Act, Chap. 58:03.

Madam Speaker, the Member for Laventille West spent a considerable amount of time in his contribution dealing with the *Hansard*, with respect to the contribution by the Member Siparia in the year 2009, together with then and now Sen. Wade Mark. Madam Speaker, we heard and we saw a big song and dance. But Madam Speaker, the proof is really in the details and in the pudding, as they would say. You see, Madam Speaker, the hon. Member for Laventille West had much to say about nothing. [*Desk thumping*]

Madam Speaker, let us look at the points that the hon. Member for Laventille West made, with respect to the *Hansard*, for the Member for Siparia. You know, Madam Speaker, I thought it was passing strange. I sometimes wonder whether Members do not read, not only on the Opposition side but also their own Government Members. You see, Madam Speaker, there was a time when they all did not sing from the same hymn book.

Madam Speaker, I turn to the *Hansard* of December 18, 2009, on the Property Tax Bill. Madam Speaker, I am reminded of the words of the hon. Member for Diego Martin North/East. Madam Speaker, and I quote. The Member for Diego Martin North/East had this to say, and I quote:

“There are many people in this country who are struggling to make ends meet.”

Madam Speaker, in the absence of the hon. Prime Minister, who is leaving, it is also interesting to see what the hon. Prime Minister had to say. Madam Speaker, when I look at the words for the Member for Diego Martin North/East, it totally contradicted the presentation made by then and now Prime Minister, Member for

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Diego Martin West, and this is what the hon. Member for Diego Martin North/East had to say, and I quote:

“He came into the debate and made the argument that was repeated by the Member for Siparia”—it was a regurgitation—“that we run out of money.”

Madam Speaker, the hon. Member for Diego Martin North/East went on to say:

“The kind of speech I got from my colleague, it is the speech of an Opposition politician bereft of logic, bereft of fact, populist and playing to the gallery. It is a Kamla’s speech; it was just said with more passion.”

Now, that is hard to believe. But Madam Speaker, it goes on to say, the Member for Diego Martin North/East:

“My colleague is a very passionate man. He has always been a very good speaker and a good orator. He speaks with a lot of strength in his voice. But when you look at the words they do not make sense.”—they sound like Kamla’s regurgitation.

The Member for Diego North/East, then singing for his supper in the Manning administration, now today comes to the Parliament and changes his tune to sing for his supper for the Member for Diego Martin West. Madam Speaker, that is the hypocrisy that we on this side will not accept. [*Desk thumping*]

Madam Speaker, it is very interesting when the Member for Laventille West went on an entire tirade on what Sen. Wade Mark had to say. He said that Sen. Wade Mark objected to sound measures, Member for Laventille West. The Member for Diego Martin North/East, while he agreed with the property tax then, the Member for Diego Martin West had this to say—now Prime Minister—and I quote.

“My colleague from Tobago East mentioned the people in the house who had done nothing and the value could be assessed at \$1 million of \$2

million. Mr. Speaker, I do not know about you, I know many people in this country for whom \$100 is much money. There are many people in this country who are struggling to make ends meet and such persons faced with an increase whether \$200, \$500 or \$600, they are living at the margin.”

I want to make this point, Madam Speaker. This is what the Member for Diego Martin West had to say in the *Hansard*.

“Any increase for them is a hardship. It is not, I should not say a right because it not right and wrong. It is not correct to say that nobody would feel a hardship as a result of this. There would be hardships.”

This is the Member for Diego Martin West, then fired from the Manning Cabinet speaking out against the property tax, today supports the Minister of Finance by bringing this as a revenue-generating measure for the Government.

Madam Speaker, I want to turn to the words of the hon. Prime Minister, then as Member—having been fired from the Manning Government, just as an ordinary Member of the Government without ministerial portfolio. And speaking against the property tax in the Parliament on that day, this is what the Member for Diego Martin West, now Prime Minister, had to say in 2009. The Prime Minister then had to say:

“If you try to defend the indefensible, you would”—create resentment and provoke people—“and...that is what we have at the moment.”

And that is the point the Member for Tabaquite tried to point out, Madam Speaker. That is the resentment that the Member for Diego Martin West was advocating that the people of Trinidad and Tobago have with respect to this property tax. But today the Member has suddenly changed his tune.

Madam Speaker, when you look at the DNA—and I am happy that the Member for

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Laventille West took paternity of the Property Tax Act as well as this amendment that they have brought before the House—of this oppressive piece of legislation, Madam Speaker, we must look at it in the context of which we find ourselves in 2018, in Trinidad and Tobago.

You know, Madam Speaker, I am reminded of the words of then Prime Minister, Patrick Manning, Member then as he was for San Fernando East. Madam Speaker, the hon. Member at that time was not only the Prime Minister in 2006, he also served as the Minister of Finance. And in presenting the budget presentation of 2006, the hon. Prime Minister, Minister of Finance, Mr. Patrick Manning then, he said and he described that the property tax measure that was being imposed by his Government, a People's National Movement Government, he described it as a love thing. He said you had to have love for your country and that you had to pay your taxes because it was a love thing with the people of Trinidad and Tobago.

You know, Madam Speaker, I know that the International Soca Monarch Voice has dubbed this year as the year for love, but I am also reminded what the Member for Siparia in 2006 had to say in response to then Prime Minister Patrick Manning. She said, and I quote:

You cannot make love on hungry belly.

Madam Speaker, that is the context in which we find ourselves today. Madam Speaker, we find ourselves with declining GDP. [*Crosstalk*]

[*Madam Speaker rises*]

Madam Speaker: Member for Princes Town.

Mr. B. Padarath: Thank you, Madam Speaker. The context in which we find ourselves with respect to the Property Tax (Amdt.) Bill, today together with the Valuation of Land (Amdt.) Bill, is one in which we have seen significant declines

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in our GDP over the past two and a half years. We have seen massive job loss, Madam Speaker. We have seen lack of foreign direct investment. We have seen oil and gas productions plummeting. We have seen transnational companies downsizing. We have seen business closures. Industrial relations in Trinidad and Tobago, Madam Speaker, is a very hot topic.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1), please.

Madam Speaker: I will allow you some leeway, please continue.

Mr. B. Padarath: Thank you Madam. Madam, I am raising that in the context in which we find ourselves, with respect to the two Bills that are before the Parliament today. You see, Madam Speaker, this has created a sense of uneasiness in the population who, as the Member for Tabaquite, spoke about, is not sensitized with respect to the expertise, in terms of dissecting really what this means to the average man and average woman.

Madam Speaker, recently, many of my colleagues had the opportunity to visit India, and I would like to quote a line from the Indian Prime Minister, Narendra Modi, when he said in order to transform, we must reform. But the only reform that this Government is concerned about is tax reform, which means tax, tax, tax. There are no sustainable measures being put in place, Madam Speaker. It is only property tax, online tax, shopping tax, tax at the pump. You know, Madam Speaker, when you talk about \$81, \$81 is only an example when it comes to property tax. There is a slew of other taxes that will affect the pockets of the everyday man and woman in this country. Madam Speaker, some people—I will not say but I have heard others in the society describe it as the Government pickpocketing the pockets of the people of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker: Even though you would not say, you have said it. You have to

take responsibility. Okay? It is what you said here. Okay? So that, I am certain, Member for Princes Town, you could withdraw that and say that in another way. Okay, please.

Mr. B. Padarath: Thank you, Madam. Madam, it is withdrawn. Madam, I know that there has been considerable amount of talk with respect to the actual clauses in the Bill. And on the onset I would like to say which clauses I am particularly disturbed about, with respect to the Valuation of Land Act and that has to do with clauses 14 and 15.

With respect to the Property Tax (Amdt.) Bill, I am particularly concerned about clauses 3, 6, 7, 15 and 23 and I will go into my contribution to demonstrate which particular areas that we in the Opposition are particularly concerned about.

And Madam, let me also say on the onset, we are not opposed to citizens paying taxes in this country, but we cannot support this Bill in the current form that it has found itself. And should the Government be willing to address some of the matters that we have raised, and in particular when you look at several other jurisdictions that share the same jurisprudence with us, particularly with the legislation in Jamaica, Barbados, Canada, South Africa, India and Ireland, Madam Speaker, you will see that there are many loopholes and really, Madam, it is almost as though—and I would not like to use the word “laziness” but I am deeply concerned that there are several loopholes in this legislation that we are seeing in these two Bills that could have easily been addressed, had someone done their homework in the Office of the Attorney General and in the office of the Ministry of Finance, if you would have looked at how some of these oppressive measures were dealt with in other jurisdictions, Madam Speaker.

Madam Speaker, I would like to look at clause 3, and it looks at the assessment and

how it would be conducted, with respect to townhouses, condominiums, multi-owner commercial accommodations. Now, Madam Speaker, when you dissect that and you look at the provisions in the Bill, Madam Speaker, you may be surprised to learn that in one property or one what you will call an estate, where you have several townhouses and condominiums, Madam Speaker, it is counted as separate entities when the tax is being administered.

Madam Speaker, in other jurisdictions, this will not be accepted. I will go on in my contribution to show how we could have relieved the burden from those who have to pay the tax, whether it the proprietor, the person who is occupying or the actual owners.

Madam Speaker, when you look at clause 6, it deals with those that are exempted. And I know the Member for Diego Martin North/East spoke about a few of the exemptions. But again, Madam Speaker, had the Member done his homework, in terms of looking at the other jurisdictions, in particular if you looked at Jamaica. Do you know, Madam Speaker, in Jamaica, in 2017, when they came with their amendment Bill, because of the lack of public support, there had to be significant changes being done in Jamaica to reflect the views of the citizens of Jamaica because of the exemptions, Madam Speaker?

Madam Speaker, when you look at India as well, India has certain provinces and states where they do not apply property tax to rural areas, Madam Speaker. Madam Speaker, these exemptions do not only look just at whether or not you are able to pay from a financial point of view, but it also looks at the areas where it comes to rental properties, industrial equipment and agriculture lands, Madam Speaker.

I have heard a big song and dance continuously from this administration with respect to agriculture. Madam Speaker, when you look at the breakdown, in terms

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of administering the property tax, you see that agriculture, even though at 1 per cent, you see the residential rate at 3 per cent. You see commercial at 5 per cent, industrial with building at 6 per cent, industrial with building at 3 per cent, Madam Speaker.

Madam Speaker, I want to ask the Government today and I am saddened that the Prime Minister is not in the House, because the Prime Minister spent a considerable amount of time in a public meeting discussing agriculture. And I want to ask the hon. Prime Minister: Are you willing to put your mouth where your money is? Are you willing to remove property tax on agriculture, agricultural land? Are you willing to put your money where your mouth is, with respect to removing property tax on industrial equipment when it comes to agriculture? Madam Speaker, you cannot be speaking from both sides of your mouth. It is either you are in or you are out. I know the Member for Diego Martin West spends a lot more time out than in. But, Madam Speaker, I would hope that someone from the Government will address the issue, with respect to agriculture, if you are serious.

This is the same Government that shut down Caroni (1975) Limited. I remember when the Member for Couva North spoke, the Member spoke about the issues that we are facing with respect to the citrus industry. The issues that we are enduring, with respect to the buffalypsos as well, Madam Speaker, and there has been a deafening silence.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1).

Mr. B. Padarath: And this has to do with the agriculture part of the property tax, Madam.

Madam Speaker: I am not going to allow you. You are going to talk about Caroni and buffalypso, and so on. You can continue with respect to the point you are

making about a reduction or removal, as it relates to the Bill.

Mr. B. Padarath: Yes, Madam. Madam, again, it has to do with the provisions contained in the parent law, Madam Speaker. Today, yes, we are dealing with the amendment. But Madam Speaker, again, these are issues that must be addressed and this could only be addressed by those who are bringing forward this legislation to the Parliament today, Madam Speaker, and it is in that context that I am asking those questions.

Madam Speaker, I also want to look at the issue, and you know, I know that this has been a considerable painstaking issue that has been raised by several Members. I know the Member for Siparia in another incarnation had also raised this particular issue, Madam, and it has to do with section 15 of the Valuation of Land Act of 1969, and it spoke, Madam Speaker, about the officers who will be able to inspect the premises and I know that the Member for Diego Martin North/East has been involved in training officers who will assist in the collection. At one point he said he would hire an army of tax collectors. He seems very anxious at this point to utilize his army of tax collectors, Madam Speaker.

But Madam Speaker, we have heard very little, in terms of the concerns that have been raised with respect to section 15(1):

“15. (1) Subject to subsection (2), the Commissioner, or any officer authorised by the Commissioner in writing for that purpose, shall for the purpose of ascertaining the value of any land have power to enter, at all reasonable hours during the daylight, in or upon any land without being liable to any legal proceedings...”

Mr. Imbert: That there since 1970.

Mr. B. Padarath: And that is the point, hon. Minister. It does not reflect the

realities that exist in Trinidad and Tobago where crime has seen over 1,000 murders in this country.

Madam Speaker, also I know the hon. Minister dealt with the issue of the challenges, with respect to the valuation and I will go into that when we look at the Valuation of Land Act, with respect to the repeal of the Tax Appeal Board and the institution of the Valuation Tribunal, Madam Speaker.

4.15 p.m.

Madam Speaker, the hon. Minister has indicated that now the 30 days would be removed and we would now see the introduction of 21 days to lodge a complaint and so on.

Madam Speaker, there are several issues that are involved in that particular matter; one, it has to do with:

“...the values assessed whether it is how high or how low;

- (b) the lands which should be included in one valuation have been valued separately;
- (c) that lands which should be valued separately have been included in one valuation; and
- (d) that the person named on the notice is not you owner of the land.”

Madam Speaker, we have also seen in the past where Government has provided us with several dates. I know you have ruled on that particular issue with regard to the matter before the court and I will not go into that, Madam Speaker, except to say that we have seen a deceit from this Government where they have provided dates in the public domain with respect to providing a fear in the minds and hearts of the population in terms of the—

Mr. Al-Rawi: Madam Speaker, Standing Order 47—49.

Mr. B. Padarath: Madam, I will move on from that point, it seems that the AG is getting hot under the collar with respect to that. But, Madam Speaker, I want to also deal in the context of the Property Tax (Amdt.) Bill, 2018, and the Valuation (Amdt.) Bill, 2018, the issue of a “Bureau” with respect to registering properties that are rental properties.

Madam Speaker, if you look at Scotland and you look at the United Kingdom there are several areas in Scotland and the United Kingdom—I encourage the Member for San Fernando West and maybe the Member for Port-of-Spain North/St. Ann’s West could assist in this regard and give some work to do to the Member for Laventille West as well.

When you look at Scotland and you look at the United Kingdom, they have—I will provide you with the information subsequently in my notes. In Scotland and the United Kingdom, what they have established for several years is a bureau registry. And the legislation as it is put forward before us, it tells us that if you have rental properties that you are still required to pay property tax if it is unoccupied.

Madam, when you look at the Scotland model and you look at the UK model, you will see that there is a bureau registry that you are allowed to file as a proprietor, properties that you have interest in, financial interest in, that are not occupied or rented at any particular time, and also equipment that is not being used. Yes, you are required Madam, to swear an affidavit and so on, but you are also required to register and therefore in the current economic climate that we find ourselves in, I am suggesting that we look at this particular model.

Madam, also if you go back and you look at the South African model with respect to the legislation, and that is why I am really sadden that Members did not do their homework. It is as though you just took the 2017 amendment and you just

brought it in 2018. There has been no real tangible effort on the part of the Government to look at alternative ways of relieving the stress of the population of Trinidad and Tobago. [*Desk thumping*]

Madam, I turn to the area of commercial properties. And, if you look at the *Express Business* of February 21, 2018, it is headlined: “Feeling the pinch”. Madam, if I am allowed to read an excerpt from that you will get a clear idea of what is happening with commercial properties in Trinidad and Tobago. It is entitled “Everybody is hunkering down” and I quote:

“Like many other industries in—Trinidad and Tobago—the real estate sector thrives in good economic times. Businesses expand as their customer base increases, boosting the demand for commercial and industrial spaces.

The opposite occurs when the economy nosedives.

Some businesses reduce staff resulting in them scaling back on office spaces.

Vice president of the Association of Real Estate Agents, Mark Edghill, says the current economic downturn has had the biggest impact on the expat rental market and the commercial rental market.

‘Demand has been significantly lower’, he told *Express Business* last week.

‘I can safely say that there has been around a 40 to 50 per cent decline in expat demand as well as commercial demand. Particularly in the commercial industry we are now seeing any businesses looking to expand or relocate. Everyone is hunkering down to weather the economic difficulties, so you’re not seeing a huge commercial rental space being taken like it would have been three to four years ago,’ he highlighted.”

Madam, the article goes on to say and I quote:

“He said to help them weather the economic storm, landlords will rather reduce their rent than lose a tenant, as it is difficult to find a replacement in the current climate.

‘We have heard of some of the oil companies that have given up office space and have downsized, but it has not been a large scale trend.’”

Madam, he goes on to say that and he speaks about TSTT shutting down several of its offices indicating again that the economy is on a downward slide. In this article it quotes the Chief Executive Officer of Massy Realty, Sharon Inglefield, who said and I quote:

“...the company has seen a lot more commercial office space on the market for lease and owners of rental property have had to reduce their asking prices by as much as 20”—to 30—“percent to attract good tenants.

‘We have been advising our clients on the current market conditions based on market comparables to ensure that they make educated decision on their investments.’”—she said.

“Inglefield said the current economic downturn has negatively affected Massy Realty in particular, but the company has been trying its best to provide a better service and continually revisit its processes to ensure it remains profitable.

‘However, in an unregulated market with over 2,500 real estate brokers in—Trinidad and Tobago—it is difficult,’ Inglefield pointed out.

‘Certainly, the current economic downturn has affected Massy Realty negatively due to the fact that our economy is based on the petrochemical industry. What has also negatively affected us is the uneven playing field due to the fact that a number of real estate practitioners continue to rent and sell real estate without conducting due diligence as well as due care and attention to the laws of our land,

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particularly the Anti-Money Laundering/Combating the Financing of Terrorism...”

Madam Speaker: Member, I am not going to allow you to read the entire article. I think you were reading excerpts to support a point. So, please continue with your point.

Mr. B. Padarath: Madam, I will move on from that except to say that in the same article, the President of DOMA, the Downtown Owners and Merchants Association, Gregory Aboud—and, you would know, again the Prime Minister has referred to many of these “cloth persons” and they too are involved in the business of textiles. And, Madam Speaker, representing DOMA, Gregory Aboud had this to say that downtown Port of Spain are facing the same challenges with respect to commercial properties, having substantial issues with respect to getting their properties rented.

And, Madam, when we look at that in the context of the Property Tax Act and the amendment Bill of 2018, it tells a story of how this property tax will further exacerbate the problems affecting the business sector in Trinidad and Tobago [*Desk thumping*]

Madam Speaker, this is one of the areas this Property Tax Act that will affect the ease of doing business in Trinidad and Tobago because of the taxes that will be imposed on properties, on commercial properties.

You know, Madam Speaker, I remember under the Member for Siparia in 2014, Trinidad and Tobago in terms of the ease of doing business ranking was at No. 66. [*Desk thumping*] Today, under the Minister of Trade and Industry and the Prime Minister, the Member for Diego Martin West, Dr. Keith Rowley, we have gone down to position 102.

Hon. Member: What.

Mr. B. Padarath: Madam Speaker, could you imagine that if this affects the commercial property sector in Trinidad and Tobago what is going to happen to small businesses and what is going to happen to medium-sized businesses. Yes, from 66, the ease of doing business in Trinidad and Tobago and it is easily verified on the Ministry's website themselves, showing that we have moved from position 66 under the Kamla Persad-Bissessar administration, Member for Siparia, to No. 102 [*Desk thumping*] under Prime Minister, Dr. Keith Rowley.

And, Madam Speaker, again I am hoping that the hon. Member for Diego Martin North East, together with the Member for San Fernando West will be able to assist in establishing a registry that will regulate rental properties, not only for commercial properties, but also for residential properties. I know the Member for San Fernando West has been speaking about this for a very long time; we have not seen anything coming forward, but it must be a comprehensive plan that is an alternative to this property tax.

Madam Speaker I would also like to turn to the issue of the Jamaica legislation, and I know the Member for San Fernando West has a particular interest, he likes to quote from several other jurisdictions and it is always helpful when we get an idea of what our Commonwealth and Caricom partners are doing. But as I said, in Jamaica, they actually listened to their population, when their population was saying that these rates were too high that they did not accept these rates that were coming forward with respect the property tax.

Madam Speaker, do you know in Canada as well, in their budget presentation of 2018 the Canadian Parliament took steps to reduce their property tax because it was affecting small and medium businesses. That is what is happening in the [*Desk thumping*] Parliament of Canada.

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But again, who had done their homework? I have done my homework, so I will share with the Member for San Fernando West. [*Desk thumping*] You see, on March 13th almost one year ago, this is what the Minister of Finance and the Public Service, the hon. Audley Shaw had to say in the Jamaican Parliament and I quote: “Minister of Finance and Public Service, Hon. Audley Shaw, has announced that a new property regime will be adopted...”

The hon. Minister said:

“In other words, a valuation was done in 2013 and property taxes have not been adjusted since then to take account on that valuation...”

While we reduce the rate, we will be broadening the taxable base by increasing the number of bands from three to nine... Under the new regime...”

The hon. Minister went on to speak about how many property owners there were in Jamaica 210,512 who would actually be paying less property tax.

Madam Speaker: Hon. Member for Princes Town, your original speaking time is now spent. You are entitled to 15 more minutes. Might I ask an idea of if you are going to—

Mr. B. Padarath: Full.

Madam Speaker: Full, okay, so might I then therefore suggest to Members that now is a convenient time that we take the suspension. This House is now suspended. We shall resume at 5.00 p.m.

4.27 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam Speaker: Member for Princes Town, you have 15 minutes left. [*Desk thumping*]

Mr. B. Padarath: Thank you, Madam. Madam, picking up from where I left off, I

was discussing a contribution that was made by Minister, the hon. Audley Shaw, Minister of Finance and the Public Service in the Jamaican Parliament, with respect to the amendment Bill on the Property Tax Act. Madam Speaker, I wanted to quote from that speech that the hon. Minister would have given, and it says this and I quote:

“Mr. Shaw stressed that 61 per cent of all property owners will see”—a very small— “increase of no more than”—12—“per cent ...with their taxes last year.

Also, the Finance Minister said despite the reduction in the rates, it is expected that some property owners will see large increases.”

But the hon. Minister went on to say, Madam, which is the important part, and I quote. The Minister says:

“Let me also state that the Government has no intention of taking away anyone’s property because they are facing financial or other hardships. For those who have already paid their property taxes on the previously announced rates, any overpayment will be refunded or can be credited towards tax liabilities in financial year 2018/19...’

He added that notwithstanding the lower rates that have been announced, ‘we are still committed to providing assistance to those who are unable to pay, and to facilitate those who wish to make objections.’”

And, Madam, it is in that context that I referred to India where in rural areas they have zones that they have established for these exemptions. Similarly, in South Africa, there are categories in terms of levels of income where you do not pay property tax based on your income. And, Madam Speaker, the cultural realization of a lot of these Commonwealth countries that we share similar jurisprudence with,

tells the story of very similar to a reaction that Jamaica had to have with their particular amendment in the 2017 amendment Bill on March the 13th.

Madam Speaker, another very important issue that I would like to spend some time on, would be the issue that is identified in the Valuation of Land (Amdt.) Act of 2018, clauses 13 and 14, which establish the tribunal, but also in doing so, Madam Speaker, what it does, it replaces or rescinds the Tax Appeal Board in terms of the jurisdictions that they would have had in order to deal with issues arising with respect to objections and so on.

Madam Speaker, I know publicly, the Member for Siparia, has expressed the Opposition's concern with this particular point and, Madam Speaker, I want to take a specific look again, at several of our Commonwealth jurisdictions. When you look at the Barbados model with respect to their tribunal in Barbados, Madam when you look at the Canadian model, you look at the South African model and the Irish model, what it does is that it clearly observes the separation of powers [*Desk thumping*] and, Madam Speaker, what this seeks to do with these provisions is to continue to undermine, and this has been a pattern, a pattern that we are seeing that has developed over the years by successive PNM administrations with respect to threatening the separation of powers in this country.

Madam, when you look at the repeal or the attempt to repeal the Tax Appeal Board Act, we have to look at the provisions in terms of the establishment of the Tax Appeal Board. Madam, what you will see when you look at the Tax Appeal Act, which has not and, by admission—the Minister has indicated by some 48 years that the Tax Appeal Act has not been reviewed—what you will see is that the Minister has removed the power of the President. Madam, what you will see is that the Tax Appeal Court which is likened to a superior court—the Chairman of the Tax

Appeal Board is appointed by the JLSC, the Judicial and Legal Service Commission. That provides a safeguard in the legislation to ensure that there is no political interference [*Desk thumping*] by those who wish to create mischief. [*Desk thumping*] And, again, Madam, we have seen time and time again where the hand of politicians have depleted the independent institutions in our country with respect to the way in which they administer and carry out their functions. [*Desk thumping*] Madam, the proposal as it stands in the legislation, puts the Minister—meaning the Minister of Finance—to appoint the chairman of this tribunal and two other members. It is very vague and it is totally unacceptable. And I am sounding warning now, Madam, on behalf of the Member of Siparia and all those who sit on these Opposition benches as responsible Members of the Opposition, that we will fight tooth and nail to remove the hand of the political directorate, through the Minister, and ensure that the powers afforded to the President under this Act remains.

But, more importantly, Madam, when you look at the Bajan model, as compared to what is being afforded to us under this amendment, this is what the Bajan model has to say, Madam. And as I have indicated, several other jurisdictions in the Commonwealth that we share the jurisprudence with share this model. And, again, had the Minister of Finance and the Attorney General taken a look at the way in which the tribunals were set up to ensure that we maintain the separation of powers in this country, they would have seen in the Barbados Administrative Appeal Tribunal, when it comes to the property tax that section 4(2) it says, and I quote:

The President shall be appointed—meaning the President of the Administrative Appeal Tribunal—by the Governor General acting on the recommendation of the Judicial and Legal Service Commission by

instrument under the public seal and shall be subject to removal and disciplinary control in accordance with section 93 of the Constitution.

Madam, section 4(3) goes on to say:

The legal and ordinary members shall be appointed by the Governor General by instrument under the public seal and shall hold office upon such conditions and for such period of time as it may be specified in the relevant instrument of appointment.

Madam, the Act further goes on to indicate what would be the remuneration and the skill sets that have been identified for Members to actually sit on Administrative Appeal Tribunal.

Madam, as it stands now, it gives a blanket proposal in terms of the qualifications and the areas of expertise that the Minister can determine in terms of who will sit on this appeal. Madam, that is totally unacceptable. We will not participate in that travesty [*Desk thumping*] in terms of eroding the separation of powers in this country, and we will not.

You know, Madam, we have repeatedly said, we do not trust this Government. We do not trust them because of their track record and their history has always had this sort of political interference in independent institutions in this country and, therefore, we advocate a similar approach be taken with respect to the Appeal Tribunal.

Madam, in the few minutes I have left, I want to turn to a case with respect to an Irish parliamentarian, who in 2014 when the the Irish parliamentarian was faced with whether or not he would support, through his vote, the amendments to the property tax at the European level, Madam, the Member, Paul Murphy, refused to give his support. You know why, Madam? He refused to give his support to this

property tax amendment to impose stiffer and harsher conditionalities on the people of Ireland because Ireland was identified as one of those countries as a tax haven.

Madam Speaker, I ask: Where is Trinidad and Tobago with respect to having been removed from this blacklist by the European Union? And, Madam Speaker, I see the hon. Attorney General is scoffing, but that is the reality, that while you are taking from one hand from the people of Trinidad and Tobago, Madam, your duty is to ensure that their public interest is kept. What have you done with respect to that? Absolutely nothing.

You know, Madam Speaker, as I said, in the few minutes that I have, there are several issues that we have identified with respect to not only criticizing the clauses and the legislation, but also providing sustainable solutions. And even if you cannot take all on board, do the honourable thing. Do the honourable thing by giving more purchasing power to the consumer, which is a citizen of Trinidad and Tobago, not only taking from them, but being able to give back.

Madam, I know we spoke about the issue of the local government reform; but that is an expectation that this population has. The expectation is, that if the Government is taking from one hand, then we must be getting something in return [*Desk thumping*] and that is the point the Member for Tabaquite was making. Where are the improvements in garbage collection? Where are the improvements in play parks? Where are the improvements in schools? Madam, there are four schools in my constituency still remain closed. Madam, the Parvati Girls and Shiva Boys College remain closed. Madam, the UWI South Campus remains closed, and we were promised, we were promised that if we gave this power with respect to property tax collection, we would have seen improvement in the lives of the people

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of Trinidad and Tobago.

You know, Madam Speaker—[*Crosstalk*]—yes, but we are not hearing anything about the reforms. So on one side you are saying “give me, give me, give me”, but you are not saying how it is going to benefit the citizens. [*Desk thumping*] We have seen millions of dollars in paintings. We have seen millions of dollars in mega projects, but we are not seeing it to the benefit of the people of Trinidad and Tobago.

Madam Speaker: Okay. So you could continue. Not on that point. You know why I stood up.

Mr. B. Padarath: Thank you, Madam. Madam, in the few minutes that I have remaining, as I said, I have dealt with the clauses that we have particular concerns with, but also we have been able to provide solutions. And I am hoping that we look at the context of other developing countries whose legislation as well is evolving. Their legislation, in many other jurisdictions, is evolving, but it is how really we take them on board. It cannot be that we just come and speak for speaking sake in this Parliament and, therefore, we do not give the opportunity for innovation and for growth and for development.

Madam, if you would allow me, I know in the next few days that the Hindu community will be celebrating the occasion of Phagwa. I wish to pay my respects to the Hindu community on this very significant occasion. But Madam, later on in this week, we will also celebrate and join with the international community in celebrating International Women's Day.

Madam Speaker, we have reached a very pivotal and significant point in the history of Trinidad and Tobago. We have assisted in further cracking the glass ceiling with your ascension Madam, as a female in the position of Speaker of the

House, but we have also seen it with respect to the Member for Arouca/Maloney, as the Leader of Government Business [*Crosstalk*] also our first female President but, Madam Speaker, a woman who has given so much to Trinidad and Tobago and who has developed the entire country—the length and breadth of this country—and really have put the power in the hands of the people in terms of the development, the first female Prime Minister, the hon. Kamla Persad-Bissessar. [*Desk thumping*] Madam Speaker, it is in that context that we continue to be a voice whether it is on property tax or on the Valuation of Land Act, but we continue to be a significant voice for the people of Trinidad and Tobago, and we applaud all the women who have really given their heart, sweat and tears to the development of Trinidad and Tobago. I thank you. [*Desk thumping*]

Madam Speaker: Do I call on the Minister of Finance? [*Desk thumping*]

Mr. Lee: No.

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. Madam Speaker, I do not know what is going on there. We gave them ample opportunity to speak and they did not want to speak, so we shall finish this debate. And, Madam Speaker, just let me deal with two issues, they are—[*Crosstalk*] Madam Speaker, I am being distracted. I am being distracted, Madam Speaker.

Mr. Lee: We had an agreement.

Madam Speaker: As Speaker, I know nothing about agreements. I am not—[*Crosstalk*] Member for Pointe-a-Pierre, you know much better than that. I stood up, I waited, I looked left, I looked right. In fact, before calling on the Minister of Finance, it was almost an enquiry. Nobody stood up. [*Crosstalk*] Minister of Finance.

Hon. C. Imbert: Thank you, Madam Speaker. [*Desk thumping*] I do not know

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why hon. Members over there did not want to speak. [*Crosstalk*] Madam Speaker, I am being distracted. [*Crosstalk*]

Madam Speaker: Hon. Members, I am on my legs. I am on my legs. I would like to remind the Whip and the Leader, they have certain responsibilities. It is not the responsibility of the Speaker. Minister of Finance. [*Desk thumping*]

Hon. C. Imbert: Thank you, Madam Speaker. Madam Speaker, let me deal with some of the issues raised by hon. Members opposite in reverse order, because it is obvious to me that Members opposite did not take enough time to research the Bills before us and to inform themselves on the true content, effect and import of the legislation. [*Crosstalk*] Madam Speaker, I am right.

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Sure. I tried my best.

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Thank you, Madam Speaker. Madam Speaker, the last point made by the hon. Member for Princes Town with respect to the separation of powers and the judicial independence of tribunals and so on, the Member was at pains to make a big song and dance about this issue, but it is clear to me that the Member did not read the Bill, and I would now put into the record what appears on page 9, in 25G, where under clause 15 we are inserting a new part, and I would read into the record:

“The Valuation Tribunal”—this is the tribunal that would deal with appeals with respect to valuation of land and property—“shall—

- (a) hear all appeals raised under this Act or any other written law in respect of the decisions of the Commissioner;”

And that would be the Commissioner of Valuations:

“(b) take all steps that it considers reasonable and equitable in the circumstances to effect an amicable settlement of an objection...and may adjourn a proceeding at any stage to enable the parties to negotiate for that purpose.”

And, more importantly, Madam Speaker, we are inserting a new clause 25(G)(2), and this is what is critical and important:

“The Minister shall not give directions to the Valuation Tribunal in respect of any particular application or proceeding before the Valuation Tribunal or a direction that would derogate from the duty of the Valuation Tribunal to act judicially.”

So, Madam Speaker, it is clear, it is going to be put into the law, that the Minister of Finance cannot give instructions or directions of any kind to the Valuation Tribunal. And, Madam Speaker, it is important to read the next section:

“(3) The Valuation Tribunal may, on its own initiative or on the application of a party, refer a question of law arising in a proceeding before it for determination by the High Court.

(4) Where a question of law arising out of a proceeding is referred to the High Court, the Valuation Tribunal shall not—

- (a) make a decision...until the question is determined by the High Court; or
- (b) proceed in a manner...inconsistent with the determination of the question by the High Court.”

So what this means, Madam Speaker, if a property owner objects to a valuation that is placed on a property by the Commissioner of Valuations, the property owner may do two things: they may appeal to the Valuation Tribunal who would

try their best to settle the matter amicably, or if they are not satisfied with the way the Valuation Tribunal is dealing with the matter, they can go straight to the High Court, Madam Speaker. Compare this to what happens now.

A person who is aggrieved about the tax on property must go to the Tax Appeal Board, which is a superior court of record, with all of the attendant issues associated with that. The Tax Appeal Board already is seized with the responsibility to handle appeals of assessments of income tax, corporation tax, petroleum profits tax, value added tax and so on. And for those who know, matters are taking quite some time to pass their way through the Tax Appeal Board, years sometimes. It would be unconscionable to now add to all of the matters that are with the Tax Appeal Board, all of the appeals that may arise from this Valuation of Land Act. This is the reason why it is the Government's intention to create this tribunal, and if a person is aggrieved they go straight to the High Court.

In the current case, you have to go to the Tax Appeal Board, go through that process which could take years. You have to hire lawyers, you have to make submissions and you have to produce arguments and so on, and if you are aggrieved, you then go to the Court of Appeal. This is a much simpler and less costly and a much easier system.

And with respect to question of the Minister appointing, it is trite law, Madam Speaker, that in the Interpretation Act, the power to appoint includes the power to remove. That is trite law in our Interpretation Act. In the Interpretation Act of Trinidad and Tobago that is trite law. It is well known. It has been tested on umpteen occasions, and it is stated in the Interpretation Act, that the power to appoint also is the power to remove.

So if the Minister appoints, then consistent with the Interpretation Act, the Minister

can remove, and the Minister can only remove for acts of mental incapacity, physical incapacity and misbehaviour and so on. And as my learned colleague from Laventille West had indicated, that would be subject to judicial review. So if the Minister acts whimsically or capriciously, then an aggrieved member of the tribunal can file for judicial review on the grounds of unreasonableness.

But, more importantly, Madam Speaker, there is extensive case law on whether a tribunal that is appointed by a Cabinet or by a Minister, whether that tribunal meets the test of our Constitution. And for the Members opposite who clearly really need to get a refresher course in law—they really need to get a refresher course in law—I would refer hon. Members opposite to the Court of Appeal decision, Civil Appeal, No. P129 of 2012 between *Paul Lai v the Attorney General of Trinidad and Tobago* and in this particular matter, the Court of Appeal was looking at an appointment to the Industrial Court.

And, Madam Speaker, as you know, and Members opposite should know—one expects that they would know, because there are some Members of the former Cabinet over there—the members of the Industrial Court are selected by the Cabinet. As you would know and Members over there should know, because they would have participated in Cabinet proceedings where they would have appointed several judges to the Industrial Court. And in this particular decision, the question is:

“...whether a reasonable and informed person, viewing the relevant statutory provisions in their full historical context, would conclude that the court or tribunal is independent.”

This is our Court of Appeal. They drew upon judicial precedent from all over the Commonwealth and concluded that you have to look at the legislation and

determine whether the tribunal would be independent. You do not have to clothe it with the full judicial powers of a court of superior record, Madam Speaker, but this is our law. This is the precedent in our law at this point in time that you do not have to automatically have High Court situations with respect to any tribunal. You have to look at the context in which the tribunal is established and determine whether it is independent.

And I put it to this Parliament, Madam Speaker, that these words make this tribunal totally independent.

“The Minister shall not give directions to the Valuation Tribunal in respect of any particular application or proceeding before the Valuation Tribunal...or a direction that would derogate from the duty of the Valuation Tribunal to act judicially.”

I put it this Parliament, Madam Speaker, that is the supreme test of independence. The Minister cannot direct the tribunal and they will make their own decision in their own deliberate judgment. That is a completely independent tribunal. It fits well within the case of *Paul Lai v the Attorney General of Trinidad and Tobago*.

And coming out of the other examples about what is done in Jamaica and what is done in India and so on, Madam Speaker, what the hon. Members opposite failed to disclose is that, at the present time, the taxation on property in Chaguanas, for example, in the Borough of Chaguanas—they failed to disclose this—is 10 per cent on residential properties, 10 per cent on commercial properties, 10 per cent on industrial properties and, most importantly, 10 per cent on agricultural properties.

When they were in Government they did not change that you know. They leave that just so. So that in the Borough of Chaguanas, it is 10 per cent across the board. Compare that to what we are doing. We are imposing a tax on agricultural property

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of 1 per cent, 1 per cent—one-tenth of the tax that they were satisfied with, Madam Speaker. So you cannot, in any way, compare our property tax law and its applications to any of the examples by the hon. Members opposite. Our property tax would be almost the lowest in the world. There are Members in this Parliament—there is one who has been absent for a long time—the Member for St. Augustine, who has a property in Florida.

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

Hon. C. Imbert: What?

Madam Speaker: Continue.

Hon. C. Imbert: The Member for St. Augustine is the owner of a property in Florida, and I say this without any fear of contradiction. It is online, and the tax on that property is \$30,000, \$30,000, and he pays it happily, happily. Our property tax will be almost the lowest in the world. So when the hon. Members are giving examples, give us numbers, give us a tax in another country where somebody will only be required to pay \$81 a month. Give us that. You cannot because this is a fair, just and equitable tax, Madam Speaker. It is proportionate, it is reasonable.

And now to deal with the argument with what the tax would be used for. That is a ridiculous proposition, Madam Speaker. Ridiculous! At the present time, Madam Speaker, the local government bodies receive in excess of \$2 billion a year. The property tax would not reach anywhere close to \$2 billion a year, Madam Speaker. And, therefore, if the corporations were to collect all of the tax—whether industrial, agricultural, residential, commercial and plant and machinery—it would be less than the money they already receive. Less than the money they already receive. So it is a nonsense to ask what this tax would be used for. Clearly, this tax would be to give the corporations cash flow and to give them an income stream

that they not do not now currently enjoy, Madam Speaker.

Clearly, if you have in the allocations and the appropriations to corporations such as Port of Spain, San Fernando, Chaguanas, Couva/Tabaquite/Talparo and so on and you have line items, recurrent expenditure, capital programme, roads, bridges, desilting of watercourses, it is all there in the *Estimates of Expenditure*— [Crosstalk] Yes—All public health and so on, rodent control—it is all there in the books that we lay in this Parliament every year, Madam Speaker.

5.30 p.m.

And, clearly, any cash collected by the corporations would be used for the line items in the budget in the Appropriation Bill, Madam Speaker. What other purpose could it be used for? It is a nonsense to ask what the property tax would be used for. Of course it would be used to provide goods and services in the municipalities in the corporations, to improve local roads, to de-silt water courses, to collect garbage—obviously, that is what it would be used for, Madam Speaker. It is a nonsense to ask what it would be used for, and to complain that the money will only go into the Consolidated Fund. And even if it did, the money from the Consolidated Fund is used to pay salaries, wages, to purchase medicine for the patients in the hospital, to provide old-age pension, to provide social relief, and so on, Madam Speaker, and to be appropriated out of the Consolidated Fund into the line items on the votes for the municipal corporations. So it is just a nonsensical argument, Madam Speaker. It makes absolutely no sense.

What we are about today, we are simply cleaning up the Valuation of Land Act and the Property Tax Act, Madam Speaker. We are introducing a very innovative appeals process. Far from what Members are saying, we are introducing a very innovative appeals process to allow mediation, to allow amicable resolution, to

protect taxpayers from having to hire lawyers and to engage in expensive and acrimonious litigation. We are introducing alternative dispute resolution, and contained within the legislation, which they fail to see, is the fact that the person will always have the option if they are not satisfied with the process of appeals and adjudication by the tribunal, to go to the High Court.

They can go to the High Court in the middle of the process if they are not comfortable. They can go to the High Court at the end of the process. We are not taking away any of the constitutionally protected due process rights of our citizens. We are making it better. We are avoiding expensive litigation and, therefore, Madam Speaker, I cannot accept any of the arguments made by Members opposite, none of them. Imagine 1 per cent on agricultural land, and that is 1 per cent on the rental. You are talking about cents on the dollar, Madam Speaker. The property tax on an agricultural plot will be a couple of cents because it is 1 per cent of the rent. And what is the rent on agricultural property, Madam Speaker? It might be \$100 for the year. On some agricultural properties it is \$100 for the year. You divide that by \$12 you get \$8, and then you apply 1 per cent to that you get eight cents a month, is the kind of charge that someone would be required to pay in terms of tax on agricultural properties.

You are going to tell me a farmer cannot pay eight cents a month, Madam Speaker—eight cents a month or 10 cents a month, or \$1 a month? And you see, Madam Speaker, when they make their arguments they do not bring facts, so they say in India there are areas where you do not pay tax on agricultural properties and in Trinidad it is punitive and horrible of us to do that, but they did not say that the farmer will be paying \$1 a month, \$1, Madam Speaker, and that for them is putting the population into poverty. One dollar a month, pauperizing a farmer, a dollar a

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month? And pauperizing a property owner, eighty dollars a month, Madam Speaker? I am sorry, I cannot accept that; I just cannot. With those few words, Madam Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Madam Chairman: For the information of Members, we are looking at the Valuation of Land (Amdt.) Bill.

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

Mr. Imbert: Madam Chairman, I would like to make a minor amendment, there is a little typographical error in clause 5(b). Instead of:

“The Minister may by Order amend the Schedule”

It should be:

“The Minister may by Order amend Schedule II”

So we would like to delete the word “the” appearing before “Schedule” and add the number “II” appearing after “Schedule”—Roman numeral II. So it would read, “The Minister may by order amend Schedule” instead of “amend the Schedule”.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Mr. Padarath: Madam, with reference to clause 6 and the insertion of new clause

7A, where it says it would require the Commissioner where he is of the view that more than 50 per cent of all lands in Trinidad and Tobago has been valued to notify the Minister, who would by Order then declare that the valuations are in effect, I am raising this in the context of, again, appealing that—when you go on to clause 7 you would see that the President in this circumstance is being removed to insert the Minister, and clause 7A would give effect again to this.

Mr. Imbert: Madam Speaker, I do not know if the Member knows that, constitutionally, the President means Cabinet in this case. This is not His Excellency the President acting in his sole discretion, okay, the President means Cabinet.

Mr. Al-Rawi: Madam Speaker, for the benefit of the hon. Member, I refer you to section 80(1) of the Constitution where the parameters of the President acting in various capacities are clearly set out. It is read in conjunction with section 74 of the Constitution. In this instance here there is no qualification, language that the President exercises in consultation or of his own volition and, therefore, it is on the advice of Cabinet. So, the Minister is the same as the Cabinet.

Mr. Padarath: Okay, understood. Thank you, AG.

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

Clauses 7 to 13 ordered to stand part of the Bill.

Madam Chairman: Is it the wish of the Committee that all the remaining clauses from clause 14 to 19 be done together?

Assent indicated.

Clauses 14 to 19 ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the House.

House resumed

Bill reported, with amendment.

Question put: That the Bill be now read a third time.

The House divided: Ayes19 Noes12

AYES

Imbert, Hon. C.

Rowley, Hon. Dr. K.

Al-Rawi, Hon. F.

Young, Hon. S.

Deyalsingh, Hon. T.

Robinson-Regis, Hon. C.

Hinds, Hon. F.

Mitchell, Hon. R.

Garcia, Hon. A.

Crichlow-Cockburn, Hon. C.

Forde, E.

Dillon, Hon. Maj. Gen. E.

Webster-Roy, Hon. A.

Gadsby-Dolly, Hon. Dr. N.

Francis, Hon. Dr. L.

Jennings-Smith, Mrs. G.

Olivierre, Miss N.

Antoine, Brig. Gen. A.

Leonce, A.

NOES

Lee, D.

Charles, R.

Rambachan, Dr. S.

Karim, F.

Tewarie, Dr. B.

Moonilal, Dr. R.

Gayadeen-Gopeesingh, Mrs. V.

Indarsingh, R.

Khan, Dr. F.

Padarath, B.

Paray, R.

Ramdial, Miss R.

Question agreed to.

Bill accordingly read the third time and passed.

PROPERTY TAX (AMDT.) BILL, 2018

Order for second reading read.

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, I beg to move:

That the Property Tax (Amdt.) Bill, 2018, be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Madam Chairman: Members of the Committee, is it agreed that we do clauses 1 to 9 in a block, and thereafter we do clauses 11 to 22 as a block?

Assent indicated.

Clauses 1 to 9 ordered to stand part of the Bill.

Clause 10.

Question proposed: That clause 10 stand part of the Bill.

Mr. Al-Rawi: Madam Chair, we are proposing at clause 10(f), as it appears on page 6 of the Bill, that the words appearing in the last three lines be amended to as follows, we strike the words “where he is satisfied that he has a reasonable excuse for not making the application within the time frame,”. So the clause reads in totality as corrected:

“in subsection (7), by deleting the words ‘who fails to file an objection within the time frame specified in subsection (6) may’, and substituting the words, ‘and fails to file an objection within the time frame specified in subsection (1)’”

The clause as it would read, fixed in the law if accepted, would therefore be:

“The owner of land who is dissatisfied with the assessment of the Board and fails to file an objection within the time frame specified in subsection (1) may apply to the Board for an extension of time in which to file an objection, and the Board on receipt thereof, may grant the extension.”

So, Madam Chair, the words to be inserted, therefore, we would be striking at the end of the insertion words, the following words, “where he is satisfied that he has a reasonable excuse for not making the application within the time frame,”, and the words to be inserted would only read, “and fails to file an objection within the time frame specified in subsection (1) may”. Thank you, Madam Chair.

Madam Chair, if I would put it succinctly for you, in clause 10(f) we would be deleting the words appearing, beginning in the third line from the bottom, “where he is satisfied that he has a reasonable excuse for not making the application within the time frame,”.

Madam Chairman: Okay, so do I have it correct, we will be striking from the comma?

Mr. Al-Rawi: Yes, Ma'am.

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

6.00 p.m.

Clauses 11 to 22 ordered to stand part of the Bill.

Clause 23.

Question proposed: That clause 23 stand part of the Bill.

Mr. Imbert: Madam Chairman, we would like to change 2018 to 2016. Sorry, 2017. My apologies. 2017. [*Interruption*] The effect of that would be that the tax would be collected for the year 2016 when it becomes due and payable for 2017 onwards.

Madam Chairman: The question is that clause 23 be amended as follows:

In the last sentence, 2018 be substituted by 2016.

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Mr. Paray: Madam Chairman, if I could just ask the Minister of Finance if there was a reason why the Agricultural Development Bank may have been left out from this Schedule?

Madam Chairman: The enquiry is if there is a reason that the Agricultural Development Bank was left out of the Schedule under clause 25.

Mr. Imbert: We will look into that for you and if it is an oversight, we will make the amendment in the Senate.

Mr. Paray: And secondly, I am not sure if this question would be permitted but I will try it anyway. Would the Minister consider looking at zero-rating the property tax for agricultural lands that are in productive use, as an encouragement for farmers to continue in the rate that they are going?

Mr. Imbert: That is something that we can certainly think about, but it is not something that we would be willing to do at this point in time, but we will certainly think about it.

Dr. Rowley: Madam Chairman, while the thought is useful, what it does, if you do that, it creates a requirement to go and determine the veracity of the claim, because if it is not in use the tax is due, if it is in use the tax is not due, so then it puts the onus on the public servants to go and find out if it is or if it is not, and it is not really worth it.

Mr. Imbert: There is another point as I made in my winding up. The tax on agricultural land is very small. You are talking about a couple of dollars, \$5, \$10 for the year. Whether it is waived or not, I do not think you should complicate it with a determination as to whether it is in productive use or not for a couple dollars. It is better to have a clean thing, but we have put the tax so low on agricultural property that it is not going to be a burden on farmers.

Question put and agreed to.

Clauses 24 and 25 ordered to part of the Bill.

Question put and agreed to: That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam Speaker.

Madam Speaker, I beg to move that this House do now adjourn.

[*Interruption*]

Question, on adjournment, put.

Adjournment (cont'd)

2018.03.02

Madam Speaker: Is there a call for a division? [*Crosstalk*] The Member for Barataria/San Juan has asked for a division.

Dr. Khan: Sorry, Madam Speaker.

Madam Speaker: In accordance with Standing Orders 11 and 12(1), this House now stands adjourned to Friday, the 9th of March, 2018, at 1.30 p.m.

Question agreed to.

House adjourned accordingly.

Adjourned at 6.08 p.m.