

HOUSE OF REPRESENTATIVES*Tuesday, June 16, 2020*

The House met at 1.30 p.m.

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

Madam Speaker: Hon. Members, I have received communication from Dr. Tim Gopeesingh MP, Member for Caroni East; Ms. Nicole Olivierre MP, Member for La Brea; Mr. Prakash Ramadhar MP, Member for St. Augustine; and Dr. Surujrattan Rambachan MP, Member for Tabaguite, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

JOINT SELECT COMMITTEE**(ESTABLISHMENT OF)**

Madam Speaker: Hon. Members, correspondence has been received from the President of the Senate, dated June 15, 2020, which states as follows:

Dear hon. Speaker

Re: Establishment of a Joint Select Committee

Reference is made to the subject at caption. I wish to advise that at a sitting held on Monday, June 15, 2020, the Senate agreed to the following resolution.

Be it resolved that the Senate concur with the House of Representatives on the establishment of a joint select committee to consider and report on the Fisheries Management Bill, 2020, by August 31, 2020.

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

UNREVISED

Respectfully

Christine Kangaloo

President of the Senate

PAPERS LAID

1. Ministerial Response of the Ministry of the Attorney General and Legal Affairs to the Fifteenth Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Current Provisions for the Education of Children who require Special Education Programmes and Services in Public Primary and Secondary Schools. [*The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis)*]
2. Ministerial Response of the Ministry of Works and Transport to the Eighth Report of the Joint Select Committee on Land and Physical Infrastructure on an Inquiry into the Effectiveness of Measures in place to reduce Traffic Congestion on the nation's roads. [*Hon. C. Robinson-Regis*]

JOINT SELECT COMMITTEE REPORT

(Presentation)

Social Services and Public Administration

Prisoner Re-Entry into Society

Mr. Esmond Forde (*Tunapuna*): Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following report:

Fourteenth Report of the Joint Select Committee on Social Services and Public Administration on an inquiry into the challenges of prisoner re-entry into society and prisoner reintegration services in Trinidad and Tobago.

PUBLIC ACCOUNTS COMMITTEE REPORTS

(Presentation)

UNREVISED

Dr. Bhoendradath Tewarie (*Caroni Central*): Madam Speaker, I have the honour to present the following reports:

Environmental Management Authority

Twenty-Sixth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Environmental Management Authority for the financial years 2010—2012, and the Authority's expenditure and internal controls for the years 2010—2018.

Public Accounts of the Republic of Trinidad and Tobago

Twenty-Eighth 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 2018.

JOINT SELECT COMMITTEE REPORT

(Presentation)

Local Authorities, Service Commissions and Statutory Authorities

Regulating the Operations and Practice of Pharmacy

Mr. Esmond Forde (*Tunapuna*): Thank you, Madam Speaker. Madam Speaker, I have the honour to present the following report:

Fifteenth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into the Current Systems and Procedures for Regulating the Operations of Pharmacies and the Practice of Pharmacy in Trinidad and Tobago.

URGENT QUESTION

Health Workers Request for Improved Compensation

(Consideration Given)

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker. As I pose this question to the Minister of Health, I have noted that this is not the original question that I posed. Given—

Madam Speaker: Member. Member for Couva South, is it that you do not want to ask the question?

Mr. Indarsingh: Yep.

Madam Speaker: Then we move on. [*Crosstalk*] Please withdraw that comment. It is either you ask the question or we move on.

Mr. Indarsingh: Madam Speaker, to the Minister of Health—

Madam Speaker: I ask that you withdraw the comment.

Mr. Indarsingh: I withdraw the comment, Madam Speaker.

Madam Speaker: Thank you.

Mr. Indarsingh: Madam Speaker, to the Minister of Health: Given reports that health workers have been engaged in protest action, has the Government given any consideration to the request for improved compensation for health workers or other concerns in relation to remuneration?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker. Madam Speaker, in relation to the CEO's report from the RHA this morning, that matter engaged us extensively especially from the North Central RHA where the bulk of the issues are allying. The North Central RHA, under successive boards, has never really addressed this issue. I am told by the CEO, in very fruitful meetings with both the PSA and the TTRNA, they are coming closer and closer together on many of the issues, and some resolution to many of these long-standing issues will be implemented in the shortest possible time.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, could you inform this

House if due consideration has been given to a hazard allowance, a death benefit coverage and also, Government's contribution to a health insurance coverage for all nurses and midwives across Trinidad and Tobago?

Hon. T. Deyalsingh: So the issue of health insurance was discussed and the RHAs are actively looking at it, and that is where we lie at the present time.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Madam Speaker, on the eve of Labour Day 2020, could the Minister of Health confirm or deny if he has refused as the Minister with line authority to meet with the Trinidad and Tobago Registered Nurses Association on these issues?

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

JOINT SELECT COMMITTEE

(APPOINTMENT OF)

Fisheries Management Bill, 2020

The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that this House appoint the following six Members to sit with an equal number from the Senate on the Joint Select Committee established to consider and report on the Fisheries Management Bill, 2020.

Mr. Randall Mitchell, MP

Ms. Shamfa Cudjoe, MP

Dr. Lovell Francis, MP

Maj. Gen. (Ret.) Edmund Dillon, MP

Mrs. Vidya Gayadeen-Gopeesingh, MP

Ms. Ramona Ramdial, MP.

Thank you very kindly, Madam Speaker.

Question put and agreed to.

**MISCELLANEOUS PROVISIONS (REGISTRAR GENERAL,
REGISTRATION OF DEEDS, CONVEYANCING AND LAW OF
PROPERTY, REAL PROPERTY, STAMP DUTY AND REGISTRATION
OF TITLE TO LAND) BILL, 2020**

Order for second reading read.

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

That a Bill to amend the Registrar General Act, Chap. 19:03, the Registration of Deeds Act, Chap. 19:06, the Conveyancing and Law Property Act, Chap. 56:01, The Real Property Act, Chap. 56:02, The Stamp Duty Act, Chap. 76:01 and the Registration of Title to Land Act, 2000, be now read a second time.

Madam Speaker, the Bill before us today is a mere eight clauses long but occupies some 75 pages of paper, and if I were to say something in relation to this Bill in the simplest form possible, permit me to say the amendments to the several laws proposed by this Bill today are some of the most important amendments that this country will undertake in consideration here today in relation to the most cherished and important asset that we all have, and that is the land upon which we stand, sale, [*Desk thumping*] or manage. Land is a finite resource, particularly on a twin-island state such as ours, and we have brought this legislation to the Parliament today, and I am very bold to say this is the pièce de résistance of the fight against corruption. This particular Bill is the Bill that completes one of the major comprehensive elemental drives that we have begun. We tackled laws to treat with cash, we tackled laws to treat with businesses, and we have tackled laws to treat with land, being the three places where one can park the proceeds of crime.

Our land laws are effectively in a splintered state of existence. We have what we refer to as the common law system. Relative to that, there is a system of registration of deeds. The Registration of Deeds Act and the Conveyancing of Law Property Act, those two pieces of law come and tell us that you can record transactions between individuals from time to time and you must do it in a particular way, it must be done in a particular process, but it does not go so far as to say that you need to register your land. Because the law that exists in Trinidad and Tobago is, and we seek to preserve it, that when you pay for land and someone executes a deed—if I call it that way—the ownership in equity passes immediately. The only aspect of registration of land that exists is under section 18 of the Registration of Deeds Act, where you must register a deed of gift or a deed of settlement.

The second area where we deal with registration of land is under the Real Property Act. The Real Property Act is the Torrens system. It was introduced in the late 1800s. The Real Property Ordinance was converted to the Real Property Act. It has been around for a very long time. It is a voluntary system of registration. But section 38 of the Real Property Act says for your title to be passed, you must register your land, you must register the instrument that conveys the interest in land, and it is not effective, in one version of it, until you endorse the memorial on the certificate of title. So that is the second system of land registration.

The third system of land registration is the Registration of Titles to Land Act or the land package which we are rolling out beginning in Tobago, and that roll out beginning in Tobago is so that we can convert all land in Trinidad and Tobago into absolute title guarantee. We take the Real Property Act, we take the conveyancing law. In the old law system as we call it, the common law system, we have pulled

them into the Registration of Titles to Land Act using the land valuation, the land tribunal, et cetera, and we managed that.

But there is a fourth system, a dark and dangerous system which is the prevalence of unregistered instruments. It constitutes an abuse of the law of equity. What is the law of equity? The law of equity is the fairness of a transaction. Shylock said, "Give me my pound of flesh", but the equity came to say whilst that contract should be performed, give him your pound of flesh. The law of equity came to say not a drop of blood shall be spilled, and therefore, equity frustrated the contract in the Shakespearean example.

This unregistered system of deeds is such that people convey title, pay for land, sign the instrument, go to the stamp duty division, pay their stamp duty because there is a very expensive clock that runs there. If you pay your stamp duty late, the fines are exponential. So they pay stamp duty, and then they take that deed and they put it in a top drawer and they leave it there forever. Why? Because a bona fide purchaser for value without notice is not in this equation because the equitable title already passed. You cannot disturb the ownership of the person who paid for the property, passed the money, and the instrument was signed. That is the law in Trinidad and Tobago, but stick a pin, we have something called the mortgage bills of sales in this country.

Madam Speaker, in Trinidad and Tobago, we have the system of registration of deeds, the data tells us we do 27,000 deeds per year. These are deeds of everything: a deed of gift, a deed of mortgage, a deed of release and a deed of conveyance—27,000. We take mortgage bills of sales which is where you go to the bank, you borrow money, you sign a mortgage bill of sale; and you must register a mortgage bill of sale, all 21,000 of them each year. In other words then, we do more mortgage bills of sales than we do deeds to transfer land in this

country. You have to register that mortgage bill of sale strictly within seven days or else you go to the court and court gives you permission to register the mortgage.

So we protect a \$5,000 car loan strictly by seven days, you must register it, you go to court, you have to extend the time if you passed the seven days, but a billion-dollar transaction pot for land—let me repeat that. A billion-dollar transaction pot for land can sit down in the top drawer of a lawyer in an abyss forever because it is not a deed of gift and it is not a deed of settlement. How can a responsible Government sit down and allow that law to continue without redress?

Madam Speaker, in commencing the amendments to this law, we began with legislation in 2017. The largest stakeholder in this industry is the Law Association and I want to thank the Law Association for engaging me. My first set of correspondence with them is in 2017, 2018, 2019, 2020. We have been at it for nearly four years with the Law Association. We have consulted with the Bankers Association, the FIU, the Judiciary, a number of stakeholders in this industry who are involved. But let me say this now, this law is not in a state of universal acceptance. There are some members of the Law Association that do not agree with the system of contracts that is proposed, and I will come to in a moment. Madam Speaker, what time is full time?

Madam Speaker: You end at the 2.12.04.

Hon. F. Al-Rawi: Much obliged. Not all members of the Law Association agree, but a vast number of them do agree, and therefore, this is a position where we agree to disagree because we are now about to treat with mischief. I have painted one mischief.

The second mischief that happens that this Bill addresses as well, is the abuse of trusts. Now, a trust is a perfectly lawful mechanism. There is nothing wrong, up to this point in time, with any trust being in existence. We seek under

this law to have inter vivos trusts that are existent in your lifetime to transfer land. Using a trust mechanism, we seek to have that done by way of a mandatory registration of a deed of trust. You are perfectly entitled to avoid taxation. You are not entitled to evade taxation. You are perfectly entitled to use trusts but if it is unregulated, there is nothing wrong.

The third mechanism that we seek to do here, Madam Speaker, is to protect attorneys-at-law and to protect vulnerable clients by having a mandatory system of registration of contracts for the sale of land. Why? An agreement for sale of land creates an equitable interest in land. It is for that reason you will know, Madam Speaker, that you can actually insure land in your name if you are under an agreement for sale because if the property burns down, you a purchaser, somebody is vendor, they can compel you by way of specific performance to buy the burnt out property, and therefore, our Trustees Ordinance allows you to actually insure the property as a purchaser even though you do not own it. I am giving an example of how an equitable trust works in this situation.

So what we do, Madam Speaker, this country is replete with examples of unscrupulous people who go about and take deposits for sale on agreements for sale from multiple people at the same time, and what they do is that they do not tell person A, B and C that they have taken a deposit from D, and you are always looking over your shoulder—in this country the statutory period of limitation to act on a civil claim is four years. If you are acting on a speciality or a deed, it is 12 years. You got to look over your shoulder for up to 12 years to see if somebody is going to come and take away your title and your only defence will be, “I am a bona fide purchaser of a value without notice.” In other words then, “I did not know.” So we proposed a system of mandatory contract registration, lawyers must prepare the instruments, and we do that specifically to say that there is a process by which

you register your contracts and a process by which those contracts die because you need to make sure that you purge the title per se. So that is the high level approach, Let us dive into the Bill quickly in the truncated time that we have.

Madam Speaker, the first one that we look to amend—first of all, there is a proclamation clause in this Bill, permit me to say more about this in wrap up. This is integrally associated with a radical transformation of the methodology of the Registrar General working. It is pinned to the property business real estate solution. We are in the third stage of it right now. We expect to go live with a full online filing system making this law work easily, if not at the end July, by the month of September. Secondly, this Bill is premised upon the workings of that system and therefore, we are awaiting the full launch of that system to proclaim this law because there are legitimate issues about the operational functionality of the Registrar General.

Clause 3 treats with amendments to the Registrar General Act. Basically and quite simply, we are moving the number of registers from four to eight. We are adding a register for beneficial owners, we are adding a register for trusts, we are added a register for contracts, and we are adding a register to treat with agreements when they are executed but not yet registered. Those are the four points in time that you can have and four topics where you can have fraud or abuse enter the equation. So we create this, we preserve the methodology of allowing your agreement for sale to be registered by way of a deed of agreement. In other words then, right now in Trinidad and Tobago, you can voluntarily register your agreements for sale and people do that all the time. In creating this, very importantly, we create a public register and a private register for some of these things.

The register of trusts is only available to the FIU, law enforcement, court

order. Why? The European Court of Human Rights has certified that secret trusts are legitimate mechanism for land and therefore, they should only be available for private law enforcement inspection, or judicial inspection, and not the general public. Right now, the mischief is that trusts are just simply not registered and we are seeking to cure that by making it mandatory for a trust, which is executed in your lifetime, which treats with land, and which is an express trust, in other words then, not one done by way of operation of law, it must be done by deed and registered. Madam Speaker, we specifically also allowed the Board of Inland Revenue that aspect of inspection for the private register of trusts.

Madam Speaker, we then create the register of contracts that is bifurcated. It has two parts, contract under the common law system for sale of land, they are to be registered; and contracts under the Real Property Act, they are equally to be registered. Why? There is no place to park them at present, therefore, you must create a register for them. They do not affect the legal title to the land, all that you want to do is to feed the concept of caveat emptor. You want the buyer to be made aware by turning all the lights on in the room, so that you will see all of the transactions affecting land as opposed to looking over your shoulder, hoping that somebody does not come within a 12-year period to disturb your ownership.

We defined beneficial owner, we defined trustee, we are harmonizing with the beneficial ownership under the Companies Act, we defined what a trustee is in the Registrar General, very importantly we then treat with the concept of fees. There is an unacceptable provision—and you will know this, Madam Speaker, from a past incarnation— of a discretionary factor on the Registrar General's point where for deeds of gift or deeds of settlement, the Registrar General exercises a quasi-judicial function and can decide if you are going to be having your deed of gift or your deed of settlement registered late, and you can go up to \$2,000 in that

exposure. We are removing that. No quasi-judicial functions. Registrar General simply accepts the instruments once they are in registrable format and we reduce it down to \$200 for extensions of time and you will see that at page 9 of the Bill.

The Registration of Deeds Act, clause 4, this is where—and what I say in relation to the Registration of Deeds Act, we cut and paste into the Conveyancing and Law of Property Act, and we cut and paste into the Real Property Act. So what I say in relation to clause 4, applies to clauses 5 and 6 equally. We are making sure that only lawyers and their authorized clerks, who are registered with the FIU, have valid practising certificates, they are not suspended from practice, they are the only people to engage in agreements for sale of land. Why? The data shows us that there is great prejudice in having other people involved. If you look at what the Judiciary has sent us by way of statistics, you will see that there is a lot of odium and a lot of fraud that happens. So we are making sure the lawyer is liable.

Now, there is this allegation that you are going to raise fees. No, Ma'am. It is a strictly regulated industry. For non-contentious fees, it is done by way of a scale of fees. We specifically defined a public body, we harmonize the law in relation to mortgages, we describe it, and then we come up with this definition of a registrable document. A registrable document is any instrument that affects land and interest in land. Very importantly, let me say this, we are not dealing with a change in the law of equity.

We are only dealing with the law as it stands in relation to the legal side of it, not equitable side. We preserve that strictly and therefore we do not change the practice that the interest passes upon signature and payment. All that we do is say you have to register within 12 months and you can apply for a further 12 months if you cannot make it and after that, you go to court for a permission to extend the

registration time after that.

2.00 p.m.

We very importantly say that you have to have contracts preceding sale of land conveyances. Why? I have just described why. Turn all the lights on the room, let the buyer be aware of everything. Specifically, we allow for the registration of contracts. We specifically say in relation to the contracts, that contracts are to be filed, prepared by attorneys-at-law, we provide for a mechanism whereby the contract can be ended by way of mutual agreement. We provide for a circumstance where persons do not agree to the ending of the contract, that they must take certain steps. They must serve the other side and say I am terminating. The other side must then see that that is filed at the registry. The Registrar informs all parties to the transaction. After that, the person has an opportunity to file an objection to the termination of the contract. The person's objection survives for 90 days, after that, it dies unless they go to court and enforce their rights. Is there a precedent for this? Yes, it is in the Real Property Act. It has been around for more than "ah hundred years".

If you look to the provisions of bringing of land under the Real Property Act beginning at section 22 of the Real Property Act or if you look at the system of caveats beginning at section 124 of the Real Property Act, both of them allow for a period of objection which is deemed to lapse if you do not take a step. Why 90 days? The pre-action protocol, the Civil Proceedings Rules says that you have 28 days to issue a pre-action protocol, et cetera, so we harmonize the time frames.

Madam Speaker, very importantly, we have preserved something called the doctrine of feeding the title. What does that mean? It is section 32A of the Conveyancing and Law of Property Act. In it, we say if you register your conveyance before you register your deed of release, we will still continue with the

practice where if you register the deed of release after the conveyance, it just fixes the title. You will see that, Madam Speaker, in the amendments that we make on page 14 of the Bill.

Madam Speaker, we very particularly introduced this whole concept of coversheets. Coversheets on every registrable instrument capture essential information. That essential information is kept in a private register. It allows for harmonization between Board of Inland Revenue, Registrar General. It makes sure that your pin number for your birth certificate ties into the vender and ties into the purchaser so you do not have identity theft and identity fraud.

Madam Speaker, the new 15A in Part III which treats with the contracts for sale which I have described in high-level form so far, you basically need to have the form of contract clear. 15B is where we get into the fact that you must register it in a particular time frame; 15C, 15D, as we go onward.

Effectively, I want you to note, Madam Speaker, we say that an interest of land, if you are going to dispose of land, you have to be preceded by a contract, but what we do in 15B as in “Bravo” and 15D as in “Delta”, we dis-apply the need for a contract in certain circumstances. You see, a mortgage is a disposition of land, a deed of substitution, a court order, a family arrangement, a deed of trust, a mortgagee sale, a receiver sale, a liquidator sale, a bondholder sale of a basket of assets, all of those are excepted out of the need to have a contract. I thank the Law Association for their comments in relation to this, 90 per cent of these things came from our interactions, the Law Association and the Office of the AG. And we dis-apply these things, preserving the existing law, preserving the ease of doing business. Madam Speaker, we also allow for leases to be excepted. It would be odd to have a contract for a contract and therefore we set aside deeds of agreement, deeds of leases. However, insofar as you may own land by leasehold interest, we

preserve the fact that if the lease is really a disposition of land, that it is to be preceded by a contract.

Madam Speaker, we very importantly in 15C treat with the variation and termination by mutual operation. Where there is no mutual operation, the Registrar General does not have a quasi-judicial factor. She just simply receives the instrument, puts it on the register of contracts, so that all buyers are aware. Very importantly and contrary to some of the commentaries coming from a few attorneys-at-law, we provide for the purging of contracts where you do not do it mutually by a system of objection and you must take your action within three months. After that, if you do not take action, the contract comes to an end by operation of statute. So I just do not respectfully buy the submissions coming from some of my colleagues in private practice, not all.

Part IV treats with the registration of registrable documents and what we do here is the notice of execution. Madam Speaker, what we are saying is because transfer title when you sign and pay, it is important at that moment in time to tell the Registrar General and tell the world that you have executed something where the interest has been conveyed. Why? You may not be able to register yet because the valuation did not come back from stamp duty, after the transaction had been completed, somebody died, you needed to go and treat with the estate, and more importantly, contracts can be delivered in escrow. That is a very important provision. Permit me to thank Mr. Frank Bunsee, attorney-at-law, for introducing that concept into the amendments into the Senate when we received the Law Association's comments.

In that particular provision, a contract may go into discussion, a deed may go into discussion. It may not be perfected yet. It is delivered into escrow pending a deed of settlement, pending a certain circumstance and it is delivered out of

escrow. What we do here is we say that—and I thank Ms. Sonji Pierre-Chase in particular for this and Ms. Helen Araujo who gave us yeoman service on behalf of the legal profession in coordinating the Law Association's commentary. Again, I underscore that this was not a unanimous position by the Law Association but I must recognize the work that these excellent practitioners have done.

What we did is to say when you deliver it out of escrow, the clock starts to run. When you have full execution because you have agreements in counterpart, you have agreements that may be sent abroad in multiple aspects of deliverance. When you register the instrument, the date is effective as at the date of the instrument. In other words then, Madam Speaker, you will know, that is the existing law. So we did not want the statute to impliedly change any of the existing law.

Madam Speaker, we provide for transitional provisions. Very importantly you will see that we are providing for the attorney-at-law for the first time to inform the client in writing of the obligations, the nature of the transaction. We allow for the preservation of the fact that a client may fire an attorney-at-law and therefore we separate the liability provisions in the new Part VIII. If the attorney is liable in not doing what he or she ought to have done after a full two years, then the attorney is liable to half the scale of fees. If the client who fired the attorney-at-law is liable, we put a penalty of \$5,000. So we have separated out these interests. But here it is where we protect both the attorney and the client by making sure the client is aware. Where the attorney is fired, the attorney sends a notice to the Registrar General saying, "Look, I have been relieved of my responsibilities, over to the client". Anybody who knows how the disciplinary committee operates will know how important what I have just described is for the practice of law on both sides of the equation.

Madam Speaker, when we get to the Part V, you will see 15H, the duties of the attorney-at-law as I have just described. We deal with the fines and offences at Part VIII in pages 40 to 41. We deal with the miscellaneous aspects from clauses 27 onward where we are treating with the instruments of trust. This is an important aspect to go to the higher level provisions that I put at the beginning. Again, we treat with all the nature of trust what the intravenous dispositions look like.

Importantly, in preserving the ease of doing business in important preservation of maintaining low fees, we have a schedule of forms so that this is not a complicated, make-it-up-as-you-go position. You will see Forms A onwards straight throughout the Bill, Madam Speaker, until you get to page 63 of the Bill.

At this point, clause 5 which treats with the Conveyancing and Law of Property Act, clause 6 which treats with the Real Property Act, these clauses, everything that I have just described in relation to the Registration of Deeds Act applies almost mutatis mutandis, equally across these laws so I will borrow the submissions for that.

Importantly, we have allowed for the transitional provisions at law to go to work. We allow for people a period of 12 months to comply with instruments that we had executed prior. Obviously, there is no requirement for a contract for sale for a deed that was executed prior to the commencement of this Act. We allow for 12 months to register things which are in top drawers for who knows what reason, we allow for them to apply for a further 12 months to extend the time, after that, go to the court and ask for a position. That is 24 months minus seven days more than you have to register a mortgage bill of sale most respectfully.

Madam Speaker, this is good law. It has never been easy to change the land laws of this country. I will get to that in my wrap up. I will explain that position.

This is very good law and with it, we have a chance at fighting all of the injustices that can be echoed in this Chamber. I look forward to the contributions of my colleagues and I beg to move. [*Desk thumping*]

Question proposed.

Mrs. Vidya Gayadeen-Gopeesingh (*Oropouche West*): Thank you, Madam Speaker, for this opportunity to join in this debate and to respond to the hon. Attorney General on the proposed Bill. Madam Speaker, this Bill seeks to amend the Registrar General Act, Chap. 19:03, the Registration of Deeds Act, Chap. 19:06, Conveyancing and Law of Property Act, Chap. 56:01, Real Property Act, Chap. 56:02, Stamp Duty Act, Chap. 76:01 and the Registration of Title to Land Act, 2000.

Madam Speaker, when we listen to the hon. Attorney General, it seems that the aim of this Bill is really quite straightforward but this Bill really has far-reaching consequences. If one were to look at the closer examination of the amendments to this Bill, it is quite clear that there are really serious anomalies and issues which must be addressed if this Bill is to be effective, if it is to be proclaimed and most importantly, one has to look at the undue hardship on landowners in this country and on property owners in this country. In fact, it touches and concerns all those citizens who have land and who want to deal with their land and the disposition of their lands.

Madam Speaker, I really do not know why the hon. Attorney General is thanking the Law Association of Trinidad and Tobago. The Law Association voiced their concerns since last year, June 28, 2019, and Madam Speaker, if I may seek your leave, I would just like to read a few lines from this *Guardian*, the article by Khamal Georges. The Law Association asks that this Bill not be amended, the Law Association asked that this Bill:

“...be immediately withdrawn...”

The Law Association asked:

“...for all stakeholders to be engaged in proper and meaningful consultation.”

Because they said:

“...in its existing form, it...”—has—“far-reaching and severe effects.”

They went on to say that:

“...it...undermine citizens constitutional rights like restricting property owners of ownership and enjoyment of property.”

And according to the Law Association:

“...it would encumber the freedom of parties to contract with one another for the sale and purchase of property.”

In fact, Madam Speaker, what this Bill will do, it increases the cost on sale and the purchase of property. It becomes more expensive now, because, as I proceed with the various amendments, you will see that you have to register a contract of sale and you do not register a contract of sale free, you have to pay a fee. So as I proceed, I will show the anomalies in this Bill.

Also, Madam Speaker, the Law Association said that this:

“...proposed legislation would...complicate instead of facilitating the ease of doing business in this country, and”—it will—“further downgrade the country’s ranking on the Ease of Doing Business Index.”

Madam Speaker, that was the Law Association.

But five days ago, we had some other brilliant luminaries in this country. On the 12th of June, 2020, there was another article by David Clarke, Lynette Maharaj, Timothy Hamel-Smith. They, themselves, asked and they called upon the Attorney General, they said pause the Bill. So one said totally withdraw it, one

said pause that Bill because it needed to have thorough examination and to assess the impact of this legislation. They actually said it is a nightmare waiting to unfold. [*Desk thumping*] They spoke of the unnecessary layers of bureaucracy in land matters. In fact, I heard the hon. AG saying that you have less corruption. These luminaries are saying this Bill will introduce more opportunities for fraud and corruption.

But, Madam Speaker, all their voices fell on deaf ears because you see, Madam Speaker, the PNM in their DNA, they always say is my way or the highway. They are not listening to anybody. You see, Madam Speaker, maybe it is an election year and they have to pull through some legislation through here but whether it is election year or not, the business of protecting the rights of our citizens is first and foremost on the agenda of those of us on this side. [*Desk thumping*]

Madam Speaker, I will need to just walk through some of these amendments and the first thing I heard the hon. Attorney General speak about is with respect to filing of documents. This Bill mandates you to register a contract of sale. It mandates you. It is not optional, it is discretionary. It tells you that if you are doing a contract for sale, purchaser or vender, you have to register your contract for sale. This is moving away from settled jurisprudence. You are moving away from it because I have checked other countries to see if they have similar legislation and I could not find any. So this is something that is new here, you have to register a contract for sale. This is unknown of in the law of conveyancing.

First, you need to have a cover sheet which outlines the registering attorney and you have to have the date of the document, date of execution and it must be filed within 30 days. If we are doing common law deeds, you are registering a deed under common law, so you are doing a contract first, as this Bill is saying,

you have to register the contract for sale. When you have to do a search, especially with common law deeds, you may have a deed that is dated 1970. Any deed that is dated 1970 and older, it is not in the computerized system. You have to go down to the archives, look at all the books, look at yellow torn pages and pick up the root title of the schedule or the deed that you have in your hand, but you would not get this search within 30 days. And if this Bill is telling you that you have to register your contract within 30 days, it means now you have to file for an extension of time.

If the search comes back and the land that you are selling is encumbered, meaning there is some *lis pendens*, some judgment, some mortgage on the land, no purchaser wants to buy it. So what happens now, the purchaser will tell the attorney that I am not interested in this land again, but under this Bill, you have to file a notice of termination; a notice of termination and then file a next form. So what you have here is layers upon layers of forms going to the Registrar General's Department. [*Desk thumping*]

Ordinarily, if you have to do a deed which is under common law, you do not have to file any extension or you do not have to file any termination because the client instructs the attorney and says, "Well, I could not procure a mortgage within that 30 days or so and let us see if we could get an extension of time". So the attorney will call the attorney on the other side and say, "We need that extension of time", so you just put it via letter or in writing or via email and ordinarily, you get an extension of time. So what this actually is doing, Madam Speaker, this filing of documents and where you have to file additional layers of documents is just red tape and bureaucracy under this Bill.

Madam Speaker, one of the common things we get from clients is that when you do their original agreement for sale, they might just want their name in it, but

during the course, maybe they start feeling that they should put things in order, so they say, “Okay, add my children’s name”. So, again, you take instructions and you make them sign to it so you add on their children’s names. Under this Bill, you have to include an annex, what is called a supplemental agreement and when you have to file a supplemental agreement, you have to annex it also to the notice, so there again, you have layers and layers of forms and fees that a purchaser has to pay.

So, Madam Speaker, what the Law Association is saying is that this really makes the competitiveness of us here in Trinidad decrease because under the People’s Partnership, we were ranked 65 in the Ease of Doing Business, now we are under 105 out of 190 countries. [*Desk thumping*] If this Bill were to be proclaimed, if we have incoming new law, well, we will hit rock bottom. Under our previous Minister of Legal Affairs, the Member for St. Augustine, we would have gotten deed of conveyance within three weeks. What we have here—

Madam Speaker: Members of the front Bench, the muffled sound is becoming too loud.

Mrs. V. Gayadeen-Gopeesingh: Thank you, Madam Speaker. As I was saying, under the former Minister of Legal Affairs, the Member for St. Augustine, attorneys would get deed of conveyancing within three weeks. This Bill has not even been proclaimed and we have to wait, attorneys are complaining, you are getting deed of conveyance in five months. Several attorneys in San Fernando have filed power of attorney since January, we are in June, we cannot get it and this Bill has not come yet. Because, Madam Speaker, who deals with all the power of attorney and the deed of conveyance and so?—the Registrar General’s Department. So that is why things are just slow and you have hurdles in the Registrar General’s Department. So, Madam Speaker, if this Bill is rolled out, it is

really a disaster in waiting. I am not sure if the Attorney General is trying to rewrite the law of conveyancing.

I heard the Attorney General says about the judicial powers for the Registrar General and I am saying there is still quasi-judicial function for the Registrar General, Madam Speaker, because when we look at section 15C, we are seeing the Registrar General can refuse to register the contract for the sale or other disposition of land if a subsisting contract affecting the land exist, either it is previous registration has not yet expired, a notice of termination has not been submitted and recorded by the Registrar General or it does not meet the formal requirements under section 15A(1). However, where a subsisting contract as referred to expires, the Registrar General can proceed to register the contract for sale or disposition of land in accordance with this Act.

Madam Speaker, who bestows these judicial powers to the Registrar General? How is it that she has been assigned quasi-judicial functions? Because she has to determine whether a contract of sale is valid or subsisting; that is a function for a high court judge. So are you usurping now the function of a High Court judge to decide which is subsisting? And not only that, Madam Speaker, under this law, if the Registrar General were to make a wrong decision, she were to have a wrong determination on whose contract is subsisting, the person—

Mr. Al-Rawi: Madam Speaker—disrespectfully because my friend is referring to something that is not in the Bill. Could my friend just at least take me to the relevance of something that is not in the Bill? There is no functionality for the Registrar General to refuse anything.

Madam Speaker: All right, so it might help the conversation if the Member points out the particular section to which she is referred.

Mrs. V. Gayadeen-Gopeesingh: I did refer to it. Thank you, Madam Speaker.

So hon. Attorney General, I am asking, through you, Madam Speaker, that the Registrar General should not bestow those powers because the offending party, the one who suffers a loss, she can bring a personal action against the Registrar General and that is punishment for the Registrar General. You do not want that to happen to her.

So, Madam Speaker, the Registrar General under section 15B(11) also, she has to give notice to a list of parties and under this notice, no one knows the timeline. What timeline is given for this notice and in what form it will take and how it is to be delivered? And in the meanwhile that notice or the Registrar General is doing that determination, time is running and it acts as a caveat. So it means that you cannot have any further dealing with the land matters that you have which you supposed to have a deed at some point in time. So time is running and you have to continuously apply for extension, you could go up to two years and after the two years, you have to go to a High Court judge. And I find it kind of awkward, you are going to a High Court judge in the Civil Registry to file and ask the court to grant me an extension of time so I could file a deed.

Madam Speaker, the Civil Proceedings Rules and under the Civil Registry or under the civil court, when you go to deal with land matters, the judge will tell you, especially where there are siblings involved or close relatives, "You all go outside and settle your matter and come back and give me a consent order". They do not want to deal with all these which we call frivolous matters because in their docket management system, it is already filled. They do not want to deal with these, these are trivial matters. So you still have to go before a High Court judge to ask the High Court judge to grant me an extension of time.

So in one breath, the Attorney General is saying they have done so much in the judicial system, it is one of a kind, the only time things are happening, but you

are trying to pull matters through on one side but you are sending in matters through the other side. So you are actually still clogging the judicial system and judges could use that judicial time to do other matters. So I think this is really awkward.

2.30 p.m.

Let us move on, Madam Speaker, to the submission—because I looked through this Bill and I am not sure if, under the RPA, the Real Property Act, a vendor has to submit his duplicate original certificate of title when you have to do a contract for agreement, because this is silent in this Bill. And when you talk about a duplicate original certificate of title under the RPA, you will find that every transaction, there is a memorial and it is endorsed to the back of the certificate of title. So if there is a mortgage, a lis pendens, a caveat, they are all endorsed in the back.

The question I have to ask, Madam Speaker, is: Which old person, take for example an old lady living in Toco—and because many of the lands down there are under the RPA, the Torrens system—and she decides: “Okay, I am going to the lawyer in Grande”. So she is going because the contract for sale was registered and now the attorney says: “You have to come down and bring your certificate of title.” First, she does not even want to give it to register the contract, which is in the back will be endorsed, “Contract for Sale”. I do not know which person will want to give up their duplicate original certificate to have an endorsement in the back of it reflected “Contract for Sale”. That is one.

Whilst on the way, coming down in the taxi, she drops that certificate of title. She is old, she cannot remember what happened to it. She reaches to the attorney’s office. She is asked: “Where is the certificate of title? I have to register it, send it to the Registrar General’s office?” Well, she said: “Ah had it in meh

bag.” She cannot find it. What the attorney has to do now, Madam Speaker, is make an application for a lost grant but time is running. Time is running on this deed that has to be registered in 12 months. Time is running. What do you get? You would not get a, what you call that administrator, or somebody else. This is when we deal with the death after. You would not get this lost grant within two to three years from the Registrar General’s office; not within two to three years from the Registrar General’s office. And, Madam Speaker, I am seeing the AG throwing up his hands. But it reminded me a few days ago he said here that the Registrar General’s office has been outfitted. I had asked him in the Standing Finance Committee about the contract workers. He said it is 207 workers.

Madam Speaker, look at this Chamber, look where I am standing. We all have to exhibit social distancing. My friend said 207 persons. Between each person, you must have six feet apart, which is 36 square feet. I am asking the hon. Attorney General: Where are those 207 persons are fitting in the Registrar General’s Department, if you are saying you have people to deal with this? You are saying you have people to deal with all these paperwork. You know, it reminded me of a man, Madam Speaker, who says, if he sees you coming round the corner, he can make a suit for you. That is what this 207 persons reflected, Madam Speaker.

Madam Speaker: Member—

Mrs. V. Gayadeen-Gopeesingh: So, Madam Speaker, this is a problem—

Madam Speaker: Member, I am just having a little difficulty in understanding where you are going with this. I will ask you to quickly tie it into the point you are trying to make about the Bill, if not to leave it and go on, because I am really at a little loss here.

Mrs. V. Gayadeen-Gopeesingh: So, Madam Speaker, we are speaking about the

Registrar General's Department and what I am saying is that there would be additional work for the Registrar General's office to deal with all these eight indices. Because previously, the Attorney General said that we will have four indices; now we have eight. So I am asking, whether the Registrar General's Department could cope with all this additional work, because you have additional paperwork. Because the Registrar General has to be the custodian of all the records.

Right now, the Registrar General's Department is overburdened. And now you are offloading more and more on the backs of the department. That is the point, what I am saying, Madam Speaker. Because now you will have thousands of agreements for sale or contracts of sale to register, and then you have to have paper trail. You are not only filing things online, Madam Speaker. You also have to have backup paper trail for all these transactions. And the Attorney General also likes to speak about plant and processes, Madam Speaker, and people and machinery.

Madam Speaker, since 1979, Prof. JCW Wylie, he had spearheaded a programme to reform the land laws here in Trinidad. And in 1986 he said that the Registrar General's Department had been criticized for the frustration and the expense caused by the delays and the general malfunctioning of this department. He spoke about the overall shortage of manpower, lack of sufficient skilled staff to do technical work that is demanded of it. So I am saying in 2020, Madam Speaker, things have not changed. And it will really be too much for the Registrar General's Department to have to be training people to deal with all these now, and to keep record of eight indices.

Madam Speaker, the Attorney General also spoke about the death of a contracting party. And I am going to ask, Madam Speaker, is that: When one of

the parties who has to register a deed of conveyance or you have to do a memorandum of transfer, and one of the parties to the contract dies, it takes a very long time for a grant to be issued by a probate court. So what happens in that case for the completion of that sale? Because you cannot get an administrator within the one year to complete the sale, because one of the contracting parties has died. So it takes quite a while, sometimes it takes up to two years to get a grant, because the Attorney General spoke about administrators and about the death of a contracting party.

This Bill is silent on what happens on the death of a contracting party and who pays the penalty when this deed or memorandum of transfer cannot be registered within the year or the second year, because you are getting a grant, whether it is a probate or a letter of administration, in two to three years. So we need to know who is incurring that penalty because it is a stiff penalty, Madam Speaker.

When we look at trust, because the Attorney General spoke highly of trust here, and he spoke about the abuse of trust. Madam Speaker, the Registrar General has to keep a separate index for all instruments of trust registered under the Registration of Deeds Act and this trust is not open to the public. It is only accessible to the Director of FIU, a Superintendent or rank above and the Chairman of the BIR or by a court order.

And simply, Madam Speaker, as the Attorney General would say, one person may sell a property, like A sells to B, but B is really holding for C, and that is the way how I believe the Attorney General is saying that corruption may arise. I have to ask the question, Madam Speaker, whether attorneys will have to make an application to the court to get an order to view this index because it is silent here also. Because how would an attorney know whether a trust is suspicious or it is a

high-risk trust? Because I am not sure it is silent here, whether we have to apply for a court order to view the index.

Madam Speaker, I would also like to ask the Attorney General, is that: What happens to this whole doctrine of constructive trust and resulting trust? Is it or has it been thrown out the window? Because it is also silent here, Madam Speaker. And I think I saw something with the Law Association, Madam Speaker, where they were asking about the principle in *Walsh v Lonsdale*, (1882), 21 Chancery Division 9, Madam Speaker, where equitable leases must comply with common law requirements. So it allows equity to regard as done that which ought to be done.

We are also interested about the principle or the doctrine of part performance, Madam Speaker. Has that been thrown out also through the window? Because in the UK, as the Attorney General spoke about the abuse of trust, in the UK, there is the Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017. It is a register detailing the beneficial owners of the creators of express trust and it does not go further to extend a mandatory registration of all beneficial interest. Under this Bill, you have to register every interest. And in the UK, they are saying they just use a creator of express trust and it is not mandatory that you register all beneficial interests.

So really, Madam Speaker, this Bill is really a hodgepodge, you call it? Half-baked legislation. Because you have not taken into consideration all the consultations from all the stakeholders. Because when we do trust and we do conveyancing, the corruption does not start in the Registrar General's Department, because every deed of conveyancing, every memorandum of transfer must be sent to the Inland Revenue Department. And in the Inland Revenue Department, you have assessing clerks or assessment clerks. They check your deed, because every

deed, whether it is a deed of gift or so, must be accompanied with a valuation report. And they check it and determine how much is to be paid on a percentage, either it is 2 per cent, 3 per cent, 5 per cent or 7 per cent. So they put it and say to you on top of your deed, to pay X amount. So how is it that you are saying you are trying to control corruption, when in the Inland Revenue Department they are telling you much you would be paid for your deed? And in any event, Madam Speaker, when the assessment clerk checks the valuation report and she realizes that it does not correspond with the schedule of the land, the size of the land, the property, the location, she can also request an independent valuation from the Government Valuation Division. And when the Government Valuation Division does a report, Madam Speaker, it takes a next six and eight months, and time again is running in this deed. So who pays the penalty?

Madam Speaker: Member for Oropouche West, your speaking time is now spent.

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam Speaker. Madam Speaker, the outset of my contribution, I would like to just use the opportunity to remind the people of Trinidad and Tobago about a certain commitment of this Government, a commitment that I personally am very proud of because I think, once again, it was an international endorsement, a stamp of approval, not that we need any, but that came from the Prime Minister, the then Prime Minister of the United Kingdom of Great Britain, David Cameron, starting with a trip to Malta, in 2015, late 2015, at the CHOGM conference.

And just to remind the population of what is on record, and on record at a global Anti-Corruption Summit in May 2016, because if my memory serves me correctly, October or November 2015, a newly elected Prime Minister of Trinidad and Tobago, at a conference, CHOGM conference in Malta, was approached by the

then Prime Minister of Great Britain and told that they had been following closely, the election campaign of 2015 and prior to that, and that they were impressed with the stance taken and the positioning of the Member for Diego Martin West, with respect to corruption and in particular, his anti-corruption sentiment. And at that time, an invitation was extended to our newly elected Prime Minister to attend a global summit— a global Anti-Corruption Summit in London, in May 2016. Fortunate for me, I was provided with the privilege and the opportunity to attend along with our Prime Minister in this global summit. We were the only country, the only Caricom country, the only small-island country in the world, to be invited to this Summit, and that was a great testament to the then Prime Minister's stance on corruption.

And briefly, to finish it off, to tie it into this Bill that is before us, Madam Speaker, the Prime Minister was invited to a breakfast meeting by Prime Minister David Cameron and at that was the US Secretary of State, John Kerry at the time, and a number of world leaders, the President of Mexico, the President of Colombia, Singapore's Prime Minister and others, and we sat proudly at that table of anti-corruption. And this is what Trinidad and Tobago's written position in May 2016, at this global anti-corruption summit to:

“1. Expose Corruption

Trinidad and Tobago is committed to the fight against the scourge of corruption and to pursuing those that have engaged in acts of corruption with a goal of successful prosecution and recovering as many assets that are the fruits of corrupt acts...”—

Mr. Lee: Madam Speaker, 48(1), please. Standing Order 48(1). I am trying to understand where the—

Madam Speaker: Member, please.

Hon. S. Young: Thank you very much. I know the talk of corruption disrupts. So I go on, because this is Trinidad and Tobago's position under this Government to the international world:

“...the fruits of corrupt acts”— and—“for the benefit of the citizens of Trinidad and Tobago.

Trinidad and Tobago is willing to participate in legitimate global initiatives that are focused on simplifying the gathering and collating of evidence...”—

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

Hon. S. Young:—

“...and the building of successful cases. “

Mr. Lee: I am trying to understand where this is in the Bill, please.

Madam Speaker: Member for Port of Spain North/St. Ann's West, I understand the foundation you are laying. I ask you to quickly bring that into the debate.

Hon. S. Young: I will jump straight in to it, Madam Speaker. This is what is stated:

“Trinidad and Tobago will work towards the establishing of a registry of company beneficial ownership information. Trinidad and Tobago commits to ensuring that law enforcement agencies have full and effective access to beneficial ownership information for companies and other legal entities registered within its jurisdiction.”

That leads us straight into the Bill; the fulfilment of a commitment given to the world at large that we will deal with the scourge of corruption and, in particular, beneficial ownership. [*Desk thumping*]

Now, I could understand sometimes why these topics make certain people jumpy and the concerns that they have. So I would like to give full support from Port of North/St. Ann's West for this legislation. Because, Madam Speaker, this

legislation deals frontally with corruption. For the first time we are dealing with contracts for the sale of land. We are dealing with beneficial ownership, registrable documents executed but not registered. And for the laypeople at home and the listening public, just to explain. There is a phenomenon of persons selling property, executing the deed for the sale, having it stamped by stamp duty. So they fulfil their BIR obligations and then they do not register it.

Because you see, one of the roots of corruption, and some may be familiar with it, is that what they do is they get persons to buy property for them. So I will give you a contract and as payment for that contract, you purchase this property for me, be it a property in Tobago Plantations, a property in Fairways, a property in Bayshore. And you know what? “Doh” put it in my name, because I have certain other legal obligations. So I will be the beneficial owner. I will be the owner via trust. But we would not register it. So the world at large would not know that the property has passed and you have purchased— you the contractor have purchased a property for me, or someone has purchased a property for me and just not register the deed. And that is one of the most important doors that is being closed today by this effective piece of legislation.

What this legislation also does, Madam Speaker, and the last speaker, the Member for Oropouche West, was talking a little bit about the Registrar General, trying to draw this source or this cloud of doubt and skepticism as to whether the Registrar General can handle more work. I have never heard a submission that we should not go ahead with good legislation because you are giving somebody else more work to do, or a department more work to do. So to deal with that, the Registrar General's Department will handle the workload. I do not think there is any concern about that. If they have to hire more staff, so be it. But in the move towards technology, so be it. And that is what has been happening under this

administration. There has been a lot of focus at the Office of the Attorney General and Legal Affairs in computerizing, once and for all, the land registry and scanning all of the old deeds.

And you see the resistance to that, which feeds directly into this Bill, is that persons may have been concerned. Because when everything is now computerized and there is technology, there are fingerprints and they can be traced. So the Registrar General is now being called upon to keep an index for all instruments of trust, which are registered under the Registration of Deeds Act, and it is stated that this is in keeping with our FATF obligations. They can now only— but importantly, all of these new indices where persons now have to register their deeds of trust, can only be accessed—and I did not hear this point made and it is an important one—by the Director of the FIU, a Trinidad and Tobago police officer at the rank of Superintendent or above from the FIB or the Fraud Squad. So it is limited. It is not every superintendent and above at any department could go and access this information, and solely for the purpose of investigating, whether an offence has been committed under any written law for the purpose of laying any information with the preferring of an indictment, also by the Chairman of the Board of Inland Revenue or pursuant to a court order.

Again, just to explain to the population the importance of this. Persons have, for time immemorial, used trust for the right reasons and unfortunately, some for the wrong reasons. So again, corrupt persons can say, “Hold this property in trust for me.” So in other words I am hiding all of my ill-gotten gains, keeping it in uncle Bob's name. Uncle Bob is holding it on trust for me; keeping it in X's name. They are holding it in trust for me, and they do not registrar the trust. And one of the arguments that had been used against the registration of trust, the obligation to register trust is that those who have legitimate trust and are trying to

protect their name, their identify, et cetera, they could be exposed.

So at the time in London, in May 2016, when this issue arose at this global Anti-Corruption Summit, there was a lot of discussion about it in the newspapers in Europe, in England. And one of the things that came up is, for example, when you have Hollywood stars, they may want to purchase properties, but of course for privacy reasons, they do not want persons to be able to search and see that they are the owners of the property. So they do it via a trust. That is a legitimate reason for a trust. So what you do is you develop—so I heard the Member for Oropouche West saying that in England they do not have similar types of registration. Not true. What you do is it depends on who is allowed access to the registered trust. And we have protected, by this legislation, that every Tom, Dick and Harry cannot go and have access to see who is in the trust, who stands behind the trust, who is the beneficiary of the trust. No, it is only the FIU. It is only a police officer in the FIB, or Fraud Squad above the rank of a Superintendent and they have to be doing it pursuant to an investigation.

The Chairman of the Board of Inland Revenue— because you see again, very, very often in conveyancing unfortunately in Trinidad and Tobago, people have developed all types of schemes to avoid paying the right amount of tax, the right amount of stamp duty. So, for example, there was a transaction where a property valued at \$57 million was purchased for a \$175 million, using taxpayers' money on the claim that they had a valuation for a \$180million. But the independent valuation showed that the value of the property was \$57million. But they used taxpayers' money to purchase it at \$175million. In that transaction, thereafter, there arose issues related to avoidance of tax and stamp duty.

So you could understand why a Chairman of the Board of Inland Revenue may want to go and look behind that and see well, who is this property purchased

for? Where did the money go? And who benefited? Who are the beneficial owners? Is there a trust, et cetera, and of course pursuant to a court order, because it may very well come up in court proceedings?

Importantly, this index of trust that is being created is not open to the public. So there should be no fearmongering. There should not be any attempt to dissuade people from using trust, once it is for legitimate reasons. This whole piece of legislation, Madam Speaker, is designed to attack and to go to the heart of corruption and acts of corruption.

Once again, we put on to the *Hansard*, on the parliamentary floor, that every law-abiding citizen has nothing to fear with this legislation. [*Desk thumping*] Every citizen who has respect for the law has nothing to fear with this legislation. So always keep alert, be alert and look to see who is raising objection to this type of legislation. It also goes on to say that registerable documents must now be registered, in order for them to be valid and effected both in law and in equity for the purpose of creating, transferring or conveying land.

Madam Speaker, those provisions go directly to what I was referring to a short while ago, where it is a fact that certain people would get other persons to purchase land on their behalf, or to enter into transactions, hide behind them, so that they will then not be known and they would not have to put into their integrity in public life legislation forms that property X is actually owned by me. Because if they are working for a salary of Y, but the property cost Y plus X, they now need to explain that. So what they do is they get persons to buy it, hold it in their name and never register the deed, or they buy it themselves, so now they have a deed that is stamped in their name but they do not go and register the deed. They keep it, as the Attorney General says, in the top drawer. And there are many, many instances of this.

So what this now says is you cannot come 10 years down “de” road, with your deed that was stamped in 2020, when you think all of the smoke has blown over now in 2030, and try to move to have the deed registered. Time would have gone. That is the loophole that is being closed here. That is the corrupt act that we are dealing with frontally here today, Madam Speaker. We are saying that, no, your deed has to be registered, a time frame for registration, and if you do not do it, it will not be valid. So you cannot come 10 years later, when you believe you are now safe, and register it.

Every contract for the sale or other disposition of land is now to be prepared by an attorney-at-law. Every contract for sale is to be registered by an attorney-at-law, or his authorized clerk within 30 days of the execution of the contract, and it must be accompanied by a completed cover sheet and the relevant fee. It then provides that the Registrar General can, within 48 hours after the submission of the contract for the sale or other disposition of land for registration, request other information. Again, one of the reasons for this, and a lot of time was spent on this by the previous speaker saying, “Well, why must you now register contracts for sale?” Immediately, what it does, it provides a registry where the world at large can see if anybody has entered into a contract for sale.

Madam Speaker, unfortunately in Trinidad and Tobago, and it is a phenomenon I am sure takes place in other jurisdictions, very often you have persons selling the same piece of land to a number of persons over and over and over, overlapping in time. What this does now, this simple provision, it goes to the heart of that. So if there is a 5,000 square lot in Belmont, and it is owned by X and X is selling it to Y, that contract for sale must now be registered. So X cannot now go and sell it to Z, sell it to A, sell it to B. Because when Z, A and B go and check the registry, in advance, they will see there is already a contract for sale between X

and Y for that 5,000 square foot parcel of land in Belmont.

3.00 p.m.

Simple provision, but again, it serves to eradicate the opportunity for a lot of fraud and corruption. So it introduces a process, Madam Speaker, designed to protect persons entering into contracts for the sale of the same piece of land more than once. What could be questionable about that? What could be arguable with respect to such a provision?

Madam Speaker, this legislation also states that the Registrar General cannot accept a registrable document for registration unless the attorney-at-law is registered with the FIU, has not been suspended under the Legal Profession Act, and holds a valid practicing certificate. I smiled when I read this provision. As Madam Speaker would know, as the Attorney General put it, from a previous incarnation in life, unfortunately in the legal profession you have some attorneys who have been suspended, but they continue to carry out land transactions and they continue to do so in ways and manners that are very, very questionable; taking persons' moneys, not conveying the land, keeping their deposits, et cetera, et cetera, et cetera.

This simple provision again goes to the heart of that. But I was also pleased to say that it now requires that all attorneys who are going to engage in the conveyancing of land and the registration of conveyancing of land, are now absolutely required to be registered with the FIU. The FIU legislation that came out, persons that registered, persons de-registered, there seemed to be a faltering of that but this is a good provision because it attracts oversight, it attracts legal obligations, and it now puts the attorneys at a different level of scrutiny. You see, attorneys need to realize, Madam Speaker, with the greatest of respect, I have been observing recently some of the public utterances and how those in the legal

profession have been behaving, and I have asked myself why? You know, we had a whole debate about court vacations recently, and we are in a period, we are in a global pandemic. The courts have been closed, there are virtual court sittings, but then there is a lack of desire to give up the court vacation so the people's work could be done.

Attorneys are not above the law. So if you have attorneys who are engaging in underhand practices, this catches them and that is a good thing. And I cannot see why the Law Association would be opposed to that, I am sure they would support it. The Legal Profession Act certainly makes it a conflict of interest and an offence under that Act for persons to do these types of things.

Madam Speaker, this simple Bill has very far-reaching consequences, but with one purpose, and a simple purpose, and an admirable purpose. Madam Speaker, it goes to tackle the heart of corruption in land transactions, and conveyancing, and contracts for sale and trust, and that is something that we fully support and I am happy to have contributed to here today. Thank you very much, Madam Speaker. [*Desk thumping*]

Madam Speaker: Member for Caroni Central. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. The Member for Port of Spain North/St. Ann's West raised some of the same issues that the Attorney General did in his presentation having to do with registering the deed, the sale of a single piece of land to multiple buyers. The AG did not dwell on this but he did mention it, the issue of unscrupulous attorneys and of course both Members dealt with the issue of corruption being at the heart of this legislation that they were attempting to pass in this honourable House.

Now, I am not a lawyer of course, but I have views on this Bill and I want to ask that if the big problem is the registration of deeds, why do we not in fact have

the legislation address the issue of the registration of deeds? And even if there are deeds that have been unregistered for 10 years, or 15 years, or 20 years, the same way that you have transition clauses in this particular legislation, why could you not have that for a 12-month period or a two-year period and get that job done? So I do not understand and I am asking the question, why is it necessary to address the issue of the initial agreement to purchase for registration, rather than the actual deed of conveyance which transfers the title of ownership?

Now, when the AG spoke, he spoke about this being very good law and the problem I have is that so many people in the legal profession including the Law Association are saying that it is really bad law. The Law Association I would assume has many good lawyers in that Association, and I also have a document which has been circulated and I am sure the AG has seen it, involving people that I consider good lawyers or the society considers good lawyers that seem to have a problem with this law. And if they have a problem with this law and they are all lawyers and many of them are good lawyers, the law could not be that good if they have these series of objections to the Bill. And I think one of the problems with this Bill is that the AG is taking a sledgehammer to kill a fly. I started with the original question of why can we not just have the registration of the deeds?

Now, this businesses of land, labour and capital, are at the centre of the kind of society we have in Trinidad and Tobago and the inheritance and evolution of a society from the colonial period, and it is important to understand that key to that are the issues of human rights, property rights, democracy, free markets. And the Constitution then addresses those issues in order to manage a society in which people engage with each other. So land becomes a very sensitive thing in the context of economic management, growth and prosperity.

In my view, what the approach in this Bill reveals is a certain lack of

sensitivity to the issue of land in the economic development process. And one of the things I am concerned about is that when you look at the history of the legislation brought by this Government over the last five years, a lot of the legislation has to do with bringing people, citizens, and the private sector under more and more control of the State whereas, we have very little legislation that has the Government or the State accountable to the Parliament and to the people. And a lot of this legislation that we have had over the five years seeks to hold people to ransom, so to speak, and the private sector in containment, rather than have the public sector and the Government, and the executive of the country account to the people which I think is the essence of democracy and the democratic process.

Now, this Bill seeks to amend six Bills and they are very, very complex Bills. And the AG himself mentioned that by making the point that what he was doing was very far-reaching in its effect. The Registrar General Act, the Registration of Deeds Act, Conveyancing and Law of Property Act, Real Property Act, Stamp Duty Act, and the Registration of Titles to Land Act. And the AG often comes here and talks about an all-encompassing approach, a comprehensive approach, and I know that he has a fervent approach to the law and the issue of law reform, but sometimes that fervour can lead to overzealousness, and that overzealousness can create unnecessary problems. So, I want to ask the question, could we not find a simpler solution for the issues at hand here? And I think that the AG basically and the Minister of National Security, Port of Spain North East/St. Ann's West, they have identified what those issue are here.

The first one as the Bill itself outlines is to deal with fraud that occurs with land dealings and that also has to do with corruption. The issue of transparency in legal arrangements and beneficial ownership. And then to meet the Financial Action Task Force's recommendations, recommendation 25, and outcome 5 of the

Financial Task Force, in looking at some of the documents, I saw in the Senate that the AG indicated that his main concern here was in fact corruption, and not dealing with the Financial Action Task Force's recommendations, but the Bill makes it very clear that both of these things are very aligned and the Bill is in fact trying to satisfy both issues, the issue transparency in legal transactions and arrangements and beneficial ownership, and fraud or corruption, but also to meet the FATF recommendations.

But if you are asking a citizen to register a transaction before it is completed, I mean, is this reasonable? I raise the question of registering the deed rather than the beginning of the transaction. Is it really reasonable to ask people to register the transaction before it is completed? And my colleague from Oropouche West raised some of the issues, she is a practising attorney, deals in some of these matters, and she would know the process by which these things are addressed. And this causes a lot of complications because you are seeking to register at the point of intention to purchase, and the intention to sell, which may not always come through. I know instances of people who have entered into several transactions involving land in sequence with different people, and it has taken them years to actually get the property sold. So this is an issue I would like to flag and to raise.

My colleague raised the issue of the transaction costing more because you will have to pay at the cost of entering into an agreement, the cost of finalizing the transfer, it becomes cumbersome if the transaction falls through, and it makes it harder generally to do business, and the Law Association in fact raises some of those issues. And the group of lawyers who have circulated a document also makes the issue of the ease of doing business an issue that is negatively addressed by this legislation.

Now, would it not be better to get the stamp duty office more organized and efficient? I mean, should we not have an efficient stamp duty office that is free from corruption? Why can it not be more vigilant and effective in scrutiny and compliance? Why must the citizen always be made to pay or be penalized for inefficiency in Government arrangements? I find this is a real problem that any time the State has a problem they begin to make impositions on the citizen.

Now, the Bill introduces a provision for making sure that lawyers now deal with this, and the lawyers that deal with transactions have to be registered with the FIU. I do not have a problem with that because it narrows the pool, it makes the pool targetable, elements of the pool, and it is easier to follow suspicious transactions; so I do not have a problem with that. But the question is, given that there are so many objections, did you do the necessary consultation? Because the AG said he did consultations and he mentioned several entities with whom he consulted, but it does not seem so from the position of the lawyers and for the Law Association.

Now, the Law Association mentions a number of issues here on page 2 of the document which I am sure the AG has, and the question I want to ask in relation to that, is there any other jurisdiction that has responded to the need to deal with fraud and transparency et cetera, in relation to FATF, is there any other jurisdictions that has dealt with this matter of land in this way, requiring a registration at the time of the beginning of the purchase agreement?

And the Law Association raises eight issues here. I would not mention what they are, but I want to ask the AG if—I do not want to read them out is what I mean and take the time—but I want to ask the AG, did he examine or respond to, or have any reflection on the issues that the Law Association raised? These eight particular issues. They raised many more, but those eight particular issues, did he

reflect on them and respond to them?

Now, there is also a release by seven distinguished corporate lawyers in the country of June the 10th, 2020. Did that cause you to pause? They gave a number of reasons why not, why you should not have the Bill. They say in it that the Bill fails to achieve the objectives that are set out in the Bill. They talk about the bureaucracy it would create and the impact it would have on business transaction. And they actually say in the Bill, that the “intended benefits of the Bill are illusory”. This is what they say, Madam Speaker, and I would think that at least if the AG has respect for the law profession or for the lawyers in the profession, he himself is a lawyer, he would want to at the very least, take what they are saying into account. And both Ministers dealt with the issue of corruption. This Bill is to deal with fraud and corruption.

Now, I want to say that, you know, the Government itself has a problem with corruption, and so, for instance in 2015 the Corruption Perception Index, places Trinidad and Tobago at 72 out of 198 countries. And in 2019, the same Perception of Corruption Index places the Government at 85 out of 198. So, I would think that there are problem of corruption to deal with not only in land transactions but in government business. And I would say, for instance, I would ask the AG given his own role in the Government, I want to raise just four question about one issue, and that issue is this, did the Attorney General see the bilateral agreement between the Government of Trinidad and Tobago and the Government of Australia for boats? And you want to register land transaction, should the public not be aware of information like this? Did it make any reference national procurement law—the agreement I am talking about, or the role of the Central Tenders Board?

Mr. Al-Rawi: Madam Speaker, I intervene on 48(1). I have no idea what the

Government of Australia has to do with this.

Madam Speaker: Member, I will ask you quickly to tie it in. If not, move on please.

Dr. B. Tewarie: Yes, so the AG is talking about making sense that all transactions are done properly and you want transparency. Now, if you have a government to government agreement and you are the Attorney General of the country, did that document make any reference to the role of the Central Tenders Board in it? Did the bilateral agreement—

Madam Speaker: Standing Order 48(1) in terms of what you are talking about, “government to government” arrangements, you know, I fail to see the relevance to this.

Dr. B. Tewarie: Both Ministers raised the issue of corruption and a lot of the registration in this Bill is to prevent corruption.

Madam Speaker: Member, while I did hear talk about corruption it was in terms of what this Bill anchors itself, the mischief it is trying to, all right, so I will ask you to go on.

Dr. B. Tewarie: Okay, Madam Speaker. Anyway, I want to raise this matter, I will leave that matter as the Speaker advises, but I want to say that in raising the specter of corruption either in the private sector as with the lawyers, or with citizens as people who are using the law to cheat the law and the cheat the system, I want to say that there are real issues in the governmental system as well.

This legislation is to change the nature of land transactions and will make land transaction and business generally more difficult. This is not just my view, this is the view of all the lawyers who have addressed the issue and engaged the AG on the issue. Under the current law a purchaser of land is not required this register a written contract, only the deed after the purchase is completed. And I am

saying if there is a lacuna in the law and some people are avoiding registering the deed, that particular issue can be addressed. Now, this law will increase the bureaucracy as well as the financial cost to a purchaser. At least two sets of lawyer's fees, one to prepare the contract of sale within 30 days of signing and then on the actual transfer of land when the purchase is complete. So, there is a financial imposition, there is a bureaucratic burden as well.

Now, I think too this is a simple majority Bill, and I want to say a lot of the Bills that have come here that are related to the FATF and Global Forum issues have created complications that perhaps need not be so complicated because of the way that we respond to them.

Madam Speaker: Member for Caroni Central, your speaking time is now spent.

Dr. B. Tewarie: Thank you very much.

Madam Speaker: Member for San Fernando East. [*Desk thumping*]

The Minister of Tourism (Hon. Randall Mitchell): Thank you very much, Madam Speaker, for the opportunity to contribute to this Miscellaneous Provisions Bill. Madam Speaker, let me touch on a few things said previously, particularly by the Member for Oropouche West and the Member for Caroni Central. Madam Speaker, they try to insinuate that this Bill creates some undue hardship on property owners because it increased the cost. Madam Speaker, nothing could be further from the truth and the only increased cost as a consequence that contracts now have to be registered, Madam Speaker, is simply \$100, so that cannot be true and they should stop perpetrating that falsehood. [*Desk thumping*]

Madam Speaker, the Member for Oropouche West also said that Government ought to be in the business of protecting the rights of citizens and not burdening them, following on from that point. But Madam Speaker, that is exactly what we are doing. We are in part as well providing consumer protection for

persons who are in the market and trading in the business of land. And, Madam Speaker, we are not imposing any hardship on citizens. What we are doing here in this Bill in part is imposing hardship on criminality, fraud and money laundering. [*Desk thumping*] The Member for Oropouche West also asked the question whether the doctrine of part performance was thrown out in this Bill? But Madam Speaker, in section 4(1) of the Conveyancing and Law and Property Act, in the current position, as well as in the proposed position, Madam Speaker, there is maintained availability of the equitable claim of part performance of a contract. It is right there in the Bill in section 4(1).

The Member for Oropouche West also insinuated that the Bill was trying to ouster the court equitable jurisdictions and nowhere in the Bill are we trying to ouster the courts equitable jurisdictions, nowhere, Madam Speaker. The doctrines of part performance, proprietary, estoppel, resulting trust and constructive trust, remain available to any aggrieved person.

Madam Speaker, the Member for Caroni Central also spoke about the Corruption Perception Index, but the Corruption Perception Index is anecdotal, and is a lagging measure, it is a lagging measure and indicator. And the drop in the Corruption Perception Index is most likely on account of the Government between 2010 and 2015. [*Desk thumping*]

But Madam Speaker, let me turn to the Bill, and the Bill seeks to significantly change the way we conduct land dealing in Trinidad and Tobago, significantly. And these latest amendments, Madam Speaker, closely follow and are closely similar to a recent Bill that we debated here, the Bill to regulate the real estate agents and industry. And like the Real Estate Agents Bill, this Bill seeks to create transparency, certainty, minimize fraud, and the opportunity for money laundering where we deal with real property. And we have had a serious problem

with that here in Trinidad and Tobago.

So, Madam Speaker, whereas in the Real Estate Bill we treated with the regulation of and legal requirements, duties, obligations at the pre-contract stage of those persons whose business is the sale of interest in real property on behalf of others, today with this Miscellaneous Provisions Bill we are amending the statutory requirements and procedures that treat with the actual sale and other disposition of an interest in land at the contract stage and thereafter. Among other things, this Bill amends the way that we contract for the sale and disposition of land before the conveyance or transfer of an interest in that land, so treating with the contract for sale of land.

This Bill also treats with beneficial ownership and like a recent companies amendment, there is now a requirement that anyone with a beneficial ownership in land must disclose and register with the Registrar General. The Bill now outlines more specific detailed and formal requirements for the execution of deeds, for their attestation and registration, and the Bill specifically provides for any and all trust of land that will be void unless made by deed and registered with the Registrar General.

3.30 p.m.

So, Madam Speaker, with respect to the contracts for the sale of land, the Bill fundamentally changes the way we contract for the sale of land. And, Madam Speaker, one of the first things you learn in contract law, as a first year law student, is that contracts or agreements may be made orally and are enforceable unless some statute requires a different approach. And contracts for the sale or disposition of land is one such instance, where contracts must be in writing and signed, and unless those requirements are met, contracts for the sale of land are

unenforceable unless, of course, as I mentioned earlier, Madam Speaker, a party may rely on the equitable doctrine of part performance.

The fundamental rule, Madam Speaker, that contracts for the sale or disposition of land must be in writing and signed was always understood to be created on a public policy position that ownership of land is so important to human existence as it provides a means of shelter and all the means of production. And it is a reason that contracts for the sale of land must be in writing, signed and provides certainty for the parties.

The Bill now seeks to amend and improve upon this position to say, and in proposed section 15A, Madam Speaker, that all contracts for the sale of land must be in writing, incorporating all the terms of the agreement, must be prepared by an attorney-at-law and registered with the Registrar General, among other things. And this is necessary, Madam Speaker, because the effects of a valid contract for the sale of land that complies with the position as it stands and with these new positions as proposed, the effect is that the seller becomes a trustee for the purchaser, and the purchaser now becomes a beneficial owner in the property, especially now where the remedy of specific performance is available to him on breach of contract.

So these new amendments, Madam Speaker, are consistent with the objectives of this Bill, which is to prevent persons from abusing equitable principles to perpetrate fraud, [*Desk thumping*] corruption and money laundering. And therefore, all interests, even at the contract stage, where the purchaser becomes a beneficial owner, must be registered.

And, Madam Speaker, there is also a consumer protection benefit to these amendments, and the Attorney General and the Minister of National Security mentioned them a while ago, where persons contract and try—attempt to sell—

fraudulent persons attempt to sell the same plot of land many times to unsuspecting persons or unsuspecting consumers.

But, Madam Speaker, there is something I did not say in the Real Estate Agents Bill debate, but there is also a trend where real estate agents and brokerages are purporting to create and use their own contracts for sale, without reference to a trained attorney-at-law, presumably on the basis that it will save them some money. And what they are actually doing, Madam Speaker, is they are using some past precedent, generic or not, in the hope that it applies to all situations equally, and further, the real estate agents are unable to properly advise parties to a contract of their rights and obligations under the contract.

Madam Speaker, in these amendments, in particular, in the proposed Part V, not only are attorneys-at-law mandatory for the creation of these contracts for sale, they now have an express duty to inform clients in writing, of all the duties and obligations in accordance with the transaction.

So therefore, Madam Speaker, I support the provision that attorneys-at-law be mandated to draft and execute the contract for the sale of land from a consumer protection standpoint. Because, Madam Speaker, without a trained attorney-at-law, without a trained mind, there could be serious adverse consequences if something goes wrong.

Madam Speaker, there is also certainty in the transaction, where upon registration, any variation or termination of the contract must also be registered via notice to the Registrar. So, Madam Speaker, for complete transparency and to minimize incidences of fraud, the attorney-at-law who completes the transaction for preparing and executing the deed must ensure that it is consistent with and relates to the registered contract for sale. So, Madam Speaker, no longer will we see a situation where there is a contract for sale for \$1 million but on the face of

the deed, as they approach stamp duty, the deed reflects \$500,000. So, Madam Speaker, I support these measures totally.

I want to touch on the trust of land position, Madam Speaker. So clause 4, now proposes that trust of land are void unless they are made by deed and registered, and they must be registered in 12 months. The current position, Madam Speaker, is that there is no formal requirement to create a trust pertaining to any subject matter including trust of land, save and except that the trust must contain the essentials, that is: certainty of an intention to create a trust, certainty of subject matter, and certainty of beneficiaries. And these trusts, whether they pertain to personality, personal effects or land, may be made orally or in writing.

So, Madam Speaker, with these new amendments, owners and beneficial owners of land under a trust must now be made aware and take heed that a trust of land and beneficial owners of land under a trust, must be made by deed and registered. And while we have heard, Madam Speaker, that the primary purpose here for this provision is that trust of land be registered is to defeat the use of trust for our corrupt purpose, there are also trusts of land that are created in the usual course of life. And the Minister of National Security gave the example of some popular Hollywood actor who may wish to purchase land via means of trust, but right here, Madam Speaker, in the usual course of life, a trust could be created, where a family man might provide the purchase price for a property to be held in his paramour's name, on trust for the both of them.

And these "trusts" could be created by words or in simple writing. And previously, and the position is the same now, such a person could be protected and assisted in equity through the claim of an implied trust, resulting or constructive or a trust can be created where a man provides the purchase price for property to be held in another's name on trust for minor children, and where that man is not

desirous of describing that trust on the face of the deed. These are things that happen in the normal course of life.

But, Madam Speaker, all such trusts must now be registered with the Registrar General and will be accorded a high level of privacy where only certain classes of persons may enquire into that index into the registry of trusts. That is the Director of the FIU, Superintendent or above, et cetera, otherwise, the index is closed for the privacy of such persons who wish to enter into a trust. And, of course, Madam Speaker, in the absence of the formal requirements of a trust, these trusts of land could be abused having regard to the very binding nature of trusts.

So, we recently passed a law that regulates non-profit organizations but Madam Speaker, the way—one of the ways that this thing can be abused is that a non-profit organization could actually hold land on trust, for perhaps, a drug dealer beneficiary who had been funding and making contributions to that non-profit organization for the purpose of laundering the proceeds of crime. That is one way as well, Madam Speaker.

So, Madam Speaker, I support these measures, even where they may seem far reaching to some, on the basis that they will now provide more transparency in land dealings, minimize stamp duty fraud, and prevent corruption and money laundering. Madam Speaker, I commend these measures to the House for its support, and I support them completely. I thank you. [*Desk thumping*]

Madam Speaker: Member for Laventille West.

The Minister of Public Utilities and Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker, for recognizing me, as I make what might very well not be altogether a necessary intervention in this important debate. Madam Speaker, we have made it known from the very start of our term in office, that we are about to

do something with the burdensome problem of corruption in Trinidad and Tobago. We identified, and the public now fully understands, that some of the scamps and schemers and corrupt people in Trinidad and Tobago and in fact in the world, use businesses/companies to hide and to launder money and to cover ill-gotten gain. They use land and they use cash. The citizens of Trinidad and Tobago, they store their wealth in cash in many cases. The citizens of Trinidad and Tobago saw recently, the Government, in light of those facts, attack the question of companies. We made amendments to the companies law in order to shed light, to open up, and to no longer allow people who use companies, non-profit organizations even, to hide ill-gotten gain, to launder money, as my friend, the Member for San Fernando East just pointed out in a very potent example.

We tackled the question of cash and we converted cotton notes to polymer notes. And the Ministry of Finance reported only last week, Madam Speaker, and the citizens would have seen, close to \$500 million worth of cotton is somewhere getting rotten, because that policy of the Government exposed [*Desk thumping*] money that they could not promptly return.

Madam Speaker, the measures before us, as has been adumbrated, has been articulated by the Attorney General, the Member for Port of Spain North/St. Ann's West, and my friend from San Fernando East, and now we are getting no response and resistance from our colleagues on the other side, are very simple: to register trusts, which are instruments that are used to convey land, during one's lifetime, inter vivos, as they say, and doing so not in the normal way, and I will say what I mean by "normal" shortly. It is to register contracts for sale, a matter that has attracted the attention of legal luminaries in Trinidad, about seven of them, and one of them wrote in today's newspaper for the benefit of the world, his views on that matter, a matter to which I shall shortly return, and of course, to register deeds.

Because the Attorney General, and we all know, pointed out that there are persons who would prepare deeds of conveyance, who would pay the stamp duty, and who would hold that deed without going to that stage of completion, an important concept, by registering it. And registering a deed, and placing an endorsement at the back of a certificate of title in registered land are important measures because land, being the basis of all wealth, all land in a country is owned by someone or some entity, either the State, some company, some individual or individuals, all land is owned by someone. And land is important.

3.45 p.m.

And therefore, for those reasons alone, publicity, knowledge about land—because knowledge is critical to the market in the capitalist system. If they are selling a product at a good price some place and you do not know, the market does not work properly, so you have to know. Knowledge is important, particularly in the business of land transactions, as the Member for San Fernando West potently pointed out in his submission a few moments ago. That is all we are doing and these measures are really beautifully laid out in clause 3 of the Bill.

The Member for Caroni Central, he asked bold-facedly, is it proper to ask people to register a transaction before it is completed? What does completion mean? As the Member for San Fernando East pointed out, you see a piece of land, you know about it, you want to purchase it, you transform that thought and that desire in an agreement for sale with the seller, the vendor, and that is done in writing, of course, there is a contract for sale. You then move to the question of a conveyance, you get a lawyer to prepare a deed of conveyance where the title is now—

Mr. Lee: Madam Speaker, 55(1)(b). We have heard this repeatedly over the afternoon. [*Crosstalk*]

Madam Speaker: Minister, please continue.

Hon. F. Hinds: Thank you, Madam Speaker. They did not want to hear about corruption. But, Madam Speaker— so, you have the agreement for sale, you have the conveyance, the State gets involved, it assesses, it takes its share of income in terms of stamp duty, and then it is published for publicity sake, as I explained a while ago, by the office of the Registrar General. So anyone wanting to deal with that land again, would know for certain what exists or subsists in relation to that piece of land. But you know, persons have found ingenious ways of doing things and therefore, they do not always go to completion, which means publicity in the sense that I have just described it. So the short answer to my friend from Caroni Central's question is, yes, it is good, it is necessary. The law evolves, we improve the laws to take care of situations that would have developed.

When this idea was first developed from the agreement for sale, and then the conveyance, and then the registration of the transaction, it did not contemplate some of the behaviours that we are aware of now and as such, you have to find ways to treat with the “scampish-ness” that takes place inside of that, Madam Speaker. So the answer to my friend's question is undoubtedly yes, yes.

Madam Speaker, as my friend from San Fernando West pointed out, there is no serious burden on anyone and no bureaucracy and all of that. It is simply a question of making it known, and even if there was a need for some bureaucracy and some expense on the part of anyone, it is well worth it because the implications for its absence is far more serious.

So I am not surprised that members of the legal profession would have taken objection to this. Remember, the lawyer—and I am a lawyer, I have done conveyancing, I have practised in the jurisdiction—looks out for his client's interest, Madam Speaker, as you must know, and the client looks out for his own

interest as well. The State has an interest in this matter because it is land in the State, whether privately-owned or state-owned, but it is land and for the reason I have explained, the State has an interest.

The law that we are proposing here today really seeks to protect the interest of the State, because my friend from Port of Spain North/St. Ann's West was quite right. There are lawyers, none in Trinidad and Tobago, none, but certainly there are lawyers in the world who use their expertise, who use their knowledge of the law to assist persons to do things that are inimical to the interest of others and inimical to the interest of the State; harmful to the interest of others and harmful to the—and there are clients who are prepared to pay big money for that. There are people who would pay big money to an accountant to avoid paying taxes, and there are people who would pay big money to big lawyers to avoid certain things, and to be able to hide property because they do not want people to know they own it. But those are private transactions in an air-conditioned lawyer's office that the public will never know about. These measures are intent on exposing all of it for the benefit of the public, and I cannot understand what is any objection to this.

I read carefully the submission made by Senior Counsel Jairam in today's newspaper and find it unconvincing, unpersuasive for the reasons he has given. And he concluded in his little article by asking the State to hold its hand. In other words, let it continue like that, and calling on the Attorney General to withdraw these necessary measures, measures that are designed to protect the interest of the State and the victims of the money laundering, and terrorist financing, and corruption which does harm to all of us and to our economy. And if we do not do certain things to get downgraded, and then my friends on the other side jump up high and say, "Look how all yuh get downgraded, the economy downgraded". These measures are an attack on all of that, Madam Speaker, and for those reasons

I support it. You have people with plenty, plenty money that they cannot explain, that their salaries cannot justify. Even if you have accumulated it for the last 20 years, things that make you as an individual suspicious.

I spoke in this Parliament some time ago about my own suspicion where I saw—I saw nine deeds, nine properties owned by a recent former Attorney General in this country, who declared in his income tax return—I read, like every other citizen that he had made losses in his business and in his practice the year before. And I remember when I was in the Senate during those years, and that former Attorney General was asked, how you come by all of that? He said these are fees that I am now collecting while in the Office of Attorney General that I would have earned before—nine properties, Madam Speaker. I saw that. So, in those circumstances, I became suspicious. I hope the police became suspicious too.

But I would tell you further, Madam Speaker, recently I stood in this Parliament where I am sworn and permitted to speak my truth, that I became suspicious about a number of other transactions regarding some lands in the Philippine area—I spoke of that here—where I saw about eight or nine transactions within a space of three years totalling millions of dollars, purchased by a man and his wife whom, my suspicion told me, have a close friend who was a former high office holder in this country and in this Parliament. And I became suspicious, but I am no police. So I told this Parliament I will report it to the police and I did, and I am aware that the matters are now under active police investigation.

[Member for Naparima stands]

The Member for Naparima is on his legs, Madam Speaker. I do not know, he wants your attention.

Mr. Charles: I just want to raise Standing Order 48(1).

Madam Speaker: Continue.

Hon. F. Hinds: I thank you very, very much. According to Bob Marley, “Ah throw me corn, ah didn’t call no fowl”, clean neck or otherwise. So, Madam Speaker, I support the measures proffered on this occasion by the Attorney General in whom I have acquired a tremendous amount of trust and respect and confidence. Madam Speaker, he, in bringing these measures, has asserted to the world, again, that he is about, as the Parliament should, look after the people’s interest and this is what this is all about.

So, Madam Speaker, with these measures, along with the other measures we have taken, for example, the implementation of what he calls, the follow the money law, explain your wealth orders, and my suspicions and the fact that there are, indeed, many cases where people hide their ill-gotten gain in land, it helps the State, it helps the police, it helps the FIU, it even helps political parties, because you have to know who you are dealing with, who you are allowing to join your fold, who you are allowing to lead you. Let me repeat that, it helps all of us.

So, Madam Speaker, I support these measures and I urge my friends on the other side to come away from their usual posture of objection, to understand that there are people who are prepared to perpetrate corrupt and criminal activities, who are prepared selfishly to accumulate as much money as they can, and who are prepared to pay accountants and who are prepared to pay police and who are prepared to pay lawyers a lot of money to assist them in doing that. And I want my friends on the other side to understand and accept—come off of their high horses and accept that there are, indeed, lawyers who are prepared to earn money doing that. I support these measures and commend to my friends on the other side for their equal and enthusiastic support. Madam Speaker, I thank you. [*Desk thumping*]

Dr. Roodal Moonilal (*Oropouche East*): Thank you. Thank you very much,

Madam Speaker, for the opportunity to contribute briefly, almost by definition, on the matter before us. Madam Speaker, it is just to take a few moments to respond to some of the issues raised by colleagues opposite and to clarify, once again, the position of the Opposition on this matter.

Madam Speaker, the last speaker who spoke, I believe, after the Member for San Fernando East—the Member for San Fernando East gave what might well be a farewell address—and the last speaker for Laventille West made a remark, he was looking on to see that the Members of the Opposition were not responding, because you had two Government Members. So, I thought we would correct that by responding at least to him, but some of us might be occupied not only with this meeting today, but we also have important meetings tomorrow.

Madam Speaker, the matter before us is a very, very serious matter and made more serious by the open, candid and courageous statements made by prominent members of the Bar and prominent attorneys-at-law who have reflected in some depth on these matters. The position of the Opposition, as articulated earlier, Madam Speaker, is not here to oppose. This is why so far—and I must say—this debate has not been really a debate of great acrimony and great passion, because there is a feeling on both sides of the House that, as a Parliament, we must do what we have to do, Madam Speaker, to deal with the matter of white collar crime, to deal with the complex area now in the world of criminal activity, connecting itself to political elites and, indeed, to the drug trafficking elites of the world, and there is a commonality of thought here and the Opposition is not against that.

Just for the record, you will recall that we gave support, after much debate and much passion, on the FATCA matters and the Global Forum matters. [*Desk thumping*] The Opposition is on record as supporting those matters that dealt with corruption. So to convey today to the national community, that the Opposition

UNC, led by the Member for Siparia, has been soft on matters of corruption, has been reluctant for some reason or another to deal with white collar crime is wrong. It is blatantly wrong. [*Desk thumping*] It is misleading and bordering on malice, because we have supported these measures that deal with white collar crime. We have supported it. In fact, unless I am mistaken, there are very few, if any, Bills that dealt with white collar crime, specifically, where we have failed after considerable time for consideration, for debate for, you know, airing views and so on, we have failed to deal with.

But when Government Members—and today we had the normal template from Members opposite. It is a normal template, and we are in the tail end of an electoral cycle, and I think people are well-accustomed to the Member for Port of Spain North/St. Ann's West, the Member for Laventille West, to a lesser extent, the Member for San Fernando West and others, when they speak opposite, they throw talk—you know, they throw talk, innuendo and so on, that those of us on this side will not stand strong on this because—essentially, what they are trying to say is we have cocoa in the sun. But nobody here is a cocoa farmer, so let us begin with that, and we have the same interest that you have to deal with issues of corruption. And that is why we pioneered and passed the procurement legislation that in five years this Government has not been able to implement [*Desk thumping*] as a pillar of dealing with criminal activity in contracts and state contracts, and so on.

Madam Speaker, the last speaker before me spoke—but before I get to that, Port of Spain North/St. Ann's West who is really a serial candidate for throwing talk and you know, will do good in another profession, Madam Speaker, because his entire speech is really about throwing talk. And the Member for Port of Spain North/St. Ann's West, you know, would mention a matter and clearly, he is

mentioning an HDC matter, Eden Gardens and so on, where the claim is that valuations were increased and you know, that type of thing. And, Madam Speaker, the Member would not tell the country that that matter was already investigated by the Integrity Commission for two years, and cleared the HDC and every HDC official or any wrongdoing—[*Desk thumping*]*—the Integrity commission, two years investigating that. The matter is a civil matter, it is in court. I say no more on that.*

The Member also had a fascinating comment and this is the Minister of National Security, Madam Speaker, of all people. The Minister of National Security said in this debate today, he says, we must be looking on and we must keep an eye on those who are raising objections to this law, because they may have ulterior motives. Madam Speaker, the people who are raising objections are Seenath Jairam SC, David Clarke, Lynette Maharaj SC, Timothy Hamel-Smith, Ashmead Ali, Andrew Johnson, Winston Thompson, John Mair. They are raising objections. Is the Minister of National Security casting aspersions on these citizens of Trinidad and Tobago? When you make a statement: “We must notice who are raising objections.” These are the people who are raising objections.

We are here to vent to the views of members of the legal profession. [*Desk thumping*] That is the role of Parliament. You raise issues that people who are not Members cannot raise. That is our job. And the issue was well-raised, Madam Speaker, in the communication and also this issue of corruption where they say—I was bowled over to even read the heavy type of writing, you know, the writing here when they used terms like:

Dramatically changing the jurisprudence of land law with all manner of unintended consequences which far outweigh any benefits of the Bill which frankly appear to be entirely illusory.

Madam Speaker, they are saying it is an illusion to believe that this Bill would cure corruption and fraud. That is what these lawyers are saying. They are saying that you will create enormous problems. All we are saying, Madam Speaker, is that the Attorney General and the Government may mean well, but when you have a group of people like this telling you, “Listen, slam the brakes, pull up the hand brakes, and let us relook it and let us work together and we will help you to achieve the common objective that we have.” And that is the position that we take, Madam Speaker. We do not take it because—you know, today I hear all types of things about trust funds and these types of things. I grew up in a parlour. The trust I know is when Caroni workers come, you give them goods until they have money to pay, you trust them. “I owe you.”

Madam Speaker, we agree that people who are hiding behind land deals and doing these types of things must be exposed. With the very Government, a matter arose a few days ago where a public officer set out a train of land dealings between 2014 to 2012 and thereabout, in which properties have been transferred and transferred. The cost moved from \$1.5 million to \$3 million and then returned to a lower figure. We understand that type of thing. We understand the cause for concern. We cast no aspersions on anyone because, quite frankly, I have not investigated anything that I can come to the House and cast aspersions on any colleague. So I cast no aspersions, but we understand the need to deal with this matter. We understand that.

And the Member for Laventille West said we are dealing with scamps and schemers and so on, but he said two fascinating things. In reference to what he suggested was a former Attorney General. He was making a reference of that person declaring his income tax. Now, how would the Member for Laventille West know about anybody declaring their income tax and their returns are a

mystery? [*Desk thumping*] But he slipped and then he stopped suddenly when he said “income tax”. He realized, “Oops, I should not be saying that.” How do you know about people declaring and what they are declaring on their income tax? How? And the Member may well want to consider that slip that he made there, you know, Madam Speaker, when he spoke about—and then true to form, he told us there was a matter involving lands in south and he has reported it to the police, and “I am aware that there is an active police investigation.” How are you aware there is an active police investigation? [*Desk thumping*] Who tell you that? The last time I checked, police do not tell you whether they have an active investigation or not, because that could set in motion and— Madam Speaker, please— [*Crosstalk*]

Madam Speaker: Member for Laventille West—[*Crosstalk*]— Member for Laventille West, I am on my legs, and I would also caution you with respect to the shouting across the floor. I am sure if there is something you would like to be said, you can ask the Attorney General to say it in winding up. Continue, Member for Oropouche East.

Dr. R. Moonilal: Thank you. Madam Speaker, I do not want to offend anyone. All I am saying is that to my knowledge, the police is not in a habit of indicating to anyone whether they have an active police investigation to my knowledge. [*Crosstalk*] I could be wrong.

Madam Speaker: Now, Member for Port of Spain North/St. Ann’s West, I am sure if you want to make an interjection, you could ask your friend in the proper way.

Mr. Young: His use of language.

Madam Speaker: Please, we are not in a conversation here. Again, I caution all Members on Standing Order 53. [*Crosstalk*] Member for Laventille West and

Member for San Fernando East. I am cautioning all Members with respect to Standing Order 53. For Members who are not speaking, please, no crosstalk, watch your volumes. Oropouche East. **Dr. R. Moonilal:** Thank you very much. Madam Speaker, I will gladly give way to the Minister of National Security anytime he wishes to compliment me. Madam Speaker, the matter is touchy, I know, because it deals with a history of land transactions and so on in this country, and involves persons whether in the political directorate or connected to political elites and so on. And this is why it is a serious matter to stop and give serious consideration to the views expressed by this amazing composition of attorneys-at-law who have been in the field, collectively, I am told. If you add up their years of experience, you could have about 300 years' experience in land law, and if 300 years' experience in land law cannot tell you to slam the brakes, let us rethink this so that you will get to the objective in which you want to, that is all we are saying, Madam Speaker.

And the Member for Laventille West was, you know, in his normal mode by casting aspersions on this one and that one and so on, but I to remind him that we know of a public document Marlon McPherson versus someone and in that document it spoke about persons who were encroaching on land, encroaching and had to pay an order of the court of over \$12,000. People were encroaching and that is a form of corruption in land dealings, when you encroach on land. [*Desk thumping*] Madam Speaker, if they did not limit our time for speaking, I would have given way. But, Madam Speaker, encroaching on land and land grabbing is a major part of the corruption that we face in land management. It is a major part of—[*Crosstalk*]—What Standing Order? **Mr. Hinds:** Imputing improper motives. It was not \$12,000, it was \$84,000. [*Laughter*]

Madam Speaker: Member for Laventille West, please, you know better than this.

Member for Oropouche East.

Dr. R. Moonilal: What was that Bob Marley about corn and chicken again I heard you talk about? [*Desk thumping*] So, Madam Speaker, I never mentioned the gentleman. So, Madam Speaker, you have this situation where land grabbing is an important part of this operation as well, because persons do that in this country with impunity and they think they can escape, Madam Speaker, and that should have been one of the areas covered by any Bill that seeks to deal with corruption and land, and so on.

Madam Speaker, the other issue, of course, raised— I took note again, the Minister of National Security standing and took 25 per cent of his time out of his 20 minutes to speak about the Prime Minister being invited by the Prime Minister of England to attend an anti-corruption seminar. Now, if you came as Prime Minister in September 2015 and you attended in 2016, it is based on what you are talking about, your talks. So you are invited because of your talk, not because of your action. If Mr. Cameron was still there, and you could not implement the procurement legislation, I do not know if you would have been invited, but that is normal. Leaders in the Caribbean, particularly, when you are now elected and people feel there is a new kid on the block and so on, they invite you to these things and you participate and it is not surprising, Madam Speaker, that they would be invited to that. But that is not something you come and boast on the public record about. You boast that you have implemented legislation and programme and policy that has led to a curtailment of white collar crime. [*Desk thumping*]

So, Madam Speaker, the final point really I wish to make is that the matter before is a matter that we have no difficulty with. It is a matter in which we are quite prepared with a common objective to meet and treat, but not with this Bill and certainly, not with the Bill in the manner it is in now where those persons and

Members of the Opposition so far have expressed grave concerns and concerns—you know, Madam Speaker, it is interesting. The people who are bringing to you their criticism, it is not that they criticize you for the objective, they are criticizing you because of the operationalization of the law, which means that your challenge is a smaller challenge, it is a simpler challenge. If someone comes here and they criticize you on the structure of a Bill, they criticize you of bringing a new institution in place, they criticize you on your objectives, that is a big challenge, but when people raise a critical framework that includes operationalization, it is a simpler issue to deal with, to assure people that it can work and it could work in the way that you plan for it to work.

So I am asking the Attorney General to please, you have two options here. You can go through with this and railroad it across the Parliament and the community or you can say, “Listen, we have listened to the debate today, we can hold for a short time, we can engage the relevant community of attorneys and others and see how best we can satisfy their deep concerns rather by taking this approach”, which as they are saying—in summary, I want to summarize by reading their summary:

In summary, we are concerned with the effects of registration of such agreements on title, inadvertent changes to our jurisprudence, which will have disastrous consequences, the increased bureaucracy, juxtaposed with the already overburden Registrar General’s Department, title to real property being jeopardized and the consequential sifting and/or delaying of commerce and land-related transactions.

Although the simple measures recommended above can cure—which are their measures, they are recommending measures—the mischief that the Attorney General and the FIU have identified.

So, Madam Speaker, with those words, I thank you. [*Desk thumping*]

4.15 p.m.

Madam Speaker: The Attorney General.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I am very pleased to wrap up this debate where apparently only one reason to not support the law has been offered. That reason, believe it or not, is supposedly a letter from the Law Association. Let me make it absolutely clear for the record, the Law Association of Trinidad and Tobago itself, that is the committee that is legally the Law Association, the association headed by the President of the Law Association, has never written me to say that this Bill must be stopped. What has been sent in writing is a letter from the C-4 Committee, the conveyance committee, a subcommittee of the Law Association, where an excellent work product produced by them was sent to me with a matrix of concerns addressing the Bill as it was laid in the Senate. I have had conversations and correspondence passing between the Office of the Attorney General and the Law Association since October, 2017. I was very pleased, and I thank the Law Association subcommittee for sending its matrix of concerns, it is that matrix of concerns that the Member for Caroni Central was referring to. The Member for Caroni Central asked a pointed question whether I had taken on board the observations raised by those members, and the answer is, absolutely yes.

Where is the evidence of that to be found?—in the amendments that we made to the Senate Bill. They were very comprehensive amendments made to the Senate Bill, what we are addressing today is the Bill as laid in the House of Representatives post its amendment in the Senate. The nail which hon. Members opposite seek to hang their proverbial hats is supposedly that eight lawyers whom I have great respect for, they have been called by name today, Mr. Winston

Thompson, who is renowned for his practice at Fitzwilliam and Company; John Meyer, Andrew Johnson, Seenath Jairam, Mrs. Lynette Maharaj SC, Mr. David Clarke, Mr. Timothy Hamel-Smith and Mr. Ashmead Ali have written a letter as to seven of them, excluding Mr. Jairam, and a Letter to the Editor, including Mr. Jairam today. I am very pleased to say that Mr. Andrew Johnson participated in several Zoom meetings which the Office of the AG had with him, and Mr. Hamel-Smith participated in two meetings with us. Mrs. Maharaj attended on one day and Mr. Ashmead Ali attended on one day. The other members did not attend at any point in time. I have received no written submissions from any of them.

I have noted a communication coming under the hand of Mr. Hamel-Smith, which several members signed on to. But what has not been said today is the number and the large number of attorneys-at-law that do support this legislation, because I can testify here today that members of the Law Association have reached out to me to say they absolutely support this law. And the fact that eight members of the profession have said that they have an issue only with the registration of contracts, because the Member for Caroni Central will know, and here is the proof of whether I paid attention to their observations, they have now reduced themselves only to the issue of contract. They have abandoned every other aspect of concern in that large matrix you saw. So obviously the Bill addresses those concerns. So let us look to the observations coming from colleagues in the profession who are not parliamentarians and who have not bothered to put their submissions into detailed objections. We have had a short, seemingly hastily written, but respectfully written letter by Mr. Hamel-Smith, and we have seen one, a Letter to the Editor by Mr. Jairam of Senior Counsel.

What is the mischief in registering a contract or an agreement for sale? Are agreements for sale registered in our law at present? Yes, they are via the

mechanism of voluntary registration under deeds of agreement. So we do it right now. Number two, is there a mischief in having an agreement for sale outside without registration? The answer is, yes. The mischief is that an agreement for sale can potentially create and does create an equitable interest in a property, particularly where a down payment has been made or other form of valuable consideration passes. It is because of that equitable interest that someone has the right at law and in equity to seek to specifically perform an agreement for sale, and if that agreement for sale is not discovered you are effectively shooting in the dark. This Bill asks for the room of transactions over a property, one property, for that room to be illuminated—turn the lights on—by filing your agreement for sale at the registry. The Bill proposes that you can mutually terminate your agreement for sale.

The Bill then proposes that you can end the agreement for sale where there is no agreement by taking the step of serving notice of termination, by filing it at the registry, by allowing for an objection to the termination to be filed, and by allowing the person the right to go to the court to activate the right of specific performance. Is there a precedent for this? We do not need to look to the common law. Look to the Real Property Act. In the Real Property Ordinance, before it become an Act, in the late 1800s, there is the provision of objections and caveats existing firstly when you are bringing lands under the Real Property Act beginning at section 22 of the Real Property Act, and, secondly, for caveats where you file an interest in land under section 124 of the Real Property Act. So there is precedent right here, right now in this country and that is a problem?

The title is going to be difficult when you have a mechanism to purge the equitable interest expressly set out in law? I just do not buy that. And I do not buy that because the recommendations coming from hon. Members, which are really an

echo of a one and a half page document produced by Mr. Hamel-Smith, is that somehow the ease of doing business is going to be crippled and that we should instead let the Board of Inland Revenue do its job. Let me ask a question, how has that been working for Trinidad and Tobago? Is anybody in this country satisfied that the corruption allegations at the Board of Inland Revenue, and elsewhere because it is everywhere, has been working well for us? Really? You asked, hon. Member for Caroni Central, whether we have precedent in the rest of the Commonwealth to treat with FATF obligation, Recommendation 25, and Immediate Outcome 5 for beneficial ownership. The answer respectfully is, no, because we have to compare mangoes with mangoes, and in this case “Julie mangoes” with “Julie mangoes”, because the land law system in Trinidad and Tobago is archaic, and it is not acceptable that we are using the English law of 1925 where there is a rampant criminality in what I call, “top drawer deeds”.

Why, hon. Members, why, Madam Speaker, should a deed stay in a top drawer? Why? Can you mortgage the property if it is unregistered? No. Can you sell the property if it is unregistered? Perhaps you can by use of a device. Let me explain that.

Dr. Tewarie: Could you give way to a question?

Hon. F. Al-Rawi: Sure.

Dr. Tewarie: It is a simple question, do you have statistics on these “top drawer” transactions for any year?

Hon. F. Al-Rawi: Sure. That is an excellent question. You know where the statistics are going to become very relevant?—on the proclamation of this law. And let me explain it in the point that I just stopped on to allow you to ask the question.

Dr. Tewarie: I did not ask you facetiously.

Hon. F. Al-Rawi: No, no, no, I understand. I did not take it as a pejorative or facetious question; not at all, hon. Member. Madam Speaker, you can have a “top drawer deed”, as I call it, an unregistered deed, and, Madam Speaker, let me tell you how the fraud is done; you enter into an agreement for sale; Caroni Central is selling to San Fernando West, I pay Caroni Central \$1million for a property, Caroni Central signs the deed; let us assume there is no restrictive covenant and I do not need to sign it, Caroni central signs and I pay, money passes, go to the Board of Inland Revenue, pay my stamp duty, and then take that deed and put it in my top drawer. Lo and behold, I really was fronting for St. Joseph; St. Joseph was a contractor who paid for a property, my name was put on it, time to give St. Joseph the property; that unregistered deed, even if it was registered late, all that St. Joseph has to do is to roll up with a Declaration of Trust with a \$25 stamp duty paid saying, “Faris Al-Rawi, San Fernando West, held the property for St. Joseph in trust”, property transfers; \$25 to do it.

They can go back and ask the original owner to re-sign a deed, pay the original owner a little extra money; this happens every single day. And you know what disappoints me with some of the members that wrote, those eight lawyers that wrote—not all of them—let me make it abundantly clear. I have great regard to the members that wrote to me, some of them I think are sterling practitioners. They know what I am saying right now. I have practised in conveyancing and mortgaging for 23, 24 years right now and I know this area like the back of my hand, and I made a vow to self, which the hon. Prime Minister allowed me the privilege of being able to do as Attorney General, which is to close all of the doors on fraud in this country. [*Desk thumping*] It is not only demonetization of cash we did you know, we amended the money laundering laws, the Proceeds of Crime Act, the Customs Act, the Income Tax Act. We went to companies, we said,

“Declare your beneficial ownership.” We then said, “You are obligated and mandated to issue shares but you cannot be a beneficial owner if there is no legal owner.” We cancelled bearer share warrants.

We then went to land, we passed the Registration of Titles to Land Act, we then tied it up like a market crab with something called the explain your wealth legislation, with something called the Evidence Bill, with something called the income tax amendments, with something called the foreign accounts legislation, Financial Action Task Force, 24 laws; the FATCA legislation, another set of laws; Global Forum, three sets of laws; we tied it up like a market crab. And, you see, now that those dots are connected for the first time a Government has sought to close every single door of abuse, because, look, some of what I am suggesting, Madam Speaker, is not unlawful behaviour, they were wide-open loopholes. And it is not that I wish personally to lock-up everybody in Trinidad and Tobago, no, Ma'am. I propose, we the Government proposes, our Prime Minister as the champion against corruption proposes that we sober up our country and take people along to a better vision of Trinidad and Tobago; hope, vision, prosperity, making it real by legislative improvements, by bodies and technology and by offices.

Madam Speaker, we do not propose to operationalize this law in a vacuum. The same members of the C4 committee, who I thank profusely for their work because they gave yeoman service, are the test drivers of our property business real estate solution. They have been testing that software for over a year, nearly two years. So they are participants in the process. We have hired more bodies, we have arranged structures but, Madam Speaker, we are using personnel, technology, and, Madam Speaker, it cannot be lost on the world that we propose to take the registration of all deeds and instruments online this year. Madam Speaker, you

understand what that means? Can you imagine the world under Dr. the Hon. Keith Rowley, the Prime Minister of Trinidad and Tobago where you can click a mouse button, pay online and register your deeds, your companies and everything online? Madam Speaker, that happens this year. It did not happen by mistake. The scanning had to be done, the technology had to be purchased, it had to be implemented, you have to test drive it.

So, Madam Speaker, respectfully to Oropouche West, you know, you got to read the Bill before you come to Parliament. You have to read the Bill. I love, in a very good way, my hon. colleagues opposite; Oropouche West I am talking about, charming young lady, but, Madam Speaker, “ah feel ah lil shame”. Read the Bill. You are asking about part performance? Part performance is expressly preserved in the Conveyancing and Law of Property Act amendments in clause 5 where we say nothing in the law shall affect the law of part performance—“jeezanages”, read the Bill. How can you come to this Parliament and pretend that you have read the Bill. Worse yet to my dear hon. colleague, the member for Oropouche West, there is no provision in this Bill where the Registrar General is exercising quasi-judicial functions. Madam Speaker, there is none. I went and I looked. I had to pinch myself, I had to ask myself, what is my hon. colleague referring to?

Madam Speaker, when you get to 15C, subclause (7), page 22 of the Bill, Oropouche West said with aplomb, in some universe where another Bill exists, that the Registrar General can refuse to register an agreement for sale if there is a subsisting agreement for sale. Here is what subclause (7) says:

“The Registrar General shall refuse to register a contract for sale or other disposition of land...

(c) where the contract for sale or other disposition of land does not meet the requirements of section 15A(1)...”

What is 15A(1)? It is the form of contract. There is no such a clause as Oropouche West put onto the record. I just do not know what the hon. Member was referring to, but I can hazard a guess. You see, instead of researching or reading the Bill, the hon. Member what intent upon reading somebody's comments on an earlier Bill. That is what the hon. Member read, but at least Caroni Central had a different view, because Caroni Central recognized and asked, most respectfully, whether I had taken on board the submissions of the Law Association C4 committee, and I have. So, Oropouche West, Madam Speaker, if you are not sure read the Bill, nah. "It not hard".

The law of equity is preserved right through this Bill. The hon. Member was on a flight of wild fantasy in saying that somehow the agreement for sale in a memorandum of agreement context where you are looking at the Real Property Act was going to have to be endorsed on the certificate of title. Madam Speaker, oh my Lord! That is why the first clause that we amended substantively in clause 3 is the Registrar General Act and we moved from four registries to eight registries, and we said one of the registers is the register of agreements for sale, and the second part says, agreements under the Real Property Act. They are not endorsed on the certificate of title or duplicate, because section 38 of the Real Property Act does not apply to that. And respectfully, I really want to apologize for someone who really ought to have spoken on this Bill, you see, I cannot blame Oropouche West; Oropouche West took some good advice, read somebody's comments, tried a little batting. There is one person conspicuously absent from this debate, that is the one Senior Counsel that sits in this Parliament on the Opposition Bench, the Leader of the Opposition, missing in action. My question is, why? What time do I end in full time?

Madam Speaker: I am about to rise.

Hon. F. Al-Rawi: Madam Speaker, I thank you for the ability to pilot excellent law, and I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 8 ordered to stand part of the Bill.

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

House resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of Social Development and Family Services (Hon. Camille Robinson-Regis): Thank you, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Wednesday the 24th day of June, 2020, at 1.30p.m. Madam Speaker, at that time once the Senate has passed the Domestic Violence Bill we will be doing the Domestic Violence Bill. When the Order Paper goes out, Madam Speaker, we will send a copy of the Bill to all Members.

Madam Speaker: Hon. Members, there are two matters that qualify to be raised on the Motion for the adjournment of the House.

Hon. C. Robinson-Regis: Madam Speaker, may I? Madam Speaker, the Chief Whip and I have spoken and those matters will not be done today.

Madam Speaker: Okay. Therefore, hon. Members, I think we would go on to greetings. As you all know Labour Day will be commemorated on June 19, 2020, before I put the question on the adjournment of the House, I will now invite Members to express their greetings. Member for Port of Spain North/St. Ann's West. [*Desk thumping*]

Labour Day Greetings

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Madam Speaker, it gives me great pleasure and it is indeed a privilege to be given the honour on behalf of the Government of Trinidad and Tobago to bring Labour Day greetings to the wider section of Trinidad and Tobago, but more importantly to the comrades who serve in the trade union movement.

There is a long history of the trade union movement in Trinidad and Tobago, a history which is well marked in this country's books as to how, through representation of great labour movement leaders, such as Uriah "Buzz" Butler, George Weekes and many others, the workers in Trinidad and Tobago over passage of time were able to strive towards and achieve working rights, recognition as they so duly deserve.

4.45 p.m.

This year as we face a global pandemic that is COVID-19, the labour movement's celebrations of Labour Day on Friday would be of a different type and one that is totally supported by the Government. The labour movement's leaders, their current leaders, will do a solitary march, without the hundreds of workers and thousands of workers from Fyzabad, through the streets, meeting on the junction. In reviewing the plans this morning from the Commissioner of Police, I am happy to say that the Government supports the continuation of this important celebration of the labour movement in Trinidad and Tobago.

Personally, I was fortunate enough in my prior life to represent on many, many occasions the trade union movement, and know from a first-hand experience the great struggles and fights that the labour movement fought and continues to fight for the workers of Trinidad and Tobago. And that is something, despite what

others may try to say, that this Government has always recognized and had consultation with the labour movement, and continue to do so out of a respect for what it is the labour movement achieves for the vast majority of workers in Trinidad and Tobago.

So, Madam Speaker, in 2020, a year that will go down in history as being a very different and unusual year for a variety of reasons, as a result of the pandemic that is COVID-19, the labour movement is not untouched by it, but they continue to stand strong and in solidarity with their membership. The Government extends on behalf of the people of Trinidad and Tobago a sincerest appreciation for what it is that the labour movement does and continues to do, and for them to know that they have our support.

Thank you very much, Madam Speaker.

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker. On the eve of the 83rd anniversary of the historic labour riots which resulted in the formation of the modern day trade union movement, which provided workers in Trinidad and Tobago to have the legal right to register, and for trade unions to be recognized, the right to strike and the right to engage in collective bargaining, it gives me great privilege to bring greetings to this House and the labour movement, and the workers and citizens of Trinidad and Tobago on behalf of the Leader of the Opposition and my colleagues on this side.

Madam Speaker, whenever I speak on labour issues in Trinidad and Tobago, I always do so with a great sense of pride, because the flames of revolt and resistance which resulted in the landmark labour riots of 1937 were ignited in the cane fields of Esperanza Estate by a group of female labourers who took issue with their poor rate of pay, abusive supervisors and overall poor social and economic conditions which prevailed at that point in time. That community of Esperanza is

located in the constituency of Couva South.

Madam Speaker, it would be remiss of the Opposition if I did not take this opportunity to extend sincere congratulations and appreciation to all of our domestic workers, as today is recognized by the International Labour Organization as International Domestic Workers' Day, and it is also the 9th anniversary of the adoption of the Domestic Workers Convention. Due to COVID-19, the livelihoods of more than 55 million domestic workers are at risk, and the vast majority of this 55 million, 37 million of which of these workers are women.

Madam Speaker, additionally, as I bring greetings, we take the opportunity on this side to recognize the contribution of all workers who have served on the frontline and will continue to serve on the frontline in the service of Trinidad and Tobago in battling the COVID-19 pandemic.

As we reflect on the colossal contributions and the heroic struggles of labour pioneers and stalwarts such as Tubal Uriah "Buzz" Butler, Adrian Cola Rienzi, Arthur Andrew Cipriani, Timothy Roodal, John Rojas, Ethelbert Redvers Blades, Clotil Walcott, Elma Francois, Joe Young, George Weekes, Nuevo Diaz, Bhadase Sagan Maraj, Kenrick Loutoo, Roustan Job, Boysie Moore Jones, Sahedan Ramroop, Nathaniel Crichlow, Francis Mungroo, Owen Hinds, Ainsley Mathews and Kenrick Rennie and the thousands of comrades who have gone to the great beyond. We also remember our contemporaries who are still with us, such as former Prime Minister Basdeo Panday, Selwyn John, Sam Maharaj, John Jaglal, to name a few of the hundreds of thousands of workers who have made their mark and contributed to the gains of 1937 and nation building.

Madam Speaker, the labour movement is now existing in the period of COVID-19, and it has impacted on the world of work, and it has created further unemployment, underemployment and poverty. As we reflect, we must continue

to ask: Where is the labour movement and workers in Trinidad and Tobago?

The reality is one of brutalization, battering and betrayal by the most anti-worker, anti-labour, and anti-union, and anti-people Government in the history of Trinidad and Tobago which promised, through a joint memorandum of understanding and a manifesto, a number of issues that failed to materialize, which has resulted in excess of 63,633 job losses. Madam Speaker, no amendments to critical pieces of labour legislation. Public servants are existing on 2014 salaries. The collective bargaining process has collapsed and it has been undermined. There is expansion of contract labour in the public service and there is no policy for my migrant workers.

Madam Speaker, if the labour leaders of the 1937 era were alive today, they would have concluded that all the gains and struggles have been undermined and eroded, and there was the need to revive the great struggles of 1937, and the voices of 1937 to be heard throughout the length and breadth of this country.

It is a fact that the focus of the labour movement has been one of people-centred development and one that has focuses on or which has focussed on the improving the quality of life and standard of living, something that brought principle and philosophy which was embraced by the Leader of the Opposition, the Member for Siparia, and when we were part of a government, that was the People's Partnership Government. [*Desk thumping*]

Madam Speaker, as we go beyond 2020 Labour Day celebrations and observances, the rank and file of the labour movement must be prepared not to surrender and to be divided. Unity is needed to focus on issues—

Mrs. Robinson-Regis: Madam Speaker, really—

Mr. R. Indarsingh:—which must confront—

Mrs. Robinson-Regis: Madam Speaker—

Labour Day Greetings
Mr. Indarsingh (cont'd)

2020.06.16

Dr. Rowley: It is an abuse!

Dr. Moonilal: He is bringing greetings.

Mr. Mitchell: No, that is not greetings.

Mrs. Robinson-Regis: Is this right?

Dr. Moonilal: That is how he brings his greetings. [*Crosstalk*]

Mr. Mitchell: Incendiary!

Madam Speaker: Please continue, but be mindful that these are just greetings.

Mr. R. Indarsingh: Thank you, Madam Speaker.

The labour movement must continue to focus on the modernization of an industrial relations system in Trinidad and Tobago, which must focus on higher levels of productivity and equitable returns for the labour movement, and within the needs of the economy, and as it relates to respecting the rights of employers and promoting genuine national development in a country at large.

On this side, we are proud to commend the struggles of 1937 and beyond. In today's 2020 world, we say congratulations to the labour movement and long live the leadership and workers of Trinidad and Tobago. I thank you. [*Desk thumping*]

[*The Prime Minister stands*]

Madam Speaker: Prime Minister?

Dr. Rowley: Madam Speaker, I rise to join the debate.

Dr. Moonilal: Madam Speaker, this is a debate?

Dr. Rowley: I rise to join the debate with your clearance.

Madam Speaker: Prime Minister, this is greetings.

Dr. Rowley: Or, I thought we were having a debate. [*Desk thumping*]

Madam Speaker: This is greetings. [*Desk thumping*]

Dr. Rowley: Oh.

Madam Speaker: Hon. Members, I also wish to extend my greetings on the occasion of Labour Day. Indeed the declaration of Labour Day as a national holiday in Trinidad and Tobago in the year 1973 will always be remembered as a crowning achievement in the struggle for better working conditions and equality of treatment in the world of work. Therefore, it is with a deep sense of gratitude that we laud labour pioneers Tubal Uriah “Buzz” Butler, Adrian Cola Rienzi and the many other champions of the labour cause who fought for the rights of workers in the face of adversity.

Hon. Members, our Labour Day celebrations serve to remind those called to service in these hallowed halls and all of Trinidad and Tobago, whether young and not so young of the importance of effective laws and practices to protect against all forms of discrimination within the work place.

It is therefore with a debt of respect and with gratitude that I join with all hon. Members in wishing all citizens of Trinidad and Tobago and the members of the labour movement a peaceful and reflective day, in which we can recommit to our watchwords: Discipline, Production and Tolerance, while resolving to promote equitable practices and principles and to the removal of all forms of discriminatory practices in the workplace. Congratulations to the members of the labour movement.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.57p.m.