

**HOUSE OF REPRESENTATIVES***Friday, May 20, 2016*

The House met at 1.30 p.m.

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

**Madam Speaker:** Hon. Members, I have received the following communication, the hon. Camille Robinson-Regis MP, Member for Arouca/Maloney has requested leave of absence from sittings of the House, during the period May 17, 2016—May 22, 2016. The leave which the Member seeks is granted.

**PAPERS LAID**

1. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North West Regional Health Authority for the year ended September 30, 2002. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Third Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North West Regional Health Authority for the year ended September 30, 2003. [*Hon. C. Imbert*]
3. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the North West Regional Health Authority for the year ended September 30, 2004. [*Hon. C. Imbert*]
4. Consolidated Financial Statements of the Trinidad and Tobago Bureau of Standards and its subsidiary Premier Quality Services Limited for the year ended September 30, 2013. [*Hon. C. Imbert*]
5. Audited Financial Statements of the Police Complaints Authority for the year ended September 30, 2014. [*Hon. C. Imbert*]

*Papers 1 to 5 to be referred to the Public Accounts Committee.*

*Papers Laid*

*Friday, May 20, 2016*

6. Annual Audited Financial Statements of National Entrepreneurship Development Company Limited for the financial year ended September 30, 2013. [*Hon. C. Imbert*]
7. Annual Audited Financial Statements of National Entrepreneurship Development Company Limited for the financial year ended September 30, 2014. [*Hon. C. Imbert*]
8. Audited Financial Statements of National Schools Dietary Services Limited for the year ended September 30, 2013. [*Hon. C. Imbert*]
9. Audited Financial Statements of National Schools Dietary Services Limited for the year ended September 30, 2014. [*Hon. C. Imbert*]
10. Consolidated Audited Financial Statements of the National Gas Company of Trinidad and Tobago Limited for the financial year ended December 31, 2015. [*Hon. C. Imbert*]

*Papers 6 to 10 to be referred to the Public Accounts (Enterprises) Committee.*

11. Fifth Annual Report of the Police Complaints Authority for the period October 01, 2014 to September 30, 2015. [*The Attorney General (Hon. Faris Al-Rawi)*]

#### **PRIME MINISTER'S QUESTIONS**

#### **Officers Killed in the Line of Duty (Payments to Families)**

**Mrs. Kamla Persad-Bissessar SC** (*Siparia*): [*Desk thumping*] Thank you, Madam Speaker. Would the Prime Minister kindly inform this House when payments will be made to the families of officers of the protective services killed in the line of duty?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, I am pleased to inform the Member for Siparia, Leader of the Opposition, that this matter is currently before the Cabinet, and in the not-too-distant future, an appropriate policy would be concluded, and that the persons who are so affected would be serviced, in the context of a policy that deals specifically and clearly with the issue at hand. [*Desk thumping*]

**Mrs. Persad-Bissessar SC**: Hon. Prime Minister, you may recall when this matter arose not too long ago, the hon. Minister had indicated a time frame of a

couple weeks. That time has now expired. Would the hon. Prime Minister give us a time frame within which these deliberations would be concluded?

**Hon. Dr. K. Rowley:** That is true. What has happened is that the issue is a little more complex than just handing someone a cheque, because there are a number of side issues that have come into the policy. So we are just ensuring that the policy is sufficiently robust to treat with the eventualities, and we are close to conclusion. So I could, without being held to the gallows, I would think that by the end of June, we would have concluded it. Yeah, four weeks, which would give the Cabinet—well, we have—I would say by the end of June this should be operationalized.

**Mrs. Persad-Bissessar SC:** Thank you, Madam. Would the hon. Prime Minister be kind enough to indicate or tell us what are some of the side issues that the hon. Prime Minister is referring to?

**Hon. Dr. K. Rowley:** Considering that it is the hon. Member who is asking the question, who initiated this matter years ago, I would have thought that she would have been familiar with the issues. One of the biggest issues is [*Interruption*] exactly who the claimants will be, and who are the beneficiaries who would be dealt with, and in what circumstances, so as to prevent an entanglement once you begin to provide the support. That is one of the issues, and one of the main issues we are dealing with.

**Dr. Rambachan:** Would the hon. Prime Minister be able to say whether the policy, the date of the policy when it is announced, will be the date from which persons would be affected or would you go back from when the announcement was previously made?

**Hon. Dr. K. Rowley:** It is our intention to initiate it on the basis of the date that the commitment was made in the budget statement.

#### **Outstanding Payments to Cane Farmers (Government's Intention to Honour)**

**Mrs. Kamla Persad-Bissessar SC (Siparia):** Thank you very much, Madam. Would the hon. Prime Minister inform the House when his Government intends to honour the outstanding payments to cane farmers?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, as the Member knows, the Government has committed itself to making what hopefully will be the final payments on this issue. However, certain queries have come to

our attention, and what is happening right now at the Ministry of Finance, is that an audit is being done at the moment, or is about to be commenced, to ensure that the persons to whom these moneys are being paid are, in fact, the persons to whom the moneys should be paid, and the quantum to be paid to each person, is the quantum that is to be paid. As soon as we get that cleared up, the payments will be made and we will do so with dispatch.

**Current Speed Limit  
(Review or Revisit of)**

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you, Madam Speaker. In light of the growing concerns by the motoring and travelling public in respect of the 80 kilometre per hour speed limit and its possible negative impact on national productivity levels, could the hon. Prime Minister state whether the Government intends to review or revisit the current speed limit with a way towards changing the same?

**The Prime Minister (Hon. Dr. Keith Rowley)**: As I outlined recently, it is the Government's intention to review the whole question of what is the speed limit. The speed limit should really be considered in the context of the quality of the road. There ought to be an overall speed limit on the best roads which would be the faster speed, but other roads and also determine the location and concentration of population around those locations. What we anticipate is going to happen is that, on review, the Ministry of Works and Transport will come up with speed limits to suit the various locations, and the quality of the road as per design.

However, the 80 kilometre speed limit that is now enforced, which is deemed to be a little on the slow side, we have roads designed, our main highways, which we believe might be able to support safely, possibly in the order of 100 kilometres, which is 60 miles an hour, and if that is enforced, that should give us the level of safety while removing the negative effects of too slow. So the Transport Ministry is looking at it, and will come up with speed limits at various locations on various roads.

**Dr. Rambachan**: Hon. Prime Minister, is there some timeline when this study will be completed by the Ministry of Works and Transport?

**Hon. Dr. K. Rowley**: I would expect that the Ministry of Works and Transport—I do not have a date I can give you, but this is not something that should detain the Ministry too long, because it generally has to do with what is reasonable safety based on data of the known roadways, and what the best practice is in these matters.

**CSO Data on Employment Rate Increase  
(Government's Plan to Generate Sustainable Jobs)**

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker. In light of data from the Central Statistical Office of an increase in the employment rate, could the Prime Minister state what are the Government's plan to generate sustainable jobs for citizens of this country?

**The Prime Minister (Hon. Dr. Keith Rowley)**: I do not know that—  
[*Interruption*] .1 per cent, the employment rate has gone up? Well, anyway, whatever the rate is, whether it is employment rate or unemployment rate, the Government is taking steps to shore up the oil and gas sector, because that is the main sector that pays our bills. So notwithstanding the fact that we are overly dependent on that sector, first item of business is to ensure that we shore up that sector. We have serious challenges at Petrotrin and elsewhere, and those challenges are attracting the attention of the Cabinet and the general population engaged there.

We also have the issue of our downstream industries, which have been suffering considerably from gas curtailment. That is another issue which is attracting the Government's attention, and we have put a lot of effort into focusing on ensuring that we increase our potential for gas supply, and our activities which will result in there being sufficient gas to maintain and even expand into new industries.

I can tell you now that we have concluded the renegotiations that took place with respect to the Mitsubishi plant, and that plant is now about to kick off in a serious way. The Japanese authorities and the Trinidad and Tobago authorities have come to agreement. The local investors, NGC and Massy, have now concluded that and now, if the gas becomes available, we will have an expansion in that downstream area.

We also expect that the efforts we are making, focusing on agriculture and reforestation, will result in significant employment creation as we expand, knowing that we will not be able to be self-sufficient in food supply, but we intend to produce as much as we are able to, maximizing the arable land that is available to us, and the non-arable land. We are identifying in the various corporations, areas for afforestation, where we will plant commercial timber, which can be nurtured over time and become valuable and become a source of employment on an ongoing basis.

We also are taking steps to ensure that our maritime potential is developed—  
[*Interruption*]

**Madam Speaker:** Prime Minister, your time has expired.

**Hon. Dr. K. Rowley:** There is a lot more I can tell you.

**Mr. Singh:** Thank you, Madam Speaker. You indicated that you have renegotiated the Mitsubishi. When are you going to inform the national community of the terms and conditions of this renegotiation?

**Hon. Dr. K. Rowley:** There will be a statement in Parliament possibly at the next sitting of Parliament.

**Mrs. Persad-Bissessar SC:** Thank you. Hon. Prime Minister, you indicated that you would be taking steps to shore up the energy sector. Would you kindly indicate what steps or how you intend to shore up the sector?

**Hon. Dr. K. Rowley:** Well, for a start, as I speak to you now, there are a number of rigs that should be at work, and because of Petrotrin's inability to support them at work, it requires interventions of one kind or another. So with the output expected to be that these rigs go back out to work, so that we could improve the drilling arrangements, and to allow us to prevent this downward spiralling of our oil production, because as you may be aware, I am sure you are aware, that our oil production has been trending downwards precipitously, and that is a matter of great concern to the Government and should be of the people of Trinidad and Tobago.

We also, the whole question about the ease at which acreage can become available for those who have invested in the potential to drill, we need to do things a little differently, to allow all hands on deck with respect to the search for and the producing of oil and gas, especially oil for Petrotrin and others.

**Mrs. Newallo-Hosein:** Thank you, Madam Speaker. Hon. Prime Minister, you indicated just a little bit ago, that you are going to look at the arable and non-arable lands, and determine how they go forward in terms of whether you put—develop the various industries. Are you going to protect the aquifers while you are doing that?

**Hon. Dr. K. Rowley:** Well, wherever we have aquifers, whether they are under arable or non-arable land, there are considerations. There is a water resource agency in the country which will ensure that, as we proceed, we do not damage any of our aquifers irreparably. But I do not know that afforestation will

be hurting any aquifer. In fact, it is the opposite. If you increase the afforestation, you protect the aquifers, and if we have agriculture, the aquifers are only at risk depending on what chemicals we use, and that is under another kind of arrangement with respect to the handling of chemicals in agricultural sector.

**Mrs. Persad-Bissessar SC:** Thank you, Madam. Hon. Prime Minister, we welcome your words indicating that you want to bring rigs that are not in production at this time or deficient in production to, well, the words used are “to shore up” to bring these in. Can we get any idea as to when we can expect to see some of these rigs into more production?

**Hon. Dr. K. Rowley:** I could not tell you that today, because there is a meeting of the Energy Sub-Committee on Wednesday, which is focusing specifically on this matter. So if you ask me after Wednesday, I will give you a tighter outcome. Right?

**Mrs. Persad-Bissessar SC:** Thank you. I will so do.

#### **Upsurge in Serious Crime in Central Region (Implementation of Joint Police/Army Patrols)**

**Mr. Ganga Singh (Chaguanas West):** Thank you, Madam Speaker. In light of the upsurge in murders and serious crime in the central region in recent days and months, could the hon. Prime Minister indicate whether consideration will be given to implementing the joint police/army patrols in this area?

**The Prime Minister (Hon. Dr. Keith Rowley):** Well, clearly, Madam Speaker, the Member is not listening to the Government, because had he been listening to the Government, he would have heard the Minister of National Security saying that this is already taking place. And the Minister went as far as to say that this arrangement is one of the features of what we are doing now in responding to the criminal element. And insofar as there are areas which are suffering spikes and upsurge, this arrangement would target those areas. And, of course, the known elements within the community who are behind increases in crime in various areas.

There was one time when as we started to experience this upsurge in crime of this nature, it was the feeling that it was a Laventille/Port of Spain East problem, but I am sure Members would observe now that there are other areas in the country, while there is peace in Laventille, we have other areas in the country which are experiencing that kind of problem. The security services will focus on criminal activity wherever it rears its ugly head. [*Desk thumping*]

**Miss Ramdial:** Thank you very much. Hon. Prime Minister, based on what you said earlier with the joint police/army patrol that is on the ground as we speak. That is untrue, because in the constituency of Couva North and the wider Couva region, there is not any. [*Desk thumping*] So can we get an answer as to when these joint army/police patrols will be implemented in the Couva region? [*Crosstalk*]

**Hon. Dr. K. Rowley:** If the Member for Couva North knows exactly where the security services are deployed, army, police and otherwise, and is in a position to say I am a liar, what can I do? All I can do is to report that our security services, under those who are in charge of those services, have reported to the National Security Council and the Minister has reported to the country, that as part of our crime-fighting effort, we are deploying elements of the security services in joint army patrols, and that those patrols will increase and continue. If for you that is a lie, well, I cannot help you.

**Mr. Indarsingh:** Thank you, Madam Speaker. To the hon. Prime Minister. As we speak today, just about an hour ago, a gentleman was fatally shot on Railway Road in Couva in the vicinity of the NALIS library. From your knowledge, Prime Minister, is there any joint army patrol in the Couva South constituency, within Point Lisas, taking into consideration that three persons have been murdered in the Point Lisas area within the last week?

**Hon. Dr. K. Rowley:** To the best of my knowledge, the defence and other security services are not being deployed on a constituency basis. They would be deployed to wherever in the national community there is a need for their deployment. Therefore, I am not in a position to answer your question on the basis of a constituency at this point in time.

But however, if it is that you want a report on exactly where the patrols have taken place, where they are and where they will go, I am sure that the Government will be able to give you that as we go forward. [*Desk thumping*]

**Dr. Gopeesingh:** Thank you. Hon. Prime Minister, as head of the National Security Council, are you in a position to indicate, of course with national security concerns, when the Minister of National Security speaks of an integrated approach to dealing with this, does he specifically speak of this joint army/police patrol, or are there other issues which you are mentioning that once you have determined that, where the areas of focus should be, what does he mean by integrated approach? You are head of the National Security Council.



**Madam Speaker:** Member, I will not allow that as a supplemental question. Member for Siparia.

**Mrs. Persad-Bissessar SC:** Thank you very much, Madam Speaker. Hon. Prime Minister, with respect to your comments that the joint patrols are taking place, which we are very happy to hear, and of course, perhaps with your Minister, you may seek to place those where they may be more needed. Would the Government, hon. Prime Minister, or has the Government been taking into consideration the dicta of Justice Frank Seepersad in a recent court matter, with respect to putting a regulatory framework for the joint patrols, army/police patrols?

**Hon. Dr. K. Rowley:** There is a regulatory framework, because police officers and soldiers do not just take it upon themselves to go out onto the street and parade. They fall under the various Acts, which control the police and the defence force, and there is a reporting order in the defence force and in the police service. If there is something else that has to be done, I am not in a position today to tell you about that.

**Dr. Moonilal:** Thank you very much, Madam Speaker. To the hon. Prime Minister, given the concerns of the Representatives in the House on the accuracy of the information that you are giving the House, would the Prime Minister undertake to verify that information about joint police/army patrols in central Trinidad, since there is a serious concern about the accuracy of the information you are giving?

**Hon. Dr. K. Rowley:** I did not speak about police/army patrol in central Trinidad. I said wherever in the country there is a need for the joint patrols to focus on an upsurge in criminal activity, it is the intention of, and it is the approach [*Desk thumping*] of the Government to focus on that. You are trying to bring it down to your constituency and central Trinidad. I did not take that approach. I have said to you, the approach of the Government agencies is that as we see the upsurge, those in charge of the security services would direct them to those areas of upsurge.

We now know, and we are experiencing and we are seeing an upsurge in central Trinidad, and therefore, the policy I have just outlined, it should follow from that, that response will take place to and in central Trinidad. And, of course, central Trinidad is not the only area where we are seeing that kind of upsurge. Therefore, we will respond, and I said so a while ago, wherever the criminal element raises it head. [*Desk thumping*]

**Treatment for Non-Communicable Diseases  
(Details of Funding)**

**Dr. Lakhram Bodoë (Fyzabad):** Thank you, Madam Speaker. Given recent statements that the number of people accessing treatment for non-communicable diseases, so called NCDs, through the public health care system is placing a heavy burden on the State's resources of a reported \$6 billion annually, would the hon. Prime Minister state whether the Government plans to maintain funding for the treatment of the NCDs?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, I do not know that I could respond to a statement which I do not believe is accurate. Because if it is that the State is spending \$6 billion annually on non-communicable diseases, what then is the national budget for health? Something cannot be right here. Six billion dollars on non-communicable diseases in a budget of what? This is the entire budget for the whole health system. So something is in error and, therefore, I cannot respond to this error.

**Dr. Bodoë:** Hon. Prime Minister, it was based on a reported statement. Would you be able to correct the—or give the accurate figure in the circumstances?

**Hon. Dr. K. Rowley:** Anybody who is familiar with the national budget will know to dismiss a statement like this as an error. We are not and we are not in a position even if we want to, to spend \$6 billion on any aspect of the health system. That is the whole budget on one item.

So, therefore, something is wrong with the question. It is based on misinformation. You are asking me to respond to misinformation. As a Member of Parliament who dealt with the national budget, you must know that there is nowhere that there could be \$6 billion being spent on one item like this. [*Desk thumping*]

**Mr. Karim:** Hon. Prime Minister, would you be kind enough to indicate therefore, in view of the comment you have just made, whether the Government will continue to support NCDs expenditure?

**Hon. Dr. K. Rowley:** Of course, as part of the overall health effort, the Ministry of Health will—there is an allocation for non-communicable diseases and that will continue, and depending on what is happening in the country, it may have to expand, if we have an outbreak of this or an outbreak of that or depending on what is the problem. But certainly to predicate it on this scale of expenditure, as an unusual development, is a bit of an error and it is a misinformation.

**Dr. Bodoë:** Okay, Madam Speaker. Prime Minister, in view of the established role of primary health care in the prevention and treatment, and early detection of NCDs, can the Prime Minister indicate whether his Government intends to expand, and increase the number of health centres with extended hours in the nation?

**Madam Speaker:** Member for Fyzabad, I will not allow that as a supplemental question. Member for Chaguanas East.

**Mr. Karim:** Hon. Prime Minister, again, I just—I am on the question with the NCDs. Hon. Prime Minister, are you aware that there is also a critical shortage of supply of drugs for NCDs?

**Hon. Dr. K. Rowley:** I am not aware of that.

#### **Increase in Child Sexual Abuse Reports (Protection of Minors)**

**Mrs. Christine Newallo-Hosein (Cumuto/Manzanilla):** Thank you, Madam Speaker. Hon. Prime Minister, given the apparent increase in sexual abuse reports of children under the age of 16, could the hon. Prime Minister explain how the Government intends to protect minors from predators? [*Crosstalk*]

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the Government of Trinidad and Tobago is doing all in its power, at the Office of the Prime Minister where the Children's Authority is based, to continue to build awareness on the rights of the child, and in particular, child sexual abuse. The month of April, there was focus on child abuse. The communications strategy will intensify in the coming months for parents and guardians. The aim is to reach everyone and every community in Trinidad and Tobago on the subject.

We are currently partnering with the Ministry of Education and civil society organizations, the West Indian Cricket Board, to build the skills of coaches and other persons involved in sports, teachers and caregivers, to notice, to recognize and report cases of child abuse. This train the trainer and spread the work initiative will continue.

The Children's Authority is responding via its emergency unit, to these cases of child abuse, sexual abuse, and is actively supporting the process to ensure that the care and protection of these vulnerable and at-risk children, are removed from their predators. The police Child Protection Unit is also doing its part to actively pursue and arrest those predators and bring them to justice. [*Desk thumping*]

**Mr. Padarath:** Hon. Prime Minister, in light of what you have just indicated with respect to the Children's Authority and the Child Protection Unit, can you indicate what specific measures Government intends to take in terms of adding additional support to both the Child Protection Unit and the Children's Authority, in light of in the past week, both the Child Protection Unit and the Children's Authority have been complaining of being starved or being under resourced?

**Hon. Dr. K. Rowley:** There is an assumption being made that the Children's Authority is woefully understaffed, which is not correct. [*Interruption*] There is a provision—[*Interruption*]

**Madam Speaker:** Members!

**Hon. Dr. K. Rowley:**—for 242 members of staff, which is growing, as more and more regional offices are established to provide services. In September 2015, the staff stood at 73. As of May 2016, the staff is now at 127. That is an increase of 54 persons added since we have taken responsibility. [*Desk thumping*]

**2.00 p.m.**

Under the previous administration, Cabinet in May 2013 noted that staff for the decentralized offices will only be recruited when these offices have been established. Several of—[*Interruption*]

**Madam Speaker:** Member, just a minute please. Member for Princes Town, there is a particular decorum to be followed. You cannot sit and shout across the floor. I would ask you to please abide by the Standing Orders. Continue, Prime Minister.

**Hon. Dr. K. Rowley:** Several of the decentralized offices are either under construction, or arrangements are under way to lease/rent premises for the offices. Therefore, all the positions at the Children's Authority are not expected to be filled at this time. As we put the physical arrangements in place, we staff those offices and that will explain why the staffing level has grown from 73 to 127 and growing towards 242, which is the establishment overall.

Additionally, the authority has experienced a high level of staff turnover since it began its operations. The high turnover of human resource has to be examined and addressed by the authority. We need to look at this issue of persons not either finding job fulfilment or make the positions more attractive, but we really need to have people settle down in the jobs that have become available in this agency. So overall it is not that we are abandoning the requirement to provide the resources to the authority, the opposite is the truth.

**Mrs. Newallo-Hosein:** Thank you, hon. Speaker. Hon. Prime Minister, I have heard you speak about reaching caregivers, parents, coaches, everybody: what are you doing to reach the children to begin to educate them on their rights?

**Hon. Dr. K. Rowley:** I thought I did mention that there is an initiative at the level of the school, and that is why I mentioned the teachers. The involvement of teachers is, to us, to get to the children.

**Dr. Gopeesingh:** Hon. Prime Minister, sexual abuse does include the issue of teenage pregnancies, and the Central Statistical Office has reported many times that there are over 2,500 teenage pregnancies on an annual basis. What is the State or the Government or your Government doing to protect these minors from the predators who are above age 20, 30, 40 and 50?

**Hon. Dr. K. Rowley:** Well, all arrangements are in place for law enforcement to take place. If it is that there are these infractions taking place and law enforcement is turning a blind eye, the national sensitization I just mentioned, should bring to the attention of those whose job it is to ensure that where these developments take place persons responsible are held accountable.

**Dr. Gopeesingh:** But as head of the National Security Council, where crime—it is a statutory rape—would you pay particular attention as the hon. Prime Minister to prevent this from happening and become actively involved in the process to prevent this?

**Hon. Dr. K. Rowley:** This is a matter of law enforcement and the National Security Council deals with all matters of law enforcement including this matter. However, as a priority, we are focusing on it in the area of public education and expecting that those who are on the job would respond to what you have outlined.

**Madam Speaker:** Hon. Members, the time permitted under Standing Orders for Prime Minister's Questions has expired. Would it meet the concurrence of the House for the time to be extended?

**Hon. Members:** Yes.

**Madam Speaker:** We shall proceed. So, Member for Caroni East, question 8.

### **TT Currency (Control Measures)**

**Dr. Tim Gopeesingh (Caroni East):** Is the Prime Minister able to tell this House what foreign currency measures would be introduced in an effort to stop the TT currency from depreciating further?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the exchange rate policy of the Central Bank dictates that the Central Bank considers, among other things, prevailing demand and supply conditions as well as past and prospective foreign exchange flows while aiming to limit exchange rate volatility.

In Trinidad and Tobago, we operate a managed float system of foreign exchange. The Central Bank, therefore, in consultation with the Government, through the Ministry of Finance, intervenes in the foreign exchange market from time to time and establishes the range of foreign exchange rates where our formula will fix the maximum selling rate. And, as you may recall, at the mid-year review, the Minister of Finance in this Parliament indicated a specific range within which the Central Bank will operate to maintain the stability of the currency [*Desk thumping*] and that range is in the order of, I think it is 6.50 to 6.81, and that is the range operating and we have not been outside that.

**Dr. Gopeesingh:** Hon. Prime Minister, bearing in mind your managed float system, if the managed float system allows the currency to move swiftly beyond the 6.81, 6.82—the Minister of Finance and your administration—are you going to take any measures to hold it at 6.82 and for how long?

**Hon. Dr. K. Rowley:** Madam Speaker, I am not sure what exactly the Member is asking me because the Minister of Finance was very clear. He said it is the intention of the Government to follow a policy where the Central Bank will defend the currency within that range. So I do not know what the question is about.

**Dr. Gopeesingh:** So, in essence, I am gathering from you, hon. Prime Minister, that the intention of the Government is to hold it to the limit of 6.82 and not to allow it to go beyond? Yes?

**Hon. Dr. K. Rowley:** Madam Speaker, I am trying to help the Member. The answer has already been given. There is a demand for the currency, there is movement of the currency. We have stated that we will defend the currency within that band and that is what is happening right now. The Central Bank is operating the system with an intention to defend the currency within that band. So I do not understand what you are asking me.

### **Influx of Venezuelan Refugees (Government's Plans to Address)**

**Mr. Rodney Charles (Naparima):** Thank you, Madam Speaker. In light of the present economic challenges in nearby Venezuela and the likelihood of an influx of refugees, could the Prime Minister tell us what plans, immigration and otherwise, are in place to proactively deal with this possible influx?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the Government of Trinidad and Tobago recognizes that the situation in Venezuela is tenuous, and in light of the unknown prevailing economic and political environments, we have been monitoring by way of our mission in Venezuela and other sources what has been happening in our nearest neighbour. It would therefore be remiss if an acknowledgement is not given to the possible effect that an increasing unstable Venezuela will have on our twin island nation state.

However, the Government will not be caught off-guard in this situation as domestic efforts to address the refugee situation in Trinidad and Tobago have been ongoing since the Government of Trinidad and Tobago acceded to the 1951 Refugee Convention and 1961 protocol of refugees and asylum seekers. In other words, we are aware that if the situation deteriorates to the point of a flow of refugees out of Venezuela that Trinidad and Tobago has obligations under international law.

It is worth noting that by Cabinet Minute No. 162 of June 05, 2014, the Government of Trinidad and Tobago approved the adoption of the national policy to address refugees and asylum seekers, which was the initial step to ensure that Trinidad and Tobago abides by its obligations under the 1951 convention. The national policy was developed through consultation with multiple key stakeholders and will provide for the gradual development of domestic refugee status determination in Trinidad and Tobago.

Currently, determinations of refugee status are conducted externally by the Office of the UN High Commissioner for Refugees in Washington, D.C., in collaboration with its local honorary liaison, the Living Water Community. It is to be noted that the UNHCR will continue to partner with the Government of Trinidad and Tobago in the implementation of the national policy of Trinidad and Tobago and the development of the national RSD in its initial phases. There has been continued collaboration among key stakeholders on the matter of refugees.

**Madam Speaker:** Your time has expired.

**Mr. Singh:** Thank you, Madam Speaker. Hon. Prime Minister, has any person from Venezuela claimed refugee status or made a request for refugee status, because I get the impression that what we are having is more economic migrants than refugees?

**Hon. Dr. K. Rowley:** I am not aware as I am speaking to you now that there are persons claiming refugee status, but I am aware that there are a number of persons in Venezuela who are seeking aid and succour in Trinidad and Tobago including—I have seen in the newspapers persons buying items from Trinidad, household items, one of which is LPG, which is, in fact, a subsidized product in Trinidad and Tobago, and we have to consider whether, in fact, that kind of exportation is something we can sustain.

However, we also have to bear in mind that Venezuela is our nearest neighbour, seven miles away, and whatever happens in Venezuela of this nature will certainly have some kind of effect and there may be some call on the people of Trinidad and Tobago to provide some aid and succour in the event that things get worse. Hopefully, it will not get to that, but we are not uninterested bystanders.

**Dr. Rambachan:** Given that these people, they may not be refugees, but is the Government aware or are you aware that there are a number of persons speaking Spanish who are openly working in institutions, business organizations—I am speaking about central Trinidad—Venezuelans and Spanish-speaking individuals working, and I wonder whether you are aware whether they have work permits or not? There are dozens of them all over central Trinidad.

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

**Mrs. Persad-Bissessar SC:** Hon. Prime Minister, would you be kind enough to indicate whether these matters would be the subject of discussions when President Maduro comes to Trinidad? It is reported that he is coming to Trinidad in the near future. If that is so, would these matters be part of your agenda for discussions?

**Hon. Dr. K. Rowley:** I have no doubt that the visit of President Maduro on Monday—it is confirmed that President Maduro should be here either on Monday or just before Monday—and the situation in Venezuela, the economic and other situations which are the subject of this discussion, would certainly form part of the conversation. I do not think he would agree with everything we are concerned about, but certainly the subject would be on the table.

**Madam Speaker:** Member for Chaguanas West? Member for Cumuto/Manzanilla? [*Crosstalk*] We are still under supplemental.

**Mrs. Newallo-Hosein:** Thank you, hon. Speaker, but the hon. Member for Siparia asked the question. Thank you.



**State Enterprises  
(Review of)**

**Dr. Tim Gopeesingh** (*Caroni East*): Could the Prime Minister state whether his Government intends to review the operations of the many state enterprises in an attempt to consolidate and reduce costs to the Government and to the State?

**The Prime Minister (Hon. Dr. Keith Rowley)**: Madam Speaker, if I had any doubt that my colleagues on the other side are totally insulated from what is happening in Trinidad and Tobago, a question like this and a couple others earlier on tell me that my colleagues are not paying attention.

One of the first things announced in the first quarter of this Government's life was the fact that we had embarked upon doing exactly this. We selected persons with the requisite skills and experience to do this overall review, and from time to time it has been raised about what will happen with this company or that company, and we have responded by saying that in the context of the role of that company and its future, that we will await the advice from the outcome of those who are reviewing the state enterprise sector. So the answer is yes it is happening, and at the end of the process the Government will be in a position to determine what happens with the various state enterprises—who will be expanded, who will be curtailed and, in some instances, which ones would have outlived their usefulness.

**Dr. Moonilal**: Thank you very much. To the hon. Prime Minister in terms of cost reduction. Given his statement to the Member for Fyzabad earlier, I would like to ask the Prime Minister if he is aware of the statement made on May 17<sup>th</sup>, three days ago, by his Minister of Health who indicated at page 9 of the *Express*—photographed riding a stationary bicycle—that the provision of health care to those suffering from diabetes, hypertension, lung cancer and other NCDs costs the State more than \$6 billion annually—if he is aware of that statement of the Minister of Health, and would you be reducing that cost as well?

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

**Dr. Gopeesingh**: Would the hon. Prime Minister be in a position to indicate to the national community, in the exercise that you are doing now in terms of the state enterprises and your rationalization of it, where you have been able to reach, and what enterprises have been considered and with reference to the special purpose companies as well which are fully owned by the State?

**Hon. Dr. K. Rowley:** The work is going on. We are anticipating that in the not-too-distant future we will get initial reports on certain particular companies, because we did ask for one or two companies to be looked at in the beginning. But as of now, we are not in a position to anticipate what the team is presenting to us, but we hope that in the not-too-distant future we will get the first cut on comments with respect to those companies in the state sector, many of which are drains on the Exchequer.

**Dr. Gopeesingh:** On your implementation of an Economic Advisory Board, has that gone to the Economic Advisory Board and also to the labour unions? Have you had any discussions with them based on your thinking so far?

**Hon. Dr. K. Rowley:** There are two things there: one, the Economic Advisory Board is looking at the overall economic arrangements by which we manage the country, and as part of that the joint arrangement between business, labour and the Government that will also be taking place. There is some dovetailing to take place along the way, and we expect that the inputs from both sides will serve us in good stead.

**Dr. Rambachan:** Prime Minister, with respect to what you are saying, the review of the state enterprises, particularly in Petrotrin, has any review there caused a reduction in human resources, that contracts have not been renewed and people have been sent home?

**Hon. Dr. K. Rowley:** We are not aware that any action at Petrotrin is as a result of any review done in the context of this conversation. However, Petrotrin, as an entity, will be the subject of a major review, because the situation at Petrotrin is very serious and it requires an intervention at the level of the Government where Government and labour and all interested parties, including every citizen of Trinidad and Tobago needs to be aware and to come up with solutions to the problem at Petrotrin. I can tell you today the situation at Petrotrin is not a healthy one.

**Dr. Rambachan:** Is the Prime Minister aware that where some contract workers have been sent home at Petrotrin, other persons have been employed, new persons, to take their positions in Petrotrin?

**Hon. Dr. K. Rowley:** I am not aware of that.

**URGENT QUESTIONS**  
**Shortage of Blood**  
**(Measures Taken to Rectify)**

**Dr. Fuad Khan (Barataria/San Juan):** Thank you very much, Madam Speaker. [*Desk thumping*] To the hon. Minister of Health: Given the recent shortage of blood for surgical and hospital purposes, could the Minister indicate the measures to be taken to rectify this problem, the number of surgeries affected to date and when will this issue be rectified?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. Madam Speaker, the problem that has arisen is not due to a shortage of blood, it is due to a shortage of the reagents to test the blood; so there is no shortage of blood. Once the issue of the shortage of the reagents came to light, we had reagents airlifted. They reached in the country last night, and in the wee hours of this morning they were distributed, and as I said early in the week, service will return to normal by Friday and so it has.

But, Madam Speaker, to put it in context, on February 04, 2014, Minister Fuad Khan was pleading for citizens to donate blood as there was a shortage in the country. On March 12, 2011, former Minister of Health Therese Baptiste-Cornelis urged citizens to donate blood. The problem that would reoccur, which is a global problem, is that blood banks around the world are suffering from low blood donations.

In Atlanta, Los Angeles and California, elective surgeries have been postponed. I would urge everyone in Trinidad and Tobago to do like me and get a blood donation card [*Card in hand*] and become a voluntary blood donor. [*Desk thumping*] I, myself, have donated over 40 pints of blood altruistically for over 15 years [*Desk thumping*] and that is what we need in Trinidad and Tobago to shore up our blood supply. Thank you very much. [*Desk thumping and crosstalk*]

**Madam Speaker:** Members! Members! Member for Barataria/San Juan.

**Dr. Khan:** Madam Speaker, could I pull out my organ donation card? [*Laughter and desk thumping*] I have one.

**Madam Speaker:** Member.

**Dr. Khan:** Okay.

**Madam Speaker:** Members, can we have some order please? Member for Barataria San/Juan, I believe the question has to do with donation of blood.

**Dr. Khan:** Thank you. To the hon. Minister of Health, just one question, seeing that you have been a blood donator, et cetera, we would put that aside.

**Mr. Hinds:** Not a donator, a donor.

**Dr. Khan:** What I want to ask you is: were you apprised of the impending shortage of reagents before it occurred and what steps would be taken to look at that system?

**Hon. T. Deyalsingh:** Thank you. The term is not “donator”; the term is “donor”. [*Desk thumping*] I, as Minister, became aware of it on Monday of this week. Once I became aware of it, we took steps to alleviate it, but you have raised a crucial issue, and the issue is, this should have been done before. But once I was aware of it, we took all steps, and I am having a serious discussion with the Permanent Secretary to make sure that information reaches us on a more timely basis.

**Madam Speaker:** Member for Barataria/San Juan, you have exhausted your supplemental questions. Yes? Member for Caroni East.

**Dr. Gopeesingh:** Bearing in mind, hon. Minister, this reagent is taking some time to come and, as you said, it will come, but there is a situation now where patients are waiting for blood to have their surgeries and emergency operations done. What is happening to the blood that would be required when you have no reagent to test it at the moment? Their lives are in danger.

**Hon. T. Deyalsingh:** Madam Speaker, apparently the Member for Caroni East did not hear. I said that the reagents are already here. [*Desk thumping*] Secondly, only elective surgeries were affected. Emergency surgeries were not affected, only elective, but it is clear that the Member for Caroni East does not listen well.

#### **CDAP Items and Pharmaceuticals (Stock of)**

**Dr. Fuad Khan (Barataria/San Juan):** Question to the hon. Minister of Health: Could the Minister indicate the steps being taken to ensure all CDAP items and pharmaceuticals are in stock, which affects hundreds of patients?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. To contextualize, April 2015 in the *Express*, shortage of CDAP drugs; *Newsday* August 16, 2014, Minister Khan, buy your own drugs because there are no CDAP drugs. The issue of the drug supply to Trinidad and Tobago as the

Member knows has been a perennial one. It was exacerbated in this year, because you had a late election—running the Constitution right down to September 7<sup>th</sup>—late election, late budget; late budget, late release of funds; and pharmaceutical companies generally go on vacation in the months of January and February. Those were the facts. Drugs are now coming into the country because the orders we would have placed last year are now being delivered.

However, the bigger question is that we have to rationalize the CDAP programme on all drugs. Let us not forget CDAP was an invention of the People's National Movement, which they never supported; now they are the biggest defenders of it. What we have done Madam Speaker, our national formulary for drugs has grown from 300 items to 1,000 items with nothing coming out of it. The United States' formulary is 257, India is 300. PAHO recommends for any country about 250 to 300. Our formulary is 1,000 drugs big. Part of the solution is to rationalize that so that all drugs for all categories of illnesses can be available on a continuous basis, and that is something that this administration is adhering to and will be doing. [*Desk thumping*]

**Dr. Khan:** Just one simple question. How many drugs on that formulary are available to the people of Trinidad and Tobago as we speak?

**Hon. T. Deyalsingh:** Right now, theoretically, they are all available, but what you do have is duplication and triplication or quadruplication because to treat any class of disease, you have about five to 10 drugs to treat one type of disease, because we have not adhered to protocols over the years to say, okay, if you are suffering from high blood pressure, use drug A and possibly drug B. What you have had is that you have had this expansion, and that expansion cost this country about \$90 million a year in expired and wasted drugs, dead stock. Do you know that? That is what has been happening. So we are now going to rationalize. Thank you very much. [*Desk thumping*]

**Dr. Khan:** Last question to the hon. Minister, Madam Speaker. Are you then saying that you are going to remove a lot of items from the CDAP list as well as the formulary? Is that what you are saying?

**Hon. T. Deyalsingh:** I am saying that we are going to rationalize. So where there is duplication, triplication and quadruplication of the same drug, we may have to look at that. It does not make sense to have four and five variances of the identical drug on your formulary. That is what I am saying.

## ORAL ANSWERS TO QUESTIONS

**Solar Technology Park  
(Establishment of)**

**89. Mr. Ganga Singh** (*Chaguanas West*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister indicate whether the Government intends to proceed with a project to establish a Solar Technology Park in Point Lisas?

**The Minister of Energy and Energy Industries (Hon. Nicole Olivierre):** Thank you, Madam Speaker. Under the previous UNC Government, in October 2014, the committee under the chairmanship of the then Minister of Trade, Industry, Investments and Communications was appointed to provide supervision and facilitation of the investment phase of an integrated photovoltaic park in Point Lisas. However, the project was unable to progress due to inconsistencies with the proposed budget, the deliverables and the role of the proposed consultant. The project has since been reassigned to the Ministry of Energy and Energy Industries, and will be subject to an in-depth review which will determine the way forward.

**Mr. Singh:** Thank you, Madam Speaker. Could the hon. Minister indicate as to when this in-depth review will be completed?

**Hon. N. Olivierre:** We have recently begun looking at all the issues related to this proposal, and well, it would naturally take some time before we can certainly go through it.

**Mr. Singh:** Thank you, Madam Speaker. Is the Minister aware that a feasibility study, an independent feasibility study, was done and in which you will have significant diversification and the creation of jobs with the solar park at Point Lisas?

**Hon. N. Olivierre:** Yes, I am in fact aware that a feasibility study was done. However, because of the inconsistencies that were alluded to previously, this is why we had difficulties in progressing the project. So we are now doing an in-depth study so that we can see how we can resolve all the inconsistencies, and have a project that would be feasible and profitable for the country. Thank you.

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much. Madam Speaker, there are 28 questions on the Order Paper today as questions on notice, and the Government will be answering 26 of them. We seek a deferral of question No. 100 and question No. 104 for two weeks, and we will answer every other question.

*The following questions stood on the Order Paper:*

**Cerebral Palsy Programme  
(Status Update)**

- 100.** Could the hon. Minister of Social Development and Family Services give a status update on the Cerebral Palsy Programme under Unemployment Relief Programme, Social? [*Mr. B. Padarath*]

**Land Settlement Agency  
(Details of)**

- 104.** With regard to the Land Settlement Agency, could the hon. Minister of Housing and Urban Development state:
- a) the number of applicants on the database for the Residential Lots Programme (Land for the Landless) by geographic region;
  - b) the number of successful applicants interviewed between September 2015 and February 2016;
  - c) the number of lots developed from September 2015 to January 2016;
  - d) the number of lots earmarked for distribution in fiscal 2016;
  - e) the sites being developed for this programme and the acreage involved; and
  - f) the next random draw (lottery) date for distribution of lots under this programme? [*Mr. R. Paray*]

*Questions, by leave, deferred.*

**2.30 p.m.**

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

**Border Protection Unit  
(Status of)**

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

Could the Minister give the current status of the Border Protection Unit?

**The Minister of National Security (Hon. Maj. Gen. Edmund Dillon):** Thank you very much, Madam Speaker. Madam Speaker, the Ministry of National Security has formed a specialized advisory team to design an appropriate

organizational framework for the proposed Joint Border Protection Agency. The team comprises experienced professionals in the security and the management disciplines as follows: Mr. Fitzroy John, Chairman, retired Comptroller of Customs and Excise; Mr. James Philbert, member, retired Commissioner of Police; Mr. Kent Moore, member, group captain retired, Commanding Officer of the Air Guard and the Coast Guard; Mr. Ramesh Lutchmedial, member, Director General of the Trinidad and Tobago Civil Aviation Authority; Mr. Herman Browne, member, retired Chief Imagination Officer.

The advisory team has already commenced work to fulfil its mandate, which includes developing the scope and powers of the agency and the preparation of detailed project proposals and recommendations, Madam Speaker.

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

**National Tripartite Advisory Council  
(Details of Remuneration Package)**

**98. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Planning and Development:

Could the Minister state:

- a) the terms of reference of the National Tripartite Advisory Council; and
- b) a breakdown of the remuneration package offered to each member of the Council?

**The Minister of Finance and Acting Minister of Planning and Development (Hon. Colm Imbert):** Madam Speaker, in my capacity as acting Minister of Planning and Development, the answer to part a), the National Tripartite Advisory Council is designed to promote and encourage consensus building and democratic involvement among key stakeholders on national development issues, as well as to encourage diversification of the economy. More specifically, the terms of reference of the Council include the following, among other things:

1. To oversee the imperatives of Vision 2030;
2. To identify and review sustainable national development goals with a focus on diversification;
3. Develop a culture of innovation, invention and use of initiative;



4. Enhance the level of productivity in all sectors of national endeavour;
5. Develop a national campaign on productivity and proper work ethic;
6. Create additional job opportunities;
7. Maximize the use of science and technology;
8. Focus attention on the needs of the poor, the socially displaced and the most vulnerable in society;
9. Maintain industrial peace and harmony nationally; and
10. Facilitate consultations to engage the general public in discussion on the purpose, intent and functioning of the Council, and other issues as may be determined from time to time.

It is expected that the Council will report to Cabinet on a regular basis on the work that it has done, and on specific issues as and when required.

Answer to part b), the matter of remuneration to members of the National Tripartite Advisory Council is under review and, as such, the Council has not yet been classified within the framework of payments made to Cabinet-appointed committees, boards, and other similar bodies. This exercise is expected to be completed shortly.

**Madam Speaker:** Member for Pointe-a-Pierre.

**Dr. Lee:** Could the Acting Minister of Planning and Development state if Mr. Ancel Roget is still a member of the National Tripartite Committee?

**Hon. C. Imbert:** I do not think he is a member. I think he has a representative on the Committee.

**Madam Speaker:** Leader of the Opposition.

### **Speed Measuring Devices (Details of)**

**99. Mrs. Kamla Persad-Bissessar SC (Siparia)** asked the hon. Minister of National Security:

Could the Minister state the Government's plan for the implementation of speed measuring devices by the Trinidad and Tobago Police Service?

**Mrs. Persad-Bissessar SC:** Madam Speaker, thank you, question 99 has been superseded by events, this question would have been filed more than 21 days ago. [Interruption]

**Mr. Imbert:** Well, ask the question.

**Mrs. Persad-Bissessar SC:** No, I am saying the question is now otiose. It was filed 21 days ago and, therefore, I withdraw the question on that basis.

*Question withdrawn.*

**Madam Speaker:** Member for Mayaro.

**Housing Development Corporation  
(Details of Mayaro Constituency Units)**

**102. Mr. Rushton Paray (Mayaro)** asked the hon. Minister of Housing and Urban Development:

With regard to the allocation and distribution of Housing Development Corporation (HDC) units within the constituency of Mayaro, could the Minister state:

- a) the number of units currently available for distribution;
- b) the number of applicants in the HDC database residing in the constituency;
- c) the plans (if any) to construct additional units; and
- d) if the answer to part (c) is in the affirmative, provide the areas earmarked for development, the number of units to be constructed, the estimated cost and the anticipated commencement date for works?

**The Minister of Housing and Urban Development (Hon. Randall Mitchell):** Thank you, Madam Speaker. The Housing Development Corporation presently has in its database 19 units available for allocation in the Mayaro constituency, two units in Coconut Grove, four units in Plaisance, and 13 units in Mora Heights, Rio Claro.

Information is captured in the Housing Application Fulfilment System, the HAFS database, by municipal regions. Applicants from the Mayaro constituency would therefore fall into the category for the Rio Claro/Mayaro municipal region. There are 3,360 applicants registered in the Rio Claro/Mayaro region, but Members should note that this represents a larger area than Mayaro.

There are no plans at this time to construct any additional units in the constituency of Mayaro. However, the national construction programme of the HDC is under review and additional units may therefore be constructed in due

course, once deemed feasible. As there are no plans at this time part d) does not apply. [*Desk thumping*]

**Madam Speaker:** Member for Mayaro.

**Housing Development Corporation Units  
(Details of Distribution)**

**103. Mr. Rushton Paray** (*Mayaro*) asked the hon. Minister of Housing and Urban Development:

With regard to the Government's plans to allocate and distribute HDC units during the period January to September 2016, could the Minister state:

- a) the projected number of units to be distributed to qualifying recipients;
- b) the tentative distribution date(s); and
- c) the approved housing estates available for occupancy?

**The Minister of Housing and Urban Development (Hon. Randall Mitchell):** Thank you, Madam Speaker. For the period up to and including September 2016, the number of housing units to be distributed to qualifying recipients is approximately 1,200. The tentative distribution dates are within the months of May, June, July, August and September. The exact dates have not yet been finalized. The housing estates available for occupancy include Fairfield Estate, Princes Town, Gomez Trace, Moruga; Cypress Hill, San Fernando; Oasis Greens, Enterprise; Lakeview, Point Fortin; Hubertstown, Guapo; Pierre Road, La Brea; Mora Heights, Rio Claro; Plaisance, Mayaro; Edinburgh South, Chaguanas; and Exchange, Couva.

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

**South West Regional Health Authority  
(Details of Vacancies)**

**105. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Health:

Could the Minister state:

- a) the current number of vacancies at the South West Regional Health Authority;
- b) the recruitment process to fill the vacancies; and
- c) the expected date the vacancies will be filled?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. The question to part (a) is 3,423. The answer to part (b), a range of recruitment processes are being utilized as appropriate, including promotion based on performance and seniority, internal and external advertisements. The answer to part (c), the filling of vacancies is a continuous process.

**Madam Speaker:** Member for Tabaquite.

**Dr. Rambachan:** If I got the Minister correct he said 3,423 vacancies in the South-West Regional Health Authority. What are the plans of the Minister to ensure that opportunities for training of people to fill these vacancies are in fact accelerated, especially in the nursing profession?

**Hon. T. Deyalsingh:** What is curious about the question is that we have identified 3,423 vacancies in the South-West Regional Health Authority, the question that should be asked—and these vacancies did not start on September 07, 2015—the question that should be asked is, therefore, what was the plan to hire people to put in the Couva facility which needs 2,000 people? We have a problem, globally, with health care workers and we are doing all that we can to accelerate the training, not only for nurses, because there is a particular category of nurses that we need, that is the midwives. So we are looking at plans and working with the School of Nursing, COSTAATT, to look at the whole issue of training, not only for nurses but also for doctors, also for lab technicians, and so on. So we are doing that, hon. Member.

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

**Mrs. Newallo-Hosein:** Thank you, hon. Speaker. Can the hon. Minister of Health advise what the positions that would be advertised are? And will they be short-term contracts or permanent? Thank you.

**Hon. T. Deyalsingh:** Madam Speaker, it is a variety of positions from registrars, doctors, consultants, specialists, sub-specialists, nurses, lab techs, and so on. So we are looking at all of those positions to see how many as possible we can fill. Thank you very much.

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

**Dr. Gopeesingh:** Would the hon. Minister be able to give us some information, a further breakdown of how many nurses are included in that 3,423 and how many doctors are included in that?

**Hon. T. Deyalsingh:** Madam Speaker, that was the subject of a question which I answered in this honourable Chamber about three weeks ago, and I gave a full breakdown. Again, if the Member for Caroni East will pay attention he would hear the answers that are given.

**Madam Speaker:** Member for Siparia.

**Mrs. Persad-Bissessar SC:** Hon. Minister, would you kindly indicate some of the reasons why there is such a high number of vacancies? Is it that there are not enough trade personnel and/or the salaries are not attracting personnel?—some of the reasons for such a high rate of vacancies.

**Hon. T. Deyalsingh:** Thank you. It is quite amazing that they have just discovered that there are 3,000 vacancies in the health sector in south. It is quite amazing. What I can say is that we are looking at filling as many of these vacancies as humanly possible. [*Crosstalk*] One of the reasons, hon. Member, and I answered this three weeks ago, there is a global shortage of doctors, there is a global shortage of nurses, and that has been said. [*Interruption*]

**Madam Speaker:** Order.

**Hon. T. Deyalsingh:** And the shortage we have is not at the level of the house officer, which I kept on saying. The shortage we have is at the level of registrars and consultants, but the Member for Caroni East always harps on 150 graduates. We do not have shortages at the level of interns and house officers. All those posts on the establishment or on contract have been, more or less, filled. The shortages for doctors exist at the higher levels at the level of registrars and consultants which the junior doctors cannot fill.

**Madam Speaker:** Member for Fyzabad.

### **Postgraduate Scholarship Applications (Details of)**

**106. Dr. Lackram Bodoë (Fyzabad)** asked the hon. Minister of Education:

Could the Minister indicate:

- a) whether the Government is currently processing postgraduate scholarship applications under the Commonwealth Fellowship Programme, United Kingdom; and
- b) if the answer to part (a) is in the negative, when will the Government resume postgraduate scholarship awards to nationals for universities in the United Kingdom and other Commonwealth countries?

**The Minister of Education (Hon. Anthony Garcia):** Madam Speaker, the Scholarships Selection Committee of the Ministry of Education was recently reconstituted and processing of applications for the United Kingdom Commonwealth scholarships and fellowships will resume shortly. Thank you. [*Desk thumping*]

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

**Mr. Karim:** Thank you, Madam Speaker, in view of the answer given by the hon. Minister of Education that the Committee has been reconstituted, will he be kind enough to tell us who comprised this Committee?

**Hon. A. Garcia:** Madam Speaker, I would be happy to provide that information to the hon. representative of Chaguanas East shortly.

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

#### **Autism (Proposal of Legislation/Policy)**

**107. Dr. Fuad Khan (Barataria/San Juan)** asked the hon. Minister of Social Development and Family Services:

With approximately 13,000 persons living with autism in Trinidad and Tobago, would the Minister consider proposing to Cabinet, relevant legislation and/or policy to deal with autism?

**The Minister of Social Development and Family Services (Hon. Cherry-Ann Crichlow-Cockburn):** Madam Speaker, the Ministry of Social Development and Family Services, in keeping with its commitment to ensure the enhancement of the welfare of all persons with disabilities, became a signatory to the UN Convention on the Rights of Persons with Disabilities on June 22, 2015. The Ministry is currently in the process of reviewing the national policy on persons with disabilities to ensure conformity with the UN Convention. This review includes, as a priority, persons with autism.

In addition, the Ministry is also preparing a policy brief which would form the basis of draft legislation to treat with persons with disabilities. At the end of these exercises the revised national policy and the draft legislation, which will be in alignment with the UN Convention on the Rights of Persons with Disabilities, will be forwarded to Cabinet for consideration.

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

**Mrs. Newallo-Hosein:** Thank you, hon. Speaker. Hon. Minister, can you advise, what is the process that will be taken in devising this policy?

**Hon. C. Crichlow-Cockburn:** Madam Speaker, there is currently a national policy on persons with disabilities. What we at the Ministry are seeking to ensure is that that policy is in conformity with the UN Convention which we have become a signatory to, so that would be the process.

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

**Dr. Khan:** Would the Minister indicate whether that policy will take into consideration the assistance to parents for autism, as well as cerebral palsy, and those types of disorders?—in view of the fact that the Government has decreased and stopped the Unemployment Relief Programme for those people.

**Hon. C. Crichlow-Cockburn:** Madam Speaker, it is not the intention that the policy, that national policy would treat with those issues. The Ministry is, however, reviewing those matters and will be treating with those programmes differently.

**Madam Speaker:** Member for Fyzabad.

### **Reduction of Medical Negligence and Injuries (Details of)**

**108. Dr. Lackram Bodoë (Fyzabad)** asked the hon. Minister of Health:

Given a recent report of a patient being burnt during a caesarean section procedure at the Sangre Grande Hospital, could the Minister state the immediate steps being taken to reduce medical negligence and injuries of this nature in the future?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. Following the incident a complete review and assessment of the guidelines, protocols, process flow, staffing arrangements, equipment, and other consumables was conducted to ensure that all preventative steps were taken to eliminate the risk of a recurrence of the event. More specifically, measures to prevent future recurrence included ensuring a safe mixture of the concentration of the cleaning agents; the safe use and drying time after application of the cleanser; the safe use of the electrosurgical machine, and ensuring that the preventative maintenance schedule for the machines were maintained according to the regulations and compliance.

Further, the re-establishment of the Quality Council and the Adverse Events Committee, chaired by the Permanent Secretary, which includes the quality managers and the chief executive officers from all regional health authorities, together with the technical officers from the Ministry of Health, will continue to provide oversight in the monitoring and control of quality standards and protocols being implemented.

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

**Mr. Singh:** Thank you, Madam Speaker. Has there been any disciplinary proceedings instituted against persons responsible for this medical negligence?

**Hon. T. Deyalsingh:** Madam Speaker, the question presumes that there was medical negligence. The investigation will determine what was the cause, whether it was mechanical failure or negligence, and we will have due process, but I will not go on the automatic assumption that it is what Chaguanas West is alluding to. [*Desk thumping*]

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

**Mr. Singh:** Thank you, Madam Speaker. Would the hon. Member indicate when this investigation of this burn in childbirth took place—will be completed?

**Hon. T. Deyalsingh:** Thank you. Madam Speaker, in the year 2012 the Quality Council of the Ministry of Health was crucified and sacrificed and became null and void and nonfunctional, not under my watch, in 2012; people left actually in disgust when they saw the way quality was going. We have reinstated the Quality Council under the Permanent Secretary for us to have oversight, and that mechanism kicked in immediately, and I am happy to say that the Ministry of Health now has oversight for all quality issues and adverse events. [*Desk thumping*]

**Madam Speaker:** Member for Fyzabad.

**Dr. Bodoë:** Sorry, Madam Speaker, that was my question as to when the report will be available.

**Hon. T. Deyalsingh:** The report will be available when all the investigations and due process have taken place. We are not the UNC, this is the People's National Movement, [*Desk thumping*] and we will follow due process. And the funding for this due process may come from the Mercedes Benz we are going to auction, which was bought under your watch for \$500,000 for a CEO of an RHA. [*Desk thumping*] So we will take those funds when we auction a Mercedes Benz,



bought under your watch, and fund the investigation with that, and when we get the report we will take action. [*Desk thumping*]

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

**Dr. Khan:** Minister of Health, could you indulge me with one last question?

**Hon. T. Deyalsingh:** When the Mercedes Benz was bought?

**Dr. Khan:** No. No. Arrogance is not your forte, you know, you should not be so arrogant—[*Interruption*]

**Madam Speaker:** Members. Members.

**Dr. Khan:** Sorry. What I want to ask you is that, could you tell this honourable House whether there are quality assurance units in each of the regional health authorities?

**Hon. T. Deyalsingh:** There are quality assurance units in each of the RHAs but they act independently without oversight from the Ministry of Health. So by reinstating that Quality Council we now have oversight, and that is crucial in managing all the RHAs because we are de-siloing the information that exists there. So the answer to your question is, yes, but the Ministry of Health from 2012 abdicated its role as the oversight body for all the RHAs.

**Madam Speaker:** Member for Fyzabad.

### **St. Ann's Hospital (Safety of Staff and Patients)**

**109. Dr. Lackram Bodoë** (*Fyzabad*) asked the hon. Minister of Health:

In light of the recent escape of a prisoner from the St. Ann's Hospital, can the Minister indicate the steps to be taken to ensure the safety of staff and patients at the Hospital?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you, Madam Speaker. Further to the escape and subsequent detention of six patients on March 29, 2016, at 2.15 a.m., from the Forensic Unit, ward 27, of the St. Ann's Psychiatric Hospital, the following steps were taken to mitigate the risks to staff and patients at the St. Ann's Psychiatric Hospital by the North West Regional Health Authority: one, infrastructural upgrades; two, security services improvement; three, human resources needs; and, four, communication with external stakeholders.

The details and status of these action steps are as follows:

#### Infrastructural

- the doors located in the forensic male unit to be repaired with the most appropriate locking mechanism completed;
- to raise the height of the outer walls of the Forensic Unit with razor wire, scope of works being completed;

#### Security services improvement

- to review and reconfigure the placement of CCTV at the Forensic Unit; currently two cameras were replaced in upgrading the camera system in the Forensic Unit;
- to increase the security component assigned to the unit, the current complement of four officers and one K9 unit are being increased;
- introduction of handheld scanners to be implemented on all staff and patients, completed and operational;
- installation of electronic panic button, currently in the procurement stage, to communicate with the Ministry of National Security for the installation of police post at the Forensic Unit at St. Ann's Hospital, meeting held on May 05, 2016, where it was agreed that the TT Police Service will send out patrols;

#### Human resources needs

- to review the current NWRHA complement of nursing staff assigned to the Forensic Unit, currently working on recruitment of registered mental nurse;
- additional training of NWRHA nursing staff in the area of control and restraints, currently ongoing;
- communication with external stakeholders, to coordinate a meeting with the judicial department of Trinidad and Tobago;
- key personnel to address all matters with regard to the prisoners referred from the court system, meeting to be scheduled with the Chief Magistrate, Chief Justice and the NWRHA.

In addition to the above, it is envisaged that an in-patient secure unit will be constructed to provide evaluation and treatment of the mentally disordered

offenders in a more holistic manner within an appropriate therapeutic environment. [*Desk thumping*]

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

**Psychological and Financial Counselling  
(Re: Newly Unemployed Persons)**

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

Could the Minister state the estimated cost for the provision of psychological and financial counselling to newly unemployed persons and families?

**The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus):** Thank you, Madam Speaker, for the opportunity in responding to the hon. Member for Couva South. I am so happy he has missed me and summoned me again. Madam Speaker, the Government has been able to use existing services provided by both Government and private sector organizations to assist and provide psychological and financial guidance to newly unemployed persons. The Ministry of Labour and Small Enterprise Development, noting that newly unemployed persons go through daunting challenges, had discussions with financial institutions to adopt a more humane approach to unemployed persons with loans and mortgages.

More specifically, Madam Speaker, discussions were held with the Cooperative Credit Union League, which assured that its members' operational principles and values lend themselves to such an approach. The Bankers' Association of Trinidad and Tobago, we had discussions with; the Trinidad and Tobago Mortgage Finance Company Limited, the National Insurance Board, and the Central Bank of Trinidad and Tobago have also given their commitment to provide financial guidance and support to unemployed persons at no cost to the Government of Trinidad and Tobago. Understanding that newly unemployed persons may be faced with psychosocial and emotional challenges, which may negatively affect the ability to reintegrate into the labour market, and may also affect their families, Government has brought together existing services offered by the Ministry of Health, the Ministry of Social Development and Family Services, and the Ministry of Community Development, Culture and the Arts to assist newly unemployed persons.

In keeping with our theme, “Turning adversity into opportunity”, a definite positive outcome has been the level of cross-ministerial cooperation and collaboration that has ensued. Efforts continue to be focused on ensuring that the wealth of services and support that are available are thoroughly harnessed and tapped so that persons are directed to services that are available that may not have been previously known. Madam Speaker, the Ministry has been putting systems in place to ensure that persons in need of psychological counselling are directed to appropriate services offered by the Ministry of Health, the Ministry of Social Development and Family Services, and the Ministry of Community Development, Culture and the Arts.

With respect to financial counselling, information on persons who are newly unemployed are forwarded to relevant service providers which include the membership of the Bankers’ Association of Trinidad and Tobago and the Trinidad and Tobago Mortgage Finance Company, who would proactively trigger relevant interventions. Madam Speaker, the Government maintains that retrenchment and termination must be a last resort. Where undertaken, entities should ensure that employees undergo a set of transition training and self-development programmes. Such programme should include entrepreneurial and personal financial planning, as well as psychosocial preparation and counselling to enable these persons to reintegrate into the labour market and continue to have a stable socioeconomic life.

Madam Speaker, the Ministry of Labour and Small Enterprise Development will continue to work with the wider Government sector, business and labour, to mitigate the psychological and financial impact that can be faced by unemployed persons and their families, and provide guidance for reintegration into the labour market. Finally, Madam Speaker, the Government of the Republic of Trinidad and Tobago continues to call on the private sector, including financial institutions, trade unions, and civil society in averting any potential job crisis and easing the burden on workers and their families. I thank you, Madam Speaker. [*Desk thumping*]

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

**Mrs. Newallo-Hosein:** Thank you, hon. Speaker. Can the hon. Minister indicate, after that comprehensive listing of stakeholders that you have conferred with, how many persons were actually counselled from this initiative?

**Sen. The Hon. J. Baptiste-Primus:** Thank you, Madam Speaker. Madam Speaker, I can assure the hon. Member for Cumuto/Manzanilla that through the job expo that was held recently, where over 1,000 persons flowed through the job expo, the exact figures of what you are asking for I cannot give at this point in time, but, Madam Speaker, I can certainly provide the Member for Cumuto/Manzanilla at a later point in time. [*Desk thumping*]

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

**Mr. Indarsingh:** Thank you, Madam Speaker, my colleague asked one of the questions that I would have posed to the hon. Minister in relation to how many workers would have received specialized, what we would call counselling. In the context of that very nice run up you had, in relation to the number of stakeholders that you would have posed in terms of your ongoing dialogue with them, these stakeholders, do they have specialized services as it relates to dealing with job losses and counselling services, and so on? And what is their track record as it relates to dealing with workers who would have been retrenched in Trinidad and Tobago?

**3.00 p.m.**

**Sen. The Hon. J. Baptiste-Primus:** Madam Speaker, I do believe the question that was asked, that information would be provided at a later point in time.

**Mr. Karim:** Thank you, Madam Speaker. To the hon. Minister, can you state, first of all, whether the job expo counselling is the same in terms of psychological and financial? But more specifically, of those persons who would have visited your job expo, would have been counselled, what number of those persons would have been reintegrated into the labour market as a result of those services?

**Sen. The Hon. J. Baptiste-Primus:** Thank you, Madam Speaker. To the hon. Member for Chaguanas East, the National Employment Service under which aegis the expo was held, they are in the process of getting the data together in a comprehensive report for the attention and knowledge of the Minister of Labour and Small Enterprise Development.

**Mr. Charles:** Could the Minister tell us whether the provision of psychological and financial counselling to newly unemployed persons would be extended to “Schilimberger”?

**Mr. Indarsingh:** “Schilimberger”? What is that?

**Madam Speaker:** Member, is that a question?

**Mr. Charles:** To ArcelorMittal and “Schilimberger”; two companies?  
[*Laughter and crosstalk*]

**Sen. The Hon. J. Baptiste-Primus:** Madam Speaker, one has to get accustomed to childish behaviour, [*Desk thumping*] and as a grandmother I often face childish behaviour via my grandson. Notwithstanding, Madam Speaker, all those workers who have found themselves unemployed, they are advised to contact the Ministry of Labour and Small Enterprise Development through our national employment services, who would then direct them to the relevant agencies which can attend to their specific concerns.

**Mr. Singh:** Thank you, Madam Speaker. In accordance with Standing Order 29(10), I seek a deferral of the remaining questions on the Order Paper for the next sitting of the Parliament.

**Madam Speaker:** Member for Chaguanas West, there are about four minutes left, so that we will do whatever questions, and at that time I will then entertain your request.

**Mr. Singh:** Thank you, Madam Speaker, I am just trying to keep within the time frame.

**Madam Speaker:** That is understood.

#### **Trinidad Nitrogen Company Limited (Details of Assets)**

**111. Dr. Bhoendradatt Tewarie** (*Caroni Central*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister indicate whether the Government intends to sell any or all of the assets of Trinidad Nitrogen Company Limited. (Tringen)?

**The Minister of Energy and Energy Industries (Hon. Nicole Olivierre):**  
[*Desk thumping*] No. [*Desk thumping*]

#### **Fast Ferry Catamaran Vessels (Details of)**

**114. Dr. Surujrattan Rambachan** (*Tabaquite*) asked the hon. Minister of Works and Transport:

Given the widespread reports of the deplorable conditions, breakdowns and delays of the fast ferry catamaran vessels operating between Trinidad and Tobago, can the Minister state the Government's plan to deal with sea-bridge transportation?

**The Minister of Works and Transport (Hon. Fitzgerald Hinds):** Thank you, Madam Speaker. The *Trinidad and Tobago Express* and the *Trinidad and Tobago Spirit* move approximately one million passengers and just over 200,000 vehicles annually. Each vessel offers a minimum of one round trip per day, Sundays to Saturdays. On the identified peak days of the week additional sailings are scheduled. The "year built", so called, of these vehicles is 1997 and 2002 respectively, with their ages being 19 years and 14 years respectively.

The *Trinidad and Tobago Express* commenced operations on the inter-island route on December 11, 2006; while the *Trinidad and Tobago Spirit* commenced operations on June 08, 2007. It is to be noted that the vessels would have experienced both normal and extraordinary wear and tear during their deployment. However, in spite of the age of the vessels and the said wear and tear, the current fleet has proven to be safe, reliable and stable since 2005. The Government stands committed to provide an efficient and effective inter-island ferry service for the citizens of Trinidad and Tobago. The Port Authority of Trinidad and Tobago will continue with its routine maintenance programme and scheduled statutory dry dockings with the view to achieving dependable functional vessels to achieve this end.

It should also be noted that the Port Authority of Trinidad and Tobago, as a responsible agent of the Government for the inter-island ferry service, has developed contingency plans to address any unforeseeable contingencies that may arise during standard operations. For example, the *Trinidad and Tobago Spirit* was recently booked for two round trips on April 25, 2016 to facilitate the influx to the sister isle of Tobago for the annual jazz festival. Between the night of Sunday, April 24, 2016 and the morning of Monday, April 25, 2016, the vessel experienced engine trouble, resulting in the functioning of three engines instead of the regular four. The loss of the engine meant less speed and a longer sailing time for the vessel. In an effort to ensure that none of the passengers were adversely affected, the following measures were implemented: the *T&T Spirit* made one trip instead of two; the water taxi, which is operated by NIDCO, was enlisted to transport 300 passengers; the *Warrior Spirit* was used to bring most of the vehicles back to Port of Spain; and the *MV Superfast Galicia* and the *Trinidad and Tobago Express* accommodated the remaining passengers.

Additionally, Madam Speaker, I am to inform this honourable House that a comprehensive proposal is at present being developed with respect to acquiring two replacement fast ferry catamarans in the medium to long term to replace these ageing vessels that are currently operating the sea bridge. It is the intention that these replacement vessels will surpass the present specifications and capacities of the current fleet. May I also inform this honourable House, Madam Speaker, that the Government as enunciated in its 2015 manifesto pledge, which is now official government policy, will explore the possibility of establishing a new port in Toco, thus providing a faster alternative sea route to and from Tobago. This initiative is in the preliminary stages and further details will be revealed to the citizenry and this honourable House in due course. I thank you.

**Madam Speaker:** Hon. Members, in accordance with Standing Order 29(10), the Whip has indicated the desire that the unanswered questions be postponed to a later sitting. So that all unanswered questions shall be answered at the next sitting of this House.

*The following questions stood on the Order Paper:*

**Purchase of Two Naval Vessels  
(Details of Debt Ceiling)**

- 115.** Could the hon. Minister of Finance state whether the budgetary allocation for the purchase of two naval vessels was covered within the debt ceiling prior to September 07, 2015? [*Dr. T. Gopeesingh*]

**Outstanding Credit Balance  
(Details of)**

- 116.** Could the hon. Minister of Finance state the credit balance owed by the Government as at September 30, 2015? [*Dr. T. Gopeesingh*]

**Sowing Empowerment Through Entrepreneurial  
Development Programme  
(Details of)**

- 117.** Could the hon. Minister of Social Development and Family Services state:
- a) the criteria to access the \$15,000 grant through the Sowing Empowerment Through Entrepreneurial Development Programme;
  - b) the turnaround time for processing applications;
  - c) the amount of funds allocated; and
  - d) the current balance of this Vote? [*Mrs. C. Newallo-Hosein*]



**Extension of Electrification Programme  
(Cumuto/Manzanilla Grounds)**

- 118.** Could the hon. Minister of Public Utilities indicate whether the electrification programme will be extended to the following grounds in the constituency of Cumuto/Manzanilla:
- a) the Four Road Tamana Ground, Tamana;
  - b) the Sanatan Ground, Guaico, Tamana; and
  - c) the Clarke Road Ground, Manzanilla? [*Mrs. C. Newallo-Hosein*]

**International Relations Officer  
(Status Update)**

- 119.** Further to the response to House of Representatives Question No. 07 on December 11, 2015, could the hon. Minister of Foreign and CARICOM Affairs provide a status update on steps taken to regularize the position of International Relations Officer at the Ministry of Foreign and CARICOM Affairs? [*Mr. R. Charles*]

**Promotion of Internal Tourism  
(Details of)**

- 120.** Could the hon. Minister of Tourism state whether there are plans to promote internal tourism as a means of generating income and employment and if so, whether the Constituency of Naparima is included in such plans? [*Mr. R. Charles*]

**Priority of Roadworks  
(Details of)**

- 121.** Could the hon. Minister of Works and Transport state:
- a) the criteria used by the Ministry to prioritize roadworks across the country;
  - b) whether the Ministry received a priority list of roadworks earmarked for repair in the constituency of Naparima; and
  - c) if the answer to part (b) is in the affirmative, could the Minister state the commencement dates for these roadworks? [*Mr. R. Charles*]

**Chaguanas East/Enterprise Area  
(Request for Police Station)**

- 122.** With respect to the murder rate in the constituency of Chaguanas East, particularly in the Enterprise area, could the hon. Minister of National Security indicate whether a request for a Police Station will be facilitated? [Mr. F. Karim]

**Land Tenants (Security of Tenure) Act  
(Introduction of Amendment Legislation)**

- 123.** Could the hon. Attorney General indicate whether the Government proposes to introduce legislation to amend the Land Tenants (Security of Tenure) Act, Chap. 59:54 (HOR Bill No. 9 of 2014)? [Mr. F. Karim]

**ECCE Centre in Dass Trace, Enterprise  
(Details of)**

- 124.** Could the hon. Minister of Education state the reasons the completed ECCE Centre in Dass Trace, Enterprise has not been opened? [Mr. F. Karim]

**Spiritual Baptist Liberation Day 2016 Celebrations  
(Details of Funding)**

- 125.** With respect to Spiritual Baptist Liberation Day 2016 celebrations, could the hon. Minister of Community Development, Culture and the Arts indicate:
- a) the organizations that applied for funding;
  - b) the amounts requested; and
  - c) the amounts approved and disbursed by the Ministry? [Mr. B. Padarath]

**Phagwa 2016 Celebrations  
(Details of Funding)**

- 126.** With respect to Phagwa 2016 celebrations, could the hon. Minister of Community Development, Culture and the Arts indicate:
- a) the organizations that applied for funding;
  - b) the amounts requested; and

- c) the amounts approved and disbursed by the Ministry? [*Mr. B. Padarath*]

*Question time having expired, questions 115 to 126 were not dealt with.*

**DEFINITE URGENT MATTER**

**(LEAVE)**

**Unacceptable Increasing Number of Murders  
(Government's Failure to Curb)**

**Mrs. Kamla Persad-Bissessar SC** (*Siparia*): [*Desk thumping*] Madam Speaker, I hereby seek your leave to move the adjournment of the House today under Standing Order 17 for the purpose of discussing a definite matter of urgent public importance, namely the failure of Government to curb the unacceptable increasing number of murders in Trinidad and Tobago.

The matter is definite because it pertains to the failure of Government to curb the unacceptable increasing number of murders in T&T. The matter is urgent because the failure of Government to curb the increasing number of murders is resulting in more and more murders being committed each day as is evident from the fact that within the last several days 15 persons have been slaughtered, with even more murders being reported today, bringing the murder count for the year to an unprecedented 181 persons. And, Madam Speaker, when I sent this to you that was the number, I have been told that another murder has occurred and, in fact, the reports are now of 183 persons having been murdered for the year.

The matter is of public importance because the increasing number of murders is engendering widespread fear and concern in our country, and is also damaging the international reputation of Trinidad and Tobago.

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

**Madam Speaker:** Hon. Members, I am not satisfied that this matter—

**Mr. Indarsingh:** What! What!

**Madam Speaker:** Members! Hon. Member for Couva South, I am certain you did not intend what you just did. Hon. Members, I am not satisfied that this matter qualifies under this Standing Order. I advise that the Member pursue this matter under Standing Order 16.

**STATEMENT BY MINISTER**  
**Trinidad and Tobago's Credit Rating**

**The Minister of Finance and Acting Minister of Planning and Development (Hon. Colm Imbert):** [*Desk thumping*] Thank you, Madam Speaker. On April 22, 2016, Standard & Poor's rating agency lowered its long-term foreign and local currency sovereign credit rating for Trinidad and Tobago from A to A-. It is to be noted that this is still four notches above the speculative grade, and it is still a good investment rating.

Madam Speaker, the lowering of our rating was primarily due to a sharp fall in energy-sector revenue, which has contributed to lower fiscal revenues and decreased foreign reserves. However, it is noteworthy that Standard & Poor's made the point, and I quote:

Economic contraction, combined with loose fiscal policy during an election year, contributed to a reported central government fiscal deficit of 1.5 per cent of GDP. The underlying erosion in public finances was worse, as the previous Government incurred substantial payment arrears, estimated at around 2.4 per cent of GDP. As a result, net general government debt increased towards 27 per cent of GDP in 2015. The current account balance slipped to a deficit of 0.5 per cent of GDP in 2015 after being in surplus in the previous years (excepting 2012). The previous government's heavy borrowing from the Central Bank prior to the election resulted in sharply curtailed liquidity in the financial system, reflecting poor debt management.

**Mr. Singh:** Who wrote that? Who wrote that?

**Hon. C. Imbert:** That is a direct quote from Standard & Poor's. It is not PNM. Standard & Poor's went on to say, and again I quote:

After coming into office in September 2015, the new People's National Movement (PNM) Government took initial steps to staunch the rapid deterioration of public finances that had taken place before the election.

—I am quoting—

The new Government introduced revenue measures (including Value Added Tax reforms), cuts in costly energy subsidies and imposed better control over discretionary spending. The new Government has also allowed for moderately more flexibility in the exchange rate, in the context of diminished export earnings.

*Statement by Minister*

*Friday, May 20, 2016*

Madam Speaker, notwithstanding the new approach to fiscal discipline on the part of the new Government, Standard & Poor's made the point that Trinidad and Tobago's public finances are vulnerable to a prolonged and substantial drop in energy revenues. The energy sector contributed more than half of total government revenues during the boom years, around 35 per cent of revenues in fiscal 2014/2015 (11 per cent of GDP), and is likely to contribute only 27 per cent of fiscal revenues in fiscal year 2015/2016 (7 per cent of GDP).

Successful implementation of timely fiscal reforms along with a gradual recovery in economic growth is needed to stabilize the economy. Over the medium term, Standard & Poor's expects the deficit to narrow gradually and to turn to a surplus of 2.3 per cent of GDP in 2019, assuming a modest recovery in energy prices and output volume. Recent depreciation of the exchange rate should also boost net exports. The ratings also reflect the Government's significant external assets invested abroad. The assets accumulated from high energy sector revenues during the boom years sustained its external position and contained its net debt burdens. We project that the public sector and the financial sector will remain in a strong net external asset position within the next three years. Since much of the public sector's debt is locally funded, reducing the risk of a sudden loss of access to external markets.

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

#### JOINT SELECT COMMITTEE REPORT

#### **Public Procurement and Disposal of Public Property (Amdt.) Bill, 2015 (Adoption)**

**The Minister of Finance and Acting Minister of Planning and Development (Hon. Colm Imbert):** [*Desk thumping*] Thank you, Madam Speaker. I beg to move the following Motion standing in my name:

*Be it resolved* that this House adopt the report of the Joint Select Committee on Public Procurement and Disposal of Public Property (Amdt.) Bill, 2015.

Madam Speaker, all Members would have been sent some time ago a report of the Joint Select Committee on the Public Procurement and Disposal of Public Property (Amdt.) Bill. In fact, this was laid in this Parliament some time ago. If I can briefly give some information on what has transpired with this committee. The committee was established in November 2015, and its purpose was to consider and report on a Bill entitled the Public Procurement and Disposal of Public Property (Amdt.) Bill, 2015, and to report by January 22, 2016. And the following persons were members of the committee: myself, Mrs. Cherry-Ann

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

Crichlow-Cockburn, Mr. Adrian Leonce, Dr. Bhoendradatt Tewarie, Mr. Franklin Khan, Mrs. Paula Gopee-Scoon, Mr. Wayne Sturge, Mr. David Small.

Madam Speaker, I would say that by and large most people attended, although I do not recall Mr. Sturge attending at all. Not once. I do not recall, he may have, I am subject to correction, but I do not think he turned up once. Madam Speaker, I was elected to be chairman of the committee and we were supported by the Clerk of the House and other officers of the Parliament, and very well supported I might say. We did our work in very short order. We were a very efficient committee, and we held five meetings; one in December, two in January, and two in February, and we were able to complete our work in February and reported to the House in—let me see exactly when we reported—earlier in the year.

Madam Speaker, we received submissions, we invited submissions and we received submissions from the private sector, civil society group, from Mr. Hamel-Smith, from Mr. Afra Raymond, from the Insurance Brokers of Trinidad and Tobago, and from the board of Permanent Secretaries. Most of these submissions, however, related to the parent Act, and were beyond the scope of the committee. We met with the representatives of the private sector civil society group and permitted them to make a short presentation of their comments on the amending Bill. This was in February of 2016, and a presentation was made on behalf of the group by Mr. Winston Riley.

Based on the discussions with the technical team and private sector group, the committee identified a number of areas for review. These included the process for removal of the procurement regulator in relation to the possibility of the regulator trading with the Government. By that is meant, entering into a contract with the Government or providing goods and services for the Government. Secondly, we also looked at the ability of board members, not just the regulator, to trade with the Government; the procedure for making regulations in relation to the functioning of the board, operational matters; the procedure for making regulations with respect to the disposal of state land, we noted that the parent Act did not address disposal of state land and real property owned by the Government, state enterprise or statutory body; and we acknowledged that the amending Bill would have some overlap with respect to the disposal of lands under the Minerals Act, and that when we are drafting regulations we would have to take note of that.

Madam Speaker, the report was laid as a House Paper, and if I can now go into some of the salient issues. If we go to the back of the report, the original Bill. It was a short Bill, it had just a total of—one, two, three, four, five, six—seven clauses and one schedule. The first clause was simply the short title, well, the long

title; the second clause was interpretation; the third clause was a clause to introduce a provision whereby if the regulator was found to have traded with the Government without the approval of Parliament, that a process would then be initiated to examine this issue and determine whether the regulator should be removed for entering into contractual relations with the State.

During our deliberations we decided to delete this, remove this provision, which would have required the appointment of a tribunal and would have been quite a long and drawn-out process, and we simply added to existing provisions in the legislation the provision among all of the others in section 12 of the parent Act, that if the regulator has traded with the Government, without the prior approval of the Minister, that would be a reason for the appointment of the regulator to be terminated. So, we simplified it.

And, as we went on, we also made that provision applicable to members of the regulatory body, so that if a member trades with the Government while holding office or he becomes party to, or is partner to a firm, or a director or manager of a company which to his knowledge becomes a party to any contract with the Government for and on behalf of the public service, that again would be a reason for members of the regulatory body to be removed.

The purpose of this amendment Bill, Madam Speaker, was simply to deal with certain amendments that we on this side thought were very important and very necessary to allow for the proper functioning of the procurement Act, which we had submitted to the then Government during the previous deliberations on the Act, and which the Government at the time had chosen not to accept, but we thought it was important. For example, we think it is absolutely important that the report coming from the regulator, which is in section 24 of the parent Act, which states that:

“The Regulator shall submit his reports annually to the Speaker of the House of Representatives, the President of the Senate, and the Minister.”

We thought we should make it crystal clear that these reports should be referred forthwith to the Public Accounts Committee, a suggestion that the previous Government had chosen not to agree with, so that the democratic process can ensue, and the Public Accounts Committee by way of the Constitution is chaired by a Member of the Opposition in this House. So we felt if we made it crystal clear that the reports of the regulator of procurement that are laid in the House are referred forthwith to the Public Accounts Committee, then the democratic process could only be enriched, because it would mean that the Opposition would be able to examine the reports of the procurement regulator.

We did not understand why, when we made these suggestions when we were in Opposition, that the Government rejected them out of hand.

In clause 5 of the amendment Bill we dealt with a tidying-up matter where if the regulator had suspended procurement proceedings and then had made a decision with respect to what it intended to do with a procurement matter, that the suspension should be lifted immediately. We felt it should not be discretionary. So that a tender process may have been suspended by the regulator and could be left in limbo unless we made it crystal clear that as soon as the regulator makes his decision, the suspension of the procurement proceedings would be lifted. So, that was clause 5 of the amendment Bill, and, again, we could not understand why a simple provision like that, designed to remove ambiguity, could have created so much confusion on the other side when they were in Government.

Clause 6 of the amendment Bill, we thought to be fundamental, where we introduced the concept of a public procurement review board established to review decisions made by the procurement office. And this review board shall comprise a retired judge, who shall be the chairman; a registered engineer with at least 10 years' experience in matters relating to procurement; and a chartered accountant or quantity surveyor with at least 10 ten years' experience in matters relating to procurement. This clause in the Bill created some discomfort for the lone Opposition member who chose to attend the meetings—this would have been the Member for Caroni Central—created some discomfort. The hon. Member did not seem to see why this was necessary. But, for the benefit of the hon. Member and all Members, if one simply looks at the civil proceedings rules and you look at the overriding objective of the civil proceedings rules, 1998, of the Supreme Court of Trinidad and Tobago, one sees that the overriding objective of our rules of court is to avoid litigations, and to lead the parties towards a settlement—

**Dr. Khan:** You have an addendum or what?

**Hon. C. Imbert:** Yes, and I nearly finish my second one—so that they would not have to engage in a lot of costly, and time consuming, and acrimonious litigation. That is the overriding objective of the civil proceeding rules.

And more and more, Madam Speaker, I see judges in Trinidad and Tobago seeking to implement that overriding objective and sending matters for mediation, and sending matters for settlement, and asking parties to agree on a settlement outside of the court process, all in furtherance of avoiding expense and avoiding unnecessary and costly litigation. And this review board, Madam Speaker, is



intended to do precisely that. Because, it would be a non-adversarial setting, it would be a situation where you have three experts, as I said—one is a retired judge, one is an experienced engineer, and the other one is an experienced accountant or a quantity surveyor; and these members of the review board would be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition; and the function of this review board would be to review decisions made by the regulator.

Because, you see, Madam Speaker, this new procurement regime that we are all committed to—and I want to say we are all committed to; we on this side and Members on the other side—will have a profound effect on the implementation of the Development Programme of Trinidad and Tobago. Quite apart from weeding out corruption, improving transparency, introducing accountability, value for money, and all of these laudable objectives, which we are all committed to, it will also have a profound effect on the Capital Development Programme of Trinidad and Tobago, and the physical development of our country.

**3.30 p.m.**

So we thought that since the Procurement Regulator was being given such wide powers as he is being given in the Public Procurement and Disposal of Public Property (Amdt.) Act, that it was necessary if the Procurement Regulator made a decision to stop a tender process, suspend tenders, overturn contract awards and so on, which could have the effect of scuttling a large project—and you know if this was in place a couple of years ago and there was a proper regulator in place, I dare say a lot of projects would have been scuttled, I dare say, because they did not follow the established procurement rules. But the fact is that this regulator will have tremendous powers. He can decide yea, and he can decide nay. He can decide if a project goes ahead or a project stops. He can overturn contract awards done by state enterprises, Ministries and other procurement agencies.

So we felt that in this situation there would be a natural tendency for aggrieved persons to want to approach the court if they were not satisfied with the decision of the Procurement Regulator, and as a result we put an intermediate oversight mechanism in place to seek to settle matters before they got into the court process where they could be stuck for many, many years. And the whole point is that there is an initial review based on a complaint by an aggrieved party, when the regulator makes a decision with respect to an award of a contract or process. There is an initial complaint process where the aggrieved party can complain to the regulator, standard practice, and then the regulator would consider the complaint and the circumstances and make a decision.

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

So, we felt that a person already having complained to the regulator and not received satisfaction and then the review board comes in and the person has an opportunity again to make a complaint or an appeal, as you may call it, to the review board. Again, in a situation where the regulator had looked at an appeal and had said no, and then the review board had looked at the regulator's decision and again had upheld the decision and said they cannot support the appeal. That was two opportunities for an aggrieved party to have their complaint heard. We felt that this would minimize the number of matters that would find their way into the court because the person has already been dealt with twice, dealt with by the Procurement Regulator and dealt with by the review board.

So it would filter out all of the frivolous matters in the system and only the genuine grievances would go to the court. And, Madam Speaker, this practice is used in several countries in the world and it recognizes that the overriding objective of the judicial system is to try to avoid matters going to litigation and try to avoid expense and delay.

Madam Speaker, let me just put this all into context now and people need to understand this. The law as it now stands does not allow courts to review the procurement decisions of state enterprises and other similar bodies unless the aggrieved person can show gross irrationality or fraud. So at this point in time, if someone is aggrieved by a decision of a state enterprise like NIPDEC, or NIDCO, or UDeCOTT, and that person wants to invite the court to review its decision-making with respect to a tender and an award of contract, the court will not intervene in the process unless there are what is called sufficient public law elements in the process. It will not intervene unless fraud is the cause of action. And this has been tested in many jurisdictions. It has been tested in Trinidad and Tobago, famous cases.

You have, *NH International (Caribbean) Limited vs UDeCOTT and Hafeez Karamath Limited*. [Crosstalk] No, it is a famous case and it established the law. It is interesting that arising from that case where *NH International (Caribbean) Limited* felt aggrieved over the award of a contract by UDeCOTT, with respect to a particular government project, it is interesting the law was tested both in the High Court and in the Court of Appeal and in both instances, both the High Court and Court of Appeal, the court determined that there were insufficient public law elements, that UDeCOTT was a state enterprise and was entitled to act commercially and that the court was not entitled to put itself in the shoes of the decision-makers at UDeCOTT in that particular instance and not entitled to second guess the decisions of the evaluation committee unless fraud could have been

established. And that is the law of Trinidad and Tobago as it now stand. It is a Court of Appeal decision. I think the judges were Kangaloo, Warner and Sharma.

So flowing from that decision, believe it or not, Madam Speaker, came a big push from the construction industry for us to change our procurement regime. And that is in fact, for those who do not know it, that case and that decision, in that case, that state enterprises are not amenable to judicial review with respect to procurement matters unless fraud can be shown or gross irrationality, irregularities and so on, that is what led to the initiative by the construction sector, by the JCC and all these bodies, for a change in the law. That was the catalyst; that was the impetuous for the whole thing, because that was the law as it stood.

I remember another case, the case of the overpass, the Uriah Butler Overpass and Justice Mark Mohammed. That case took six years and that was a situation where the state enterprise, it might be the same UDeCOTT, yeah, it might have been the same UDeCOTT, had awarded a contract with respect to the construction of the overpass at the interception of the Uriah Butler and Churchill Roosevelt Highways and an aggrieved party took UDeCOTT to court and Justice Mark Mohammed, the decision—it took a long time, it took six years and he relied upon—[*Crosstalk*—no, no, that was under your time, that was UNC, that was John Humphrey, the famous John Humphrey. And one of the aggrieved parties, I believe it was Spancrete Caribbean Limited, took UDeCOTT to court because they felt aggrieved and felt they should have received a contract for that overpass, but they did not get it and Justice Mark Mohammed eventually relied on Canadian law. It is interesting because throughout the Commonwealth, throughout common law jurisdictions that derive there, a legal system from English law, whether it is Canada or whether it is Australia, or New Zealand, whether it is England itself, the law is consistent throughout the Commonwealth, and Justice Mark Mohammed as he was then, made a similar decision that the procurement decisions of state enterprises are not amenable to the judicial review unless there is fraud or gross irregularity.

So this has led us to where we are today, and we all have to understand what we are doing, because by the Public Procurement and Disposal of Public Property Act, the past Public Procurement and Disposal of Public Property Act and now these amendments, we are now for the first time, and I want to repeat, for the first time introducing public law elements into the procurement system in Trinidad and Tobago, by establishing a system where tender rules will be made by a procurement regulator and published and enter into the laws of Trinidad and Tobago. Whether by way of subsidiary legislation or not, we are now entering

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

into the realm of public law and when this is all said and done and the office of the Procurement Regulator is established and staffed, and equipped, and the regulator publishes tender rules now for use in Trinidad and Tobago, for the first time aggrieved contractors and suppliers of goods and services will be able to ask the court to review the procurement decisions of state enterprises and statutory authorities. For the first time, because prior to that there were insufficient public law elements within our procurement system in state enterprises.

So we all have to understand what we are doing. Now, for the first time the High Court and the Court of Appeal can look into the tenders and the awards made by state enterprises, and this is why we have to be extremely careful. This is another reason why we felt that before people go to court we needed to weed out the frivolous cases and leave only the genuine grievances to go to court and this is one of the reasons why we felt it absolutely necessary, as other countries have, to introduce a review board.

In addition, Madam Speaker, so let us go back now to the report and let us go back and look at and see what we are doing. So we are creating this review board, again I said a judge, experienced engineer, experienced quantity surveyor and so on. And the same conditions will apply to the removal of member of the review board as it would apply to the regulator, with a few minor changes.

And:

“A procuring entity or any other person who is entitled to be given an opportunity to make representations...may request the Review Board to review the order or decision of the Office...”

This will be the procurement office.

—that it has made under the Act.

“51G. (2) A request for a review shall be made within twenty-one days of the making of the order”—by the Procurement Regulator.

And we are not limiting the person’s right if they feel aggrieved after the whole convoluted process, I will not call it convoluted, this whole detailed process to go to court. But the fact is, an aggrieved person, a person who is aggrieved at a decision by the Procurement Regulator with respect to a contract, must make his complaint within 21 days. So that is something again we are borrowing from the English system where you have a system of adjudication which we do not have in Trinidad and Tobago. There is an Adjudication Act in England and there are a whole list of adjudicators and they perform the function of the review board that we have here.

So they are very highly qualified people, whether they are lawyers or construction industry professionals and they are given a very short time frame, the same 21 days, to adjudicate on a dispute coming out of a procurement process within the British system. But that is a very regulated and a very regimented regime and we are a long, long—far, far, away from that. We do not have the number of personnel in Trinidad and Tobago that are specialized in procurement law and so on to have a list of adjudicators but it is something we need to consider as a country in the future because it deals specifically with construction and the decisions of the adjudicators in England are binding until overturned by a court. So it gives the industry a chance to breathe. You go and make a complaint, an adjudicator comes in, within 21 days he makes a decision and that decision stands until or unless overturned by a court.

So in this particular case we are saying an aggrieved person must make their complaint, request for a review within 21 days of the decision of the Procurement Regulator and then we give the review board the power to dismiss a request for a review if it is of the opinion the request is frivolous or vexatious. Again, Madam Speaker, this is borrowing from an amendment that we made to the Integrity in Public Life Act back in 2010, and I think you would know something about this, that prior to that the Integrity Commission had no choice but to deal with complaints before it. It did not have the option to dismiss complaints if they felt they were frivolous or vexatious. They had to go through the whole process of an enquiry and an investigation, and that was counterproductive and just made no sense.

So again in this case, borrowing from that experience, the review board may dismiss a request if it believes it is frivolous or vexatious. It is then required, when they are dealing with substantive complaints, to conduct a review within 21 days of receiving the complaint. The parties to the review or complaint shall be the person who requests the review, the relevant procuring entity—that will be a state enterprise or some such thing—and other person who has an interest in the matter. And the review board shall complete its review within twenty-eight days of receiving the request for the review.

So, Madam Speaker, in this particular case the review board is tightly constrained. The person who is aggrieved must make their complaint within three weeks and the review board must complete its work and make a decision within four weeks. And the review board can confirm, vary, or overturn the decision of the procurement office and order the payment of cost and so on, and a party that does not like what the review board did can appeal that decision to the High Court within 28 days of making the decision.

Finally, Madam Speaker, a very, very, important part, in the previous Act for reasons best known to the previous Government they left out state lands. Totally out, the disposal of state lands. We do not know why, we suspect why, but we do not know why, so that the disposal of valuable state lands was left out of the procurement system and we will have none of that. So we have put it back in. And I think any fair minded person, [*Desk thumping*] any fair-minded person will agree that there must be scrutiny of the disposal of state lands. You cannot have a situation where we are bringing in a sophisticated new procurement system to look at tenders for goods and services, and box drains, and leave out something like the disposal or the lease of Invaders Bay, for example, which I am told is worth a billion dollars, can no longer count in such a situation.

So the Procurement Regulator will have authority to look at situations such as the attempted lease of the lands at Invaders Bay. So the new clause would be:

“Notwithstanding the State Lands Act and any other written law to the contrary...”—the Minister may make regulation in respect of—“the disposal of—

State Lands;

real property owned by the Government;

real property owned by State-controlled enterprises; and

real property owned by a statutory body, responsibility for which is assigned to a Minister of Government...”—Madam Speaker.

So this bring us in.

And you see, Madam Speaker, there is tremendous confusion and lack of knowledge in this particular area and the Invaders Bay matter is a particular point, because when I saw what was going on with Invaders Bay and I saw the then Minister of Trade going hell-bent on proceeding to dispose of these valuable lands, a billion dollars’ worth of property belonging to the people of this country, in clear breach, in my opinion, of the Central Tenders Board Act, which does not allow that to take place, I knew this thing was going to lead to trouble and it did, it ended up in court and the court has ruled that this was a breach and has ordered—and in fact, we now have to deal with this.

We now have to deal with the order of the court that we have to disclose—the court ordered the Minister at that time to disclose the legal advice he had received on the matter. He did not disclose it and we now, it falls to us the PNM Government to deal with that, whether to continue the appeal or whether to

withdraw, we are not sure at this point what we are going to do. But all of that came out of tremendous ignorance, I have to say, not in a bad way, I am using the English meaning of the word, ignorance of the law and the processes of the law. Once the Central Tenders Board Act makes it clear that the Government, when it is acting in a manner to enter into contractual arrangement with a third party, that the Central Tenders Board must get involved unless you utilize section 20 of the CTB Act and utilize a state enterprise such as NIPDEC or UDeCOTT as the case may be. There was tremendous misunderstanding of this whole thing and a clear misunderstanding, as I saw it with my own eyes, of the previous administration. I think they do not even understand what happened yet. I recall there was also an attempt to tender for a railway system. I remember seeing an ad in the papers where there was an attempt to tender for a railway system without going through the Central Tenders Board and without going through a state enterprise under section 20A(1)(a) of the CTB Act.

And there is a lot of misunderstanding and confusion about the powers of a government and what a government can do and what a government cannot do and I am now hearing, this problem also arose with the Judicial Complexes, with a complete misunderstanding on the part of the former Minister of Justice of his authority and his powers and so on. But this new system will get rid of all of that ambiguity, one would hope. So it will now be apparent that procurement entities, whether it is the Ministry of Works as the case may be, whether it is UDeCOTT, whether it is the Tourism Development Company, or whatever, Ministry of Health, that they will now have to follow proper procurement procedures, follow the law to the letter otherwise they will find themselves in the hands of the High Court. And let me now—how much more time do I have? Ten minutes, no problem. That is enough time. So my time goes straight through. Okay, no problem.

Madam Speaker, I think it is time for me to give an example of the mistakes made in the past. And I will deem it as a mistake. Other people may not view what am I about to read as a mistake, but I will deem it as a mistake and I will put it down to ignorance on the part of the persons who did this as the persons who tried to divest the country of Invaders Bay and so on, just did not know what they were doing.

Madam Speaker, I received a report just recently, the Ministry of Finance Investments Division, Central Audit Committee:

Report of the Central Audit Committee on the audit into the operations of the National Health Card Programme, Ministry of Health's National Health Card Programme.

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

And, Madam Speaker, when one reads this, as I said, you are going to see a series of errors made by the former administration.

The National Health Card was awarded to a company by the name of INFOTEC. And when I read this report and these are not my words, Madam Speaker, I am reading what the Central Audit Committee has told me. And the Central Audit Committee has said that:

Following the decision of Cabinet to award a contract to the National Insurance Property Development Company for a system upgrade of the current CDAP IT Solution, the Ministry of Health...

—and I am reading, section 10:31 of the report:

...reference was also made to the Ministry of Health statement with respect to Cabinet's decision of the award to NIPDEC and stated at the meeting the Ministry of Health instructed NIPDEC to engage INFOTEC Caribbean Limited despite the many challenges highlighted at the meeting. Approval was also sort to engage INFOTEC on a sole selective basis.

It goes on to say that:

The Ministry argued that the reason why INFOTEC should be given the contract on a sole selective basis...

—and this is a \$40 million contact—

...that it is reasonable that an upgrade to the current CDAP solution is required to facilitate the above-mentioned Cabinet mandate. Based on the foregoing, the Ministry request that NIPDEC indicate whether the current application is a B-Spoke Solution. If it is a B-Spoke Solution it is reasonable to assume the provider will be best placed to provide an upgrade of that solution.

So there was already a CDAP system in place that INFOTEC was managing and the Ministry of Health told NIPDEC that because this was an upgrade of the system it was appropriate to award the new system to INFOTEC on a sole selective basis.

Madam Speaker, in accordance with this, the NIPDEC proceeded to invite a proposal from INFOTEC despite the fact that the Central Audit Committee says now, that:

It was irrelevant whether the existing IT application system was B-Spoke as the new system was to be designed separately and apart from that system and to replace it. The old system was not to be upgraded with the new system. The



new system has no interface with the old system. The new registration pharmacy and reporting applications were all to be custom-built and tailored to the needs of the client.

So what Central Audit is telling us is that the Ministry of Health's decision, that because there was a CDAP IT system in place being run by INFOTEC, this \$40 million contract was just an upgrade, so give it to them. And what Central Audit is saying is that this was not an upgrade, it was a completely new system.

Thus...

Central Audit Committee concluded:

...the goods did not form part of a system already in use, nor were they replacement parts of a system already in use, as it related to the provision of a completely new IT requirement.

So despite that, the Ministry instructed NIPDEC to go ahead and give this contract to INFOTEC and here we have now what are the results. A sole select tendering method was utilized by NIPDEC, as I said, on the instructions from the Ministry of Health. The Tender Committee met in March 2014, evaluated the tender and deemed it to be non-responsive; deemed it to be non-responsive because there was a mistake between words and figures. We could say that that was a small error. It also said INFOTEC proposed a joint venture consortium between itself and Resonance Trinidad Limited, but no formal documents were presented to indicate that this was so.

So the NIPDEC Tenders Committee rejected the sole tender from INFOTEC on the grounds that it was not responsive to the request for proposals and it was not compliant. You know what happened after that? They were instructed to do it again and they were instructed to do it again by sole selective. Do it the same way and do it again. And what is very, very, curious about all of this, Madam Speaker, that the Central Audit Committee found it astonishing that INFOTEC in its second submission was able to correct every single discrepancy in its first submission as if it had in its possession the Tender Evaluation Report from NIPDEC. These are the actual words of the Central Audit Committee.

**Dr. Rowley:** How much is the contract?

**Hon. C. Imbert:** Forty million dollars. And the Central Audit Committee has concluded that there was no valid basis to reclassify the proponent from non-responsive to responsive because that is what they were told to do. Reclassify the

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

tender from non-responsive to responsive. And the Central Audit Committee goes on to say:

INFOTEC was given an unfair advantage to submit another proposal for the same service after having been validly deemed to be non-responsive upon opening of the first proposal. This was inconsistent with NIPDEC tender rules and regulations and the request for proposals and a similar opportunity was not afforded to other proposals during NIPDEC's initial open tender for the provision of information technology solution under the old CDAP system.

And they go on and on and on. I would need about an hour to go into this.

But the bottom line is, Madam Speaker, that the Ministry of Health ordered NIPDEC to award a contract to INFOTEC by sole selective award, in complete breach of NIPDEC's tender rules for \$40 million. The proposal was found to be non-compliant and non-responsive and they said, do it again. And what Central Audit Committee finds so mysterious is that how come when INFOTEC did it again they were able to as if they were—point by point, and this is not my words, point by point and Central Audit Committee actually says they have no idea how INFOTEC was able to do that but it is obvious that they had access to the internal workings at NIPDEC.

And the point I am making in all of this is, this is the kind of travesty that we want to put an end to because a court cannot interfere into that unless you were able to determine fraud. But now under the new procurement rules a court could deal with that, a regulator could deal with that, a review board could deal with that. And I have just given one example, Madam Speaker, \$40 million given to a company sole selective that did not have the resources, that did not have the capability, that did not have the capacity. They were instructed by the Ministry of Health to give the sole selective award to this company and NIPDEC's own committee said this proposal is non-responsive and non-compliant and they were told do it again. I beg to move, Madam Speaker.

*Question proposed.*

**4.00 p.m.**

**Dr. Bhoendradatt Tewarie** (*Caroni Central*): Thank you very much, Madam Speaker. This is a good opportunity to speak to the amendments brought by the Minister of Finance through the Joint Select Committee Report that has been laid here and which we are debating today. There are some issues which the Minister

of Finance raised which I will address because not everything that he said was accurate. But before I do that, I want to address the issue that he spent a fair amount of time on with regard to the amendments and that has to do with the review tribunal.

This report is a report of the Joint Select Committee on procurement and the amendments that we have are really amendments to the parent Bill and, as the Minister indicated, I sat as a member of that committee and I participated in it, in the work of the committee, and on the basis of a committee working and functioning together, we were able to make certain modifications which came as part of the report. But the one matter on which the Minister of Finance insisted was the review tribunal, and this is a matter on which I have consistently taken a different position beginning with the presentation of what became Act No. 1 of 2015, which is the parent Act to these amendments.

Madam Speaker, I wish to read into the record of this House what I said about the proposed amendments having to do with the review tribunal because I think it is important, because I made the case in the committee and it was not seriously taken into account. It is not fair to say that what the review tribunal proposed will prevent matters from going to court because ultimately anyone who is aggrieved in a situation will have the opportunity to go to court, so it is not going to prevent the court option from being exercised by any aggrieved party. That is the first thing.

The other issue is that these matters having to do with review are done in addition to what is included in the parent legislation, the procurement legislation, which we brought to both Houses and passed. [*Desk thumping*] And more than that, the review tribunal raised serious issues that have to do with the extent to which such a parallel institution is going to interfere with the conduct of the work of the Procurement Regulator and the authority that he is given under the parent legislation. I also wish to say that the reference that the Minister made to the process by which contract disputes are resolved in England have to do with contracts after they are awarded and they have to do with moneys being disbursed, and they have to do with dispute resolution as to the elements of contract execution. They do not have to do with the procurement process.

The second issue is that the Minister did not mention at all that when he argued his case in the committee, he argued his case in the committee on the basis

*JSC Report*  
[DR. TEWARIE]

*Friday, May 20, 2016*

of legislation from Kenya and therefore, I wish to address that issue by reading into the record what I wrote to him through the Secretary of the committee on this particular matter. The proposed amendment is:

“Clause 6 of An Act to amend the Public Procurement and Disposal of Public Property Act 2015, and it calls for the establishment of a...Procurement Review Board ‘to review decisions made by the Office’ of the Procurement Regulator. This Board is to be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition...”

And therefore, this board is appointed in the same manner as the Procurement Regulator and the other regulators holding office under the parent law itself. This group of adjudicators, on the review board as, in fact, proposed—it is proposed that they be appointed in the very same way.

“It is my view that given the intention of the parent legislation and the structure of relationships in the parent legislation, there is absolutely no need for a Review Board. Establishment of a Review Board will create a parallel institution...”—it will—“undermine the function of the Procurement Regulator...”—it will—“add another unnecessary layer of bureaucracy and yet leave the Court as the final arbiter in case of continued dissatisfaction on the part of the person or entity asking for the review.

In the argument in support of this conclusion outlined below reference is made to “The Public Procurement Administrative Review Board Draft Procedure Manual” which outlines the role and function of the Administrative Review Board in Kenya and which was circulated by the Chairman to support the proposed amendment for a Review Board.”

This is the letter which I wrote to him because of the matters which came before the committee and this is how I examined the issue:

“A Review Board for the purpose of adjudication in instances of dispute or challenge to a decision or process of arriving at a decision on procurement seems reasonable on the face of it, but may only rationally be deemed reasonable when framework and context are examined.

Given that one of the arguments for establishment of a Review Board put forward so far is that a Review Board will nullify the need for costly and lengthy judicial processes which...”

The Minister raised here again.

“can have the effect of bringing urgent and necessary Government projects to a halt...”

An argument which he made again here.

“...I take this opportunity to point out that the example of the Kenyan model makes it abundantly clear that whatever the decision of the Review Board, any party involved in a dispute still has the clear option of pursuing the matter of the Review Board decision in Court. The challenger therefore is not bound by the Review Board process.

In the Draft Procedure Manual circulated it makes it clear on...”—page so and so that under the—“Right to Review” that

‘...the right to request a review is in addition to any legal remedy a person may have’”

So the person always has the legal remedy and therefore it does not in any way prevent or avoid litigation.

“It is important to note that the review process already exist in the 2015 legislation...”

And I will refer to that.

“and offers any aggrieved party exactly the same options.”

So the question is why have a second layer of bureaucracy?

“The process is outlined in part V Challenged Proceedings, clauses 49, 50, 51 and 52, pages 36 to 41 of Act No. 1 of 2015. Moreover, subject to section 52...all Challenge Proceedings hearings will take place in public”—under the parent law. “The transparency and public scrutiny of the process are therefore assured and good, fair determinations are unlikely to reach the Court. An unfair or bad determination would probably inevitably lead to public censure even before it reaches the Court.

In the parent legislation, Madam Speaker, when the challenger or the aggrieved party brings his matter, the Procurement Regulator sets into motion a tribunal very much as the one being proposed here. This difference, though, is that the entire process is managed by the procurement regulator. It is a transparent and open process and it is also open to public. [*Desk thumping*]

One of the intentions of the procurement Bill, in 2015, was, in fact, to have transparency, accountability and value for money as predominant concerns in the procurement legislation. And by bringing these matters into the public glare, it means that the press, the media will be able to attend. It will be very difficult for a bad decision to be taken in such a circumstance and if it did, the member who is aggrieved, the person who is aggrieved still has the option of going to court. So I find it very difficult to understand why we wish to have a second layer and I will talk about that a little bit.

So I asked the question in the letter to the Minister, through the Secretary:

“What is the point of adding another layer of bureaucracy by creating another institution appointed by the President in consultation with Prime Minister and Leader of the Opposition which may well end up being a parallel institution with equivalent status, when the substantive matter of Review is already addressed by the 2015 parent legislation?”

In the 2015 legislation, the power of the Procurement Regulator was strengthened. So too, is the autonomy of the Procurement Regulatory agency. The public hearings with regard to disputes guarantees any genuinely aggrieved party an absolutely transparent and open process. There is no need to create another agency.” [*Desk thumping*]

“Another stated objective...”

—of the Minister, he stated it here, 28 days. He talked about it a couple of times.

“...of the Review Board in Kenya is to determine disputes faster and more efficiently and therefore deliver justice quickly.”

That is one of the intention of the Kenyan legislation from which he has drawn his parallel and when you look at it carefully though, under that system, we find that it actually takes a phenomenally longer time than it takes under our procurement legislation here in Trinidad and Tobago.

“In the 2015 Trinidad and Tobago law, all required actions deriving from a complaint take place within 7 days of receipt of a complaint and the entire matter is resolved ‘within twenty working days after receipt of the application’. This is inclusive of the seven days. Twenty days is less than half the time that the Kenyan review process...take.

It is important to note that the Kenyan legislative framework for procurement is rather cumbersome. In Kenya there is the Public Procurement and Disposal

Act 2005...”—they have—“the Regulations of 2006. Beyond this there is the Public Procurement Oversight Authority, the Public Procurement Oversight Advisory Board and the Public Procurement Administrative Review Board which is the Review Board. All of these...”—in the Kenyan law are—“accountable to the Minister.

In Trinidad and Tobago, the 2015 legislation, the Procurement Regulatory Agency is meant to function as ONE oversight, compliance and appeals institution accountable to Parliament.”

That is a big, big difference. [*Desk thumping*]

“The legislation is much tighter compared to what obtains in Kenya, the bureaucracy is more streamlined and the entire process much cleaner and more efficient.

It is to be noted that in the preparation of 2015 legislation the matters of Advisory Committee and a Review Tribunal were both considered.”

So these issues were considered in preparation of the legislation.

“The Advisory Committee was rejected early on; and a Review Tribunal was included in an early draft...”

In fact, this was a draft to which the private sector, joint consultative council elements objected. They said that that version of the legislation—one person said that that version of the legislation should have been burnt, and we then sat down with them and went through the entire process and they agreed on the legislation that we had, that we ended up with and passed into law by consensus. [*Desk thumping*]

And when we were doing the legislation in the Parliament, those private sector groups, in fact, wanted the legislation passed as is. They did not support the amendments of the Opposition at the time, which included this review board. So if they have had a change of mind and a change of heart, first of all, it is something that they are entitled to have, but I want to say that it is certainly not what prompted the Minister to bring the amendment to the House. It was an amendment that he brought to the House on the last occasion when the parent Bill was debated. It had nothing to do with prompting by the private sector.

“Now, under the 2015 Act in keeping with a decentralized approach, every public body carries out its own procurement in keeping with the objects of the Act...”

*JSC Report*  
[DR. TEWARIE]

*Friday, May 20, 2016*

Secondly, the 2015 Act, covers all public bodies, public-private partnerships...”

And every single transaction that is involving Government which involves public money. It is also not true to say that public property is not involved and I will explain from the Act how that, in fact, is involved. And basically, the parent legislation covers all the issues related to aggrieved parties, raising objections to anything that might have gone wrong in a procurement process. I want to say that this review tribunal really undermines the authority and autonomy of the procurement.

You see under the procurement legislation, what you have is—the Procurement Regulator does not give out contracts. The Procurement Regulator does not manage a procurement process for a particular project. That is not what the Procurement Regulator and the board does. That is done by the Ministries, it is done by the public entities, it is done for any transaction involving public money; it is done by any state or state-related institution involving public money. They do their transactions and when they complete the process, they forward this to the Procurement Regulator and that is where the scrutiny process takes place. So the Procurement Regulator is not a procurement determinant in the process. The Procurement Regulator is above the process and is an adjudicator together with his board or her board of the entire process of national procurement of any, every entity in the country.

And when the Minister was a Member of Parliament in the last round, that is to say, in the Opposition, one of the two arguments that he made having to do with objections to the Bill and wanting to write amendments—in fact, three arguments that he made. The three arguments that he made were as follows: that the regulator had too much power. The Procurement Regulator had too much power. A review tribunal was necessary to curtail that power. And thirdly, the issue of the disposal of land which he claimed was left out but which I will indicate was not, in fact, left out at all. So that this review tribunal is really meant to curb the authority and power of the procurement regulator and I want to explain a practical reason why I am objecting to the review tribunal. Since the Minister of Finance—[*Interruption*]

**Dr. Rambachan:** He is not listening to you. [*Interruption*]

**Madam Speaker:** Hon. Members, I would really like to hear the contribution from the Member for Caroni Central. Please continue, Member.

**Dr. B. Tewarie:** Yes. The Minister of Finance—



**Dr. Gopeesingh:** When he was in Opposition.

**Dr. B. Tewarie:** No, at that time he made the points that basically the Procurement Regulator has too much power, we needed to curb this, this was a thing. But let me give you a practical example of why I am objecting to this review tribunal. Something happens in a company or in a Ministry having to do with a project and someone becomes aggrieved. They bring an objection before the Procurement Regulator who is separate and apart and distinct and above all of this. The Procurement Regulator then initiates the process by which the matter is addressed and a decision is made on the basis of that basis, on the basis of that complaint in the public glare open to the press in which all the parties participate and in which any member of the public can be present. These things can also, if it came to that, be part of a televised process in which the entire nation is involved in hearing. [*Desk thumping*]

And that decision is made, but somebody in a government is not happy with the decision because the person who claims to be aggrieved or the person who got the contract or whoever—it could be the person complaining or it could be somebody else, indicates that they are not happy with the process. That matter can then be referred to this second process, this second layer of adjudication and based on the proposal made by the Minister of Finance, there is a significantly larger control of that process by the Minister of Finance in terms of regulations, in terms of the determination of the structure and organization of the office.

And what the Minister of Finance is actually going to be setting up here with the regulations is a procurement court separate and apart from the procurement Bill that we have passed in this House and it is now going to be brought into this legislation as a second element. My own feeling is that it is absolutely unnecessary, it is going to complicate the process and he himself used the word convoluted and retracted it in his presentation, and it is going to create a nightmare for procurement in this process.

The other thing I want to say and I heard the Minister say it and it is part of the Minutes here. He said on the basis of representations made during the committee process, he is going to bring other amendments to this legislation before this House. I want to say that when this—it is minuted here and he said it today, the committee agreed to recommend in its report to the Parliament—I was not present at that meeting by the way—that another amendment Bill be drafted to capture its recommended amendments which fell outside of the mandate of the committee. [*Interruption*]

**Mr. Imbert:** “Doh come to the meeting buh yuh want to complain.”

**Dr. B. Tewarie:** I was not at the meeting. I wrote a formal letter to the Minister as Chairman indicating why I could not attend. It was for very extenuating circumstances, he refused to respond. He did it on purpose because he knew the private sector was coming. [*Desk thumping*] I meet all my responsibilities and obligations whatever they are. [*Continuous interruption*]

**Madam Speaker:** Order.

**Dr. B. Tewarie:** Anyway, what I am saying is that when we brought this legislation to Parliament, this Government, then in Opposition, did everything possible to prolong the process and to undermine the process. [*Desk thumping*]

**Madam Speaker:** Hon. Member for Caroni Central, your initial 30 minutes have expired, you are entitled to 15 further minutes. I suggest we take the suspension now and you can continue then. This House now stands suspended for 30 minutes.

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

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

[MR. DEPUTY SPEAKER *in the Chair*]

**Mr. Deputy Speaker:** Hon. Members, we would like to resume the sitting and hon. Member for Caroni Central you had completed 30 minutes of your discourse. You requested the additional 15? Kindly proceed.

**Dr. B. Tewarie:** Thank you very much, Mr. Deputy Speaker. I was saying that there is really no need for this amendment to the Bill and I want to close that argument by saying that one of the provisions of the parent Act is that the regulator must be allowed to regulate. So the 2015 legislation gives the board power to regulate its own proceedings and it says, in part, that the board may appoint such committees as it considers necessary. It says that a committee may enquire into and advise the board on any matter within the scope of the board's functions. The committee can exercise such powers of the board as the board delegates to it in writing and perform such other duties as the board assigns to it.

So here we begin to see that the board may appoint a review tribunal if it considers it appropriate or it may use a conflict resolution or mediation approach. The terms of reference within which such a committee will operate will be put in writing according to the legislation. The Procurement Regulator has the power and the option.

When we broke for the tea break, I was saying that the big issue here is whether you are going to water down the powers of the Procurement Regulator and give parallel powers to a new institution over which the Procurement Regulator really has no control and really is an institution which has been created, in my view, to undermine the powers of the Procurement Regulator, and I gave a practical example of what is possible, without trying to go into naming or mentioning any specific instance.

But what I want to say is that from the very beginning, this Government, when in Opposition, gave us a very hard time in the Joint Select Committee to get this Bill to the point where it could come to the House and at one point they basically sabotaged it.

We had the situation in which not only was that done, but had a situation in which the Bill came to Parliament. We had a consensus in the House, that is to say in the Senate, the other place, and the entire Senate voted for it and yet when we went to the House of Representatives, these new amendments were brought and the Opposition did not vote for it. And now that Act No. 1 of 2015 is in fact law, you have a situation which the Government, now that the Bill is law, is finding a means to subvert the intent of the legislation.

I want to say that this is the problem we have with this particular amendment to the Bill. We do not have a problem with the other amendments, as such.

**Mr. Deputy Speaker:** Hon. Member, would you care to give way?

**Mr. Hinds:** I thank you very kindly, Mr. Deputy Speaker. I rise on Standing Order 48(6), belatedly, in that the Member is on record now as saying that the Government, when in Opposition, sabotaged a Bill in a Joint Select Committee. That is quite very much imputing an improper motive.

**Dr. B. Tewarie:** Sit down!

**Mr. Deputy Speaker:** Kindly proceed, hon. Member.

**Dr. B. Tewarie:** Thank you. Anyway, and basically Sir—I mean, there have been so many interruptions in this contribution, I tell you—we have no problem with supporting some of the other measures. But I want to raise some pertinent issues. One of them is on the land matter. I want to say that this Bill in fact does deal with land. It deals with it, in terms of public property, initially, and then later on in the particular Bill, that is to say the parent Act, it addresses the issue of disposal.

The reason why it became an issue in the last debate, that is to say in the Parliament before the advent of this Government, was because the matter was being raised under the disposal of property section of the particular Bill. But if you look in the parent Act, Mr. Deputy Speaker, in section 13, you will see in:

“(i) harmonize policies, systems and practices in relation to public procurement activities and disposal of public property;”

—and then, in—

“(o) act for, in the name and on behalf of the State to dispose of real property owned by the Government in such a manner as the Government may consider appropriate...”

So that we might have a problem in the fact that what is happening now, despite the Minerals Act and despite the fact that you have a Commissioner of Lands, that the Minister of Finance now, notwithstanding these things, makes regulations now for the disposal of lands. And again this would be an encroachment on what the Procurement Regulator is supposed to do.

But as I close my contribution, I want to raise some important issues not having to do with the amendments. I have dealt with the amendments. We do not have any problem with—

The other thing I want to correct, we were never opposed to having matters, once they were brought by the regulator, go to the Public Accounts Committee. We were advised by the Chief Parliamentary Counsel at the time that when you put in the legislation that it comes to the President or the Speaker—and the reason we had to do that is because the Minister of Finance was not part of the equation, in relation to reportage of the Procurement Regulator, that it would automatically go to the Public Accounts Committee. But we will not fight that. We do not have a problem. But again, the Member was not basically saying what the facts were.

Now, some time ago, when a Bill was brought for borrowing, I brought an amendment to that particular Bill asking that no borrowing take place. *[Interruption]* Mr. Deputy Speaker, the Member for Laventille West is carrying on there and disturbing me.

**Mr. Deputy Speaker:** Members, please, everyone would like to hear the hon. Member for Caroni Central. So let us listen in, please.

**Dr. B. Tewarie:** So, I brought an amendment which said basically that no procurement should take place unless this Bill had in fact become law, and I want

to ask the question of the Minister of Finance: has any procurement taken place in Trinidad and Tobago since September 07<sup>th</sup>, and under which law those procurements have taken place? Secondly, I want to ask, has any procurement, if they have taken place, taken place with due process and under appropriate law in Trinidad and Tobago?

The second thing that I wish to ask is that, we heard announcements of the road to Toco and of the port in Toco, the road to Chaguaramas some time ago and the road to Manzanilla was just announced in the budget review. I want to ask: what is the procurement process that will be pursued, in relation to these matters?

The other question I wish to ask is, has the Government done anything to begin the implementation of Act No.1 of 2015? Or has that process been waiting on this amendment to the legislation? I want to say that our Government did do certain things. We established a committee. We made an arrangement with the UNDP that we were going to speed up the process. We proclaimed the law and we were putting those into operationalization mode and I want to know if anything has been done with regard to these things.

But also, Mr. Deputy Speaker, let it be known to the world that the People's Partnership brought genuine procurement reform to this country by passing good and effective law, with strong sanctions and clear procedures, and that is contained in Act No.1 of 2015.

Let it also be known that no other party in government, since Independence, ever brought procurement legislation to Parliament to be debated, much less to secure its passage and that is something for which the People's Partnership must be given credit. [*Desk thumping*] And we would not be bringing any amendments here today had that law not been passed without the support of the then Opposition. [*Desk thumping*]

Let it also be known that Act No. 1 of 2015, the first Bill to reform the procurement process in decades, went through an elaborate consultation and consensus-building process before passage.

Let it also be known that the procurement law in this country, made possible by the sheer individual will on my part as the person responsible [*Desk thumping*] for the managing of the JSC process and the consultation process in piloting the Bill, by the support and insistence of the then hon. Prime Minister at the time, Mrs. Kamla Persad-Bissessar, [*Desk thumping*] because of her national commitment that was publicly made, and because of the collective will of the

*JSC Report*  
[DR. TEWARIE]

*Friday, May 20, 2016*

members of the People's Partnership Government who were committed to enhancing good governance in the country.

Let it be known that this procurement law is good enlightened law, not only built on national consensus but endorsed by the UNDP, the European Union, the IDB and a host of other international agencies, including the World Bank, that they now are interested in.

I want to say that it was part of a suite of legislation, which also included a reform of the entire planning process, the Planning and Facilitation of Development Bill in this country and it was part of an entire process which had to do with good governance in this country.

Let it also be understood that it is important to put the law into effect and to allow it to work as it is intended. Comprehensive coverage is what the law is about by the procurement regulatory system—*[Interruption]*

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

**Dr. B. Tewarie:**—decentralized responsibility, effective scrutiny by a powerful office of procurement regulation, avoidance of political interference and effective parliamentary oversight. That is what the procurement law is about.

Let it be known that this law favours local industry, local content, local labour, and environmental friendly and sustainable development practices, while being committed to fair competition, transparency, accountability and value for money.

Let it finally be known that we had the courage to initiate the process, shepherd it through and in the end, to pass enlightened law in Trinidad and Tobago. *[Desk thumping]* And that we do not want this legislation watered down by the Minister of Finance and the PNM Government. Thank you very much. *[Desk thumping]*

**The Minister in the office of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Mr. Deputy Speaker. As I am sure the public of Trinidad and Tobago has assessed and realized by now, this Government is committed to returning Trinidad and Tobago back to stability, with good governance as one of its main pillars.

Mr. Deputy Speaker, through you and this House, the citizens of Trinidad and Tobago would have noticed that since this Government assumed office it has

driven a number of pieces of legislation and a number of initiatives aimed at facilitating the fight against crime and the fight against corruption. This Bill is but one example of what this Government has driven.

We have also put on the table the whistle-blowing legislation, the recently passed SSA (Amdt.) Act. We have also simplified the process for the Police Service Commission to appoint a permanent Commissioner of Police. Mr. Deputy Speaker, this week we have also hosted a very successful two-day international forum on campaign finance legislation. So this Government has demonstrated, in the few months that it is in office, that it is committed to bettering the lives of those in Trinidad and Tobago through a fight against corruption and crime.

In fact, the hon. Prime Minister recently returned from London where he attended the Anti-Corruption Summit at the personal invitation of the Prime Minister of the United Kingdom, Mr. David Cameron. And it was noteworthy that we were the only country represented from the Caribbean region and that the Prime Minister was singled out by world leaders as being a beacon of light in the fight against corruption at an international level and he was actually invited and asked, and he did, to contribute on a number occasions at a private breakfast meeting with world leaders and then on the wider floor of the summit. The world is looking on as this Government takes on the fight against corruption. It saddens me to note that we have been meeting with opposition from those on the other side, with some of these measures that we are putting in place to better the lives of those in Trinidad and Tobago.

What I would like to ask, through you, Mr. Deputy Speaker, and through this House, for the citizens of Trinidad and Tobago to do, is call upon those on the other side to answer the questions: why are they, in a destructive manner, opposing some of the amendments, pieces of legislation and measures being put in place to fight crime? For example, the appointment of a Commissioner of Police. All that has been done is a simplification of the exercise and we have had none other than the Member for Princes Town sending a pre-action protocol letter to challenge the process in court and then being too afraid to do it himself and they got a man of straw to challenge the process of the simplifying of a Commissioner of Police. The point being, Mr. Deputy Speaker, that this Government is pushing forward with its mandate to return Trinidad and Tobago to a sensible, stable twin island state through proper legislation. [*Desk thumping*]

If I may say, the Minister of Finance has piloted some very, very important amendments and necessary amendments to the Public Procurement and Disposal

*JSC Report*  
[HON. S. YOUNG]

*Friday, May 20, 2016*

of Property Act that first came into being in 2015. And it was the Member for Caroni Central who had actually driven the process in the Senate back in 2014 into 2015. But let us remind the country respectfully, Mr. Deputy Speaker, that it took them four, almost five years to bring the legislation to Parliament, and even when this Government, which was then in Opposition, supported the measures and the Attorney General and myself in the Senate sat through two straight days of debate, with respect to the then Bill that became legislation. The question that must be answered by those on the other side and the hon. Member for Caroni Central did not answer it, I was hoping he would: why did they not, even after it took them so long to bring the legislation to Parliament, why did they not proclaim the Act prior to the election of 2015?

**Dr. Tewarie:** The Act was partially proclaimed.

**Hon. S. Young:** Ah! He said the Act is partially proclaimed. Let me tell the country, Mr. Deputy Speaker, what the Member for Caroni Central actually proclaimed. The only pieces of the Act that they proclaimed were for the appointments of positions and, of course, they did not appoint the people to the positions. That is toothless. It is useless. Because the main body of the legislation that he has spoken about, how they are going to change the face of public procurement, how they were going to revolutionize the award of contracts, they did not do it, it is a matter of record. They did nothing with the Bill. [*Desk thumping*]

And if I am allowed now, Mr. Deputy Speaker, I will begin to tell the country some of the reasons why we believe they did not proclaim. Partial proclamation meant nothing. What you all proclaimed were the parts that you can appoint a regulator who can do nothing without the rest of the Act being proclaimed. So all of the good that the Act sets out to do, to revolutionize and the whole devolution of the process of procurement, did not come into being.

If you look at the definitions section of the parent legislation, Mr. Deputy Speaker, to me, respectfully, one of the most important points in the interpretation is bid-rigging. As it stood, the laws of Trinidad and Tobago do not have on its statutory books in framework legislation a crime associated with bid-rigging. This piece of legislation that had it in the definitions section was not proclaimed to give the full tooth and the full bite of the Act, this issue of bid-rigging.

Let me try to explain to the population of Trinidad and Tobago why we believe this Act was not fully proclaimed prior to September 7<sup>th</sup>. It has come to



our attention, and we have the documents in hand and we have been looking at it very closely and now the authorities, the law enforcement authorities of Trinidad and Tobago, are looking at these documents as well. Hundreds, hundreds of millions of dollars' worth of contracts were given by the former administration to a selected few, without any competitive public procurement process. We have breaches of existing tender rules. We have heard of one example from the hon. Minister of Finance this afternoon. It is replete with many more, Mr. Deputy Speaker.

In fact it is amazing what took place between September 1<sup>st</sup> and September 7<sup>th</sup>, 2015 in the number of awards of contracts, in the payments of mobilization fees up from the normal 10 per cent to 20 per cent and the disbursement—and I want the population of Trinidad and Tobago to pay note—the disbursement by the former administration of hundreds of millions of dollars in cash between the dates of September 1<sup>st</sup> and September 7<sup>th</sup>, 2015. If this legislation and the full amount of legislation were proclaimed, that may not have happened and if it did there would have been a simpler route to successful prosecution of those claims. So I call now on those on the other side, with the greatest of respect, Mr. Deputy Speaker, to explain to the population of Trinidad and Tobago why they did not want bid-rigging as a proclaimed crime prior to September 07, 2015.

What happened post-September 07, 2015, Mr. Deputy Speaker, is now a matter of record. The pieces of legislation that were immediately brought to Parliament by this Government, under the stewardship of the Attorney General and the Minister of Finance, with this particular one, showed the commitment of this Government in the fight against corruption and if we turn to the simple but effective and necessary amendments now being proposed, that can and should be supported, it tells the continuing tail of a very clear story by this Government.

And if we start with the proposals being put forward for the amendment to the Act, we see the first one being, and I found it very interesting, so it is foresight or maybe it is that the Minister of Finance has seen evidence so he is trying to ensure that wrongs that have taken place in the past do not reoccur. And the first one is the amendment proposed to section 12, where we are now making it a dismissible offence, if I may call it that, for the removal of a member of this board. The President may now remove a member from office upon being satisfied that the member has traded with the Government without the prior approval of the Minister.

There are a number of instances that we have found that have been passed to the law enforcement authorities now, of persons with direct conflicts of interest finding themselves in the procurement and award of contract chain where they are awarding contracts to their family companies. Is this one of the elements that the Minister of Finance was seeking to combat? We are highlighting it for the population going forward. They then have proposed an amendment to explain what we mean by a member trading with the Government. For the purposes of this section a member trades with the Government if, while holding office, he becomes a party to or is a partner in a firm or a director or manager of a company which, to his knowledge, becomes a party to any contract with the Government for or on behalf of the public service.

Mr. Deputy Speaker, in my many years of practising in the courts of Trinidad and Tobago and interpreting legislation, prior to being a part of this Government and being exposed to some of the stuff that has been unearthed, I would have wondered why would such a clause have been put forward as an amendment to this Bill. But no one who really has the best interest of Trinidad and Tobago would participate in this type of behaviour.

**Mr. Imbert:** It was put forward when they were in Government?

**Hon. S. Young:** Or, you put it forward before.

**Mr. Imbert:** Yes.

**Hon. S. Young:** And they rejected it. Well I can now tell you, with a great deal of confidence, why it was rejected. In state enterprises that those on the other side sat above, there are instances of persons who were in managing directors' positions having their family companies incorporated whilst they are in office, then using their office to ensure that contracts are awarded to their family firms. There was so much sloppiness by these individuals that some of them incorporated, having themselves as named directors and shareholders, awarded the contract and approved the contract for payment whilst they were still in their managing director post at the state enterprise, as well as on the company registry records as being part of—[*Interruption*]

**Mr. Al-Rawi:** Ask them if they would agree to retroactive.

**Hon. S. Young:** The Attorney General will propose to you all whether you would agree to retroactivity in making some of these offences criminal offences.

**5.30 p.m.**

The next amendment proposed, we turn to, Mr. Deputy Speaker, is how soon, and in what manner and fashion do we get the reports from this body presented to the President of the Senate and the Speaker of the House. And, of course, what we have proposed is an amendment at section 24(4), taking it even further that even after:

“The President of the Senate and the Speaker of the House of Representatives shall cause the report to be laid before the Senate and the House of Representatives, respectively, at the next sitting of the Senate and the House of Representatives after the receipt thereof, respectively”—that the report shall be referred forthwith to the Public Accounts Committee.

You would have heard within recent debates, Mr. Deputy Speaker, us proposing that the Parliament is meant to be the ultimate gatekeeper, and that the committees and subcommittees of Parliament, are where persons must come to account to the people of Trinidad and Tobago. This is mere continuation of our belief in the sanctity of Parliament, and that Parliament must be the one with the overall responsibility, of having persons answer for money expended by taxpayers. [*Desk thumping*]

I was disappointed to hear a lot of time being spent, and attack being spent, on the decision to have a public procurement review board. I listened, and I listened carefully and I heard the attacks on the Kenyan piece of legislation. I heard the suggestion that it is possible; that it may lead to further delays, rather than have quick resolutions. All of that seem to have been—those points seem to have been made without listening very carefully to what the Minister of Finance took his time to explain, is the current state of law in Trinidad and Tobago.

And without going over it in more detail, I respectfully agree with the Minister of Finance’s dissertation, that as the public law currently stands in Trinidad and Tobago, it is very difficult to challenge a public procurement process—if you believe something has gone awry, has gone astray, it has not been a proper and above board process—via judicial review, and any other attempt to bring challenge in the courts. By having this whole procurement review board process, what it does is, it allows persons who feel they have been disenchanted; who feel the process has been unfair; who feel that there has been corruption in the process, to bring it frontally and to the floor of a body set up specifically to deal with those instances.

How could Trinidad and Tobago complain with that when we have had in the last five-year period, a number of legitimate businessmen complain over and over about the public procurement process that took place in the five years? It became the modus operandi in the last five years, “dey come out with” an RFP, the legitimate businessmen put in their responses and their tenders, the process is scrapped, sometimes with no explanation whatsoever. A second process is begun, a fly-by-night company that has no experience comes up, has the most competitive tender process, very strangely in line with both the estimate of the state enterprise, and also just better than the most competitive tender from the first round, and the award is given. When we searched those companies now, we see they were recently incorporated. We see the same names appearing on directors and shareholders listing. It became so vulgar, Mr. Deputy Speaker, that there are occasions where in a four-bidder process, two of the companies that bid, had the same shareholders and directors. Who were they fooling?

**Mr. Imbert:** They did that?

**Hon. S. Young:** They did that. This is being passed on to the—[*Interruption*] what had happened in the tender process is, we have evidence of bid rigging in some instances where, for example, four companies on the face of it appear to have tendered. When you now search who are the owners of four of those companies, two of the companies have the same owners and the same directors. Needless to say, in the round of contracts, those companies, one company gets this contract, the next company would get the next contract, and we are finding evidence of the bid rigging process taking place.

So let the citizens of Trinidad and Tobago, Mr. Deputy Speaker, have their hearts not be fearful. Do not worry because work is being done, and the law enforcement authorities of Trinidad and Tobago, as well as other jurisdictions, are focusing their attention on a lot of what I have spoken about very briefly here this afternoon.

Mr. Deputy Speaker, it is our respectful position, that the amendments that are being proposed here, as few and as simple as they may seem, are absolutely necessary. [*Desk thumping*] Once they are passed, as we expect them to be, this Government will move swiftly to ensure the full proclamation of the full amended Act, to ensure that the people of Trinidad and Tobago, the right-thinking citizens of Trinidad and Tobago, those who pay their taxes in Trinidad and Tobago, those who believe in the future of Trinidad and Tobago, are having the procurement of their tax paying dollars in contracts going forward, and the disposal of their

assets, handled in a uniform, sanitized, stable manner, to ensure that corruption is attacked and as much as possible, eradicated.

I remember sitting in the Opposition and being fortunate enough to contribute to this Bill, before it became an Act, and raising the question frontally, with my colleague who is now the Attorney General, we sat on that side and raised frontally. This Act is called, the Public Procurement and Disposal of Public Property. How could it be a Bill that talks about the disposal of public property, but it remains silent with respect to the most valuable asset that the country of Trinidad—that the citizens of Trinidad and Tobago have, which is land? We raised that and we argued it in our debate. We asked for it in committee stage and we were shot down.

Well, once again, Mr. Deputy Speaker, it saddens me to tell the citizens of Trinidad and Tobago, that we seem to be finding evidence of the reasons why, one, it was excluded, and two, why the rest of the Bill was never proclaimed. I hear talk of partial proclamation. They will answer to the population, and say what exactly it was they proclaimed before September 07, 2015; absolutely toothless.

We have found evidence of attempts to dispose of valuable land owned by the citizens of Trinidad and Tobago, at values that are disturbing and in manners that are disturbing. We, this Government on this side, a PNM Government, will pass this legislation and implement this legislation, to ensure that that does not happen to Trinidad and Tobago again.

I do not think it is necessary, Mr. Deputy Speaker, for me to go into, because it was done by the Minister of Finance, and I am certain the Attorney General will touch on it as well, the whole process with respect to the review board. But I take the opportunity respectfully, for what it is worth, to give my endorsement as a person who participated in litigation for 17 years, to this process. This review board process makes a lot of commercial sense. I think the private sector would welcome it, because they ultimately are the ones who are going to be participating in the public procurement process, and they will welcome it, because it is a demystifying of the process. It is a simplifying of a process, where if they have any concerns and they wish to challenge a process, there is a timetable set out, and a specific board set up, to ensure that it happens.

In conclusion, Mr. Deputy Speaker, I would like to end by congratulating the Minister of Finance, for moving swiftly because this falls under—or, my friend

*JSC Report*  
[HON. S. YOUNG]

*Friday, May 20, 2016*

from Oropouche East has returned. Unfortunately, he was not here for the majority of the contribution, because some of it might have rang in his ears.

**Hon. Members:** “Nah! Nah!”

**Hon. S. Young:** Do not frighten him. So, Mr. Deputy Speaker, I would like to thank you for the opportunity to contribute. We talked about bid rigging and award of contracts to families and the incorporation of firms, right?—by families who have the same directors, and the same shareholders—*[Interruption]*

**Mr. Deputy Speaker:** Hon. Member, address the Chair, please?

**Hon. S. Young:** Thank you, Mr. Deputy Speaker. So, in ending, I would like to congratulate the Minister of Finance, for these important amendments that he has brought to the House. *[Desk thumping]* I give it my fullest support and endorsement.

Thank you very much. *[Desk thumping]*

**Dr. Tim Gopeesingh** (*Caroni East*): *[Desk thumping]* Thank you very much, Mr. Deputy Speaker. I sat in amazement listening to the contribution of the Member for Port of Spain North/St Ann’s West—*[Interruption]* and the question of the PNM moving with pieces of legislation to fight against crime and corruption. PNM Government from 1962—2016, 54 years—*[Interruption]* I am speaking. Not you. You have time to respond—54 years, out of that 54 years, PNM has been in Government for 54 minus 16, 38 years. Never in the history of Trinidad and Tobago, did PNM bring on any piece of legislation to deal with corruption whatsoever. *[Desk thumping]*

It was the UNC Government that brought the Integrity in Public Life Act. It was the People’s Partnership Government that brought the Trinidad and Tobago Extractive Industries Transparency Initiative, and it was the UNC Government that brought this procurement Act to the Parliament, Mr. Deputy Speaker. *[Desk thumping and interruption]* This is a proud hallmark—Mr. Deputy Speaker, can I be prevented from being disturbed by the Member for Laventille West? He is superfluous with his stupidity.

**Mr. Deputy Speaker:** Proceed. I will protect you, hon. Member, proceed. *[Crosstalk]*

**Dr. T. Gopeesingh:** All right. I take that back. *[Continuous interruption]* This legislation, Mr. Deputy Speaker, is a proud hallmark of the commitment of the People’s Partnership administration to good governance, including accountability,

transparency and value for money. This law also promotes efficiency, fairness, equity and public confidence, and the legislation also seeks to promote the development of local industry.

In our manifesto, page 18 of the People's Partnership manifesto 2010, our general election manifesto which became our Government policy, we were committed, the peoples' administration was committed to the passage of procurement legislation, with appropriate rules and regulations.

The hon. Prime Minister indicated in her prelude—[*Interruption*] What? I am speaking about this piece of legislation.

**Mr. Deputy Speaker:** Hon. Member, I am on my feet.

**Mr. Imbert:** Point of order. Standing Order 48(4), he said that the hon. Member was superfluous with his stupidity. That is insulting language. I ask that he be asked to apologize and withdraw it. [*Crosstalk*] He said that.

**Mr. Deputy Speaker:** Hon. Member, was that comment made by you, Sir?

**Dr. T. Gopeesingh:** Yes, Mr. Deputy Speaker, and I subsequently turned to the Member and said, "I am sorry about that".

**Mr. Deputy Speaker:** Okay, hon. Member. Can you withdraw it, please?

**Dr. T. Gopeesingh:** I withdraw that. [*Interruption*]

**Mr. Deputy Speaker:** Okay, thank you.

**Dr. Moonilal:** What you said?

**Mr. Deputy Speaker:** Proceed. [*Continuous interruption*]

**Dr. T. Gopeesingh:** Mr. Deputy Speaker, on page 18 of our People's Partnership election manifesto, the Prime minister promised—[*Interruption*] then, the hon. Prime Minister promised that she would bring this piece of legislation, within 28 days of coming into Government. We came into Government and this was laid in Parliament within the 28 days, keeping her promise to the people of Trinidad and Tobago.

**5.45 p.m.**

This legislation, Mr. Speaker, became more urgent and critical as a result of the damning findings of the Uff Commission of Enquiry into the public construction sector. Many Members here would know that the Uff Commission of Enquiry was called. The committee examined procurement associated with

*JSC Report*  
[DR. GOPEESINGH]

*Friday, May 20, 2016*

several billion-dollar projects of UDeCOTT. Here it is today, the Member for Port of Spain North/St. Ann's West is talking about UDeCOTT and so on, but let us look at why the Uff Commission of Enquiry was called.

Because under UDeCOTT, between 2002 to 2010, there were major time and cost overruns on projects in construction of the government campus; customs and excise building; head office of Government Ministries; sporting facilities like the Brian Lara Stadium; police stations; the Prime Minister's residence upon which the last Government fell, because it was annexed to the Prime Minister's residence—the church was annexed to that; the International Waterfront Centre where we are now, costing \$4.2 billion when it was supposed to cost \$2.4 billion; the Chancery Lane project and more. So this Government has no moral authority to come and say anything [*Desk thumping*] about corruption and cost overruns and value for money when the previous PNM Government was most guilty of that, and the commission of enquiry had to be called to deal with that.

And what did the Uff Commission say then? They recommended the far-reaching number of proposals pertinent to the maintenance of integrity and transparency and general good governance in public procurement. It was the Uff Commission of Enquiry that brought to light the issue of corruption within state enterprises and the Government having to deal with it. The People's Partnership Government, Mr. Deputy Speaker, and our administration—[*Interruption*]

**Mr. Deputy Speaker:** Hon. Members, there is a mobile device that continues to create a lil disturbance. Please, put it on mute, please. Thank you. Proceed. [*Crosstalk*]

**Dr. T. Gopeesingh:** There were 91 recommendations made in the Uff Commission of Enquiry, and we implemented all those 91 recommendations that were made. So who is dealing with the issue of corruption? Who dealt with the implementation of the Uff Commission of Enquiry recommendations, Mr. Deputy Speaker? It was the People's Partnership Government that went about its work to deal with that. [*Desk thumping*] The Uff Commission of Enquiry said about the operations of UDeCOTT for the period 2007 to 2010:

“UDeCOTT must recognise that a public perception of secrecy and arrogance has been engendered by its actions...”

This was the UDeCOTT of 2007 to 2010.

“...which is wholly inappropriate for a body performing a public function on behalf of the Government of Trinidad and Tobago.”



This was the damning statement made in the Uff Commission of Enquiry and I think I must repeat it.

“UDEcOTT must recognise that a public perception of secrecy and arrogance has been engendered by its actions which is wholly inappropriate for a body performing a public function on behalf of the Government of Trinidad and Tobago.”

And this is what motivated the People’s Partnership Government to come to deal with the whole question of procurement, and what can be said from Government to Government about corruption and so on. Our hon. Prime Minister at that time decided to put an end to that, and bring in the procurement legislation, which she laid in Parliament in less than 28 days. [*Desk thumping*] The commission recommended that UDEcOTT take remedial action by cultivating a policy of openness and aim at building public confidence in the maintenance of proper standards of integrity and transparency.

And here it is the Chairman and the CEO of UDEcOTT was the poster boy Calder Hart. He was the poster child for corruption. Mr. Hart declined to testify before the commission despite a heap of allegations against him. So if that was a PNM Government and they had Mr. Hart there as Chairman and CEO of so many companies, and the Uff Commission of Enquiry moved to say that he should testify before them and he refused to testify, they have the gall to come today and talk about corruption? [*Desk thumping*] PNM has no locus standi on that. [*Desk thumping*] They have no moral authority of it. [*Desk thumping*]

I could go back from the 1950s—I would not do it today—from the Lock Joint era to all through the 60s and 70s, the Eric Williams twin complex and all of that, Mr. Deputy Speaker, but I have said it in the House many times already and it does not—this PNM has governed for 38 years out of the 54 years, and you have a track record that includes the likes of Johnny O’Halloran and Francis Prevatt [*Desk thumping*] and despite an acknowledgement of a PNM Government Minister who said that “all ah we tief”—It is a PNM Minister who said “all ah we tief”.

So, Mr. Deputy Speaker, in seeking to establish procurement legislation, Mrs. Bissessar’s administration had set up a broad range stakeholder committee that included the captains of the construction and business sectors. They were clamouring for it, they were calling for it. The Joint Consultative Committee, the construction industry was calling for this procurement as admitted by the Minister of Finance in his contribution.

*JSC Report*  
[DR. GOPEESINGH]

*Friday, May 20, 2016*

The then Leader of the Opposition, the Member for Diego Martin West, declined to participate in that committee despite [*Desk thumping*] bipartisan requests from the major national private sector organizations. The stance of the Members for Diego Martin West and Diego Martin North/East took place despite a public conflict with his then leader, over the spending of public money at the Cleaver Heights housing development. The Member for Diego Martin West was the Minister of Housing during the relevant period and today, Mr. Deputy Speaker—[*Interruption*]

**Mr. Deputy Speaker:** Members, silence please. Members.

**Dr. T. Gopeesingh:** I was in the Red House when the then Prime Minister—an evening, a night—late in the night, he got up and he said: “Where the \$20 million gone?”—it was \$10 million. [*Desk thumping*] The question has not been answered yet. [*Crosstalk*]

We brought this procurement legislation to Parliament and the PNM declined to support this legislation. Mr. Deputy Speaker, I stand proud to be involved in this piece of legislation of procurement. When the former hon. Prime Minister—when we laid this in Parliament, I was appointed the first chairman of that committee, the procurement committee, and we worked for a year and two Members of the Opposition were on that committee: the Member for Diego Martin North/East and the Member for Diego Martin West.

Mr. Deputy Speaker, we went on and we had five meetings in that first committee, and we had to provide interim reports and ask for extension of time. But do you know what happened? The Member for Diego Martin North/East at that time and now, at present, refused—they refused to participate in the discussions on this same piece of legislation. So when the Member for Port of Spain North/St. Ann’s West speaks about—let me just see if I can quote him—call on us: why are we so in a destructive manner to fight against corruption? The world is looking on as the country fights against corruption, and made the assertion that we were not doing anything against it, but I have the second report here: Report of the Joint Select Committee appointed to consider and report to Parliament on the Legislative Proposals to provide for Public Procurement and Disposal of Public Property and the Repeal and Replacement of the Central Tenders Board Act, Second Session, 2011/2012, Tenth Parliament.

So in our First Session of the Tenth Parliament we did a lot of work, and the then Minister Tewarie took over in our Second Session in the Tenth Parliament and:

“Pursuant to resolutions passed in the House of Representatives on Wednesday, November 09, 2011 and Friday, November 18, 2011 and in the Senate on Tuesday November 15, 2011 and on Tuesday November 22, 2011, a Joint Select Committee was appointed to consider and report on the Legislative...”

And I am reading from the document of Parliament. This is the second such committee to have been established. The first one was in the First Session of Parliament, the second in the Second Session of Parliament. During the Tenth Parliament, the committee appointed in the First Session 2010/2011 was unable to complete its mandate before prorogation on June 17, 2011, and as such requested that all its work “be saved and referred to any subsequent committee”. So the work of the first committee was saved and moved on to the second.

So on Friday, June 25 the committee was required to consult with stakeholders, experts and interested persons—and there were many stakeholders who were banging on the door—and for persons, papers, records and other documents, recommend amendments to the proposals with a view to improving the drafts and submit a report to the Parliament within three months from the date of appointment. The Members consisted of Dr. Tewarie, myself, Mr. Ramadhar, Dr. Rowley, Mr. Imbert, Mr. David Abdulah, Mr. Faris Al-Rawi, Mrs. Helen Drayton, Dr. James Armstrong, among others.

**Dr. Moonilal:** In what capacity was he then?

**Dr. T. Gopeesingh:** We had tremendous support from the Secretariat staff, and we want to compliment the Secretariat staff of the Parliament for the tremendous effort and work they had been doing to bring this legislation to fruition when it was passed as Act No. 1 of 2015. We had expert assistance from Mrs. Claire Blake, who was a senior legal consultant, SC and Ms. Anne Hussein, Legal Officer I. We had a quorum of four, but the quorum of four comprised two Members of Government, one Member of the Opposition and one Independent Member, but do you know what happened? I am reading from the document:

“Following its third meeting held on January 16, 2012, your Committee experienced challenges in convening meetings due to lack of a quorum. Its fourth meeting was postponed on two occasions (Monday January 30, 2012 and Wednesday February 29, 2012).”

This situation was attributed primarily to the withdrawal of Members of the Opposition from the committee over procurement issues concerning reported activities of the Government. And who were the two Members of the Opposition? The Member for Diego Martin West and the Member for Diego Martin North/East. For a year, Mr. Deputy Speaker, they absented themselves from the joint select committee meetings and they have the audacity to come and say today that we did not want this Bill to be passed. They absented themselves for a whole year.

**Mr. Indarsingh:** Repeat that.

**Dr. T. Gopeesingh:** In retrospect, it was recognized that:

“The initial quorum requirements stated at item 5.2 above...”

—had contributed to the work of your committee being stymied, because the quorum said one Member of the Opposition, one Member of Government, and the two Members of the Opposition did not come until the people—their own constituents and the people of Trinidad and Tobago, the JCC and the contractors association—began to put pressure on them. Mr. Ramadhar would remember that—[*Desk thumping*]*—*he was on the committee—and they called them out and they refused, and they have to come today and say that this is anything due to them. It was not because of them, it was because of us that the procurement legislation came. [*Desk thumping*] They do not want this procurement legislation, because let me make the point now. Let me make this point.

In the fifth meeting of this committee that the Minister of Finance chaired, hear what No. 4.1 on page 27 says:

- “The proposed amendment to section 11 (1) of Act No. 1 of 2015 was outside the mandate of the Committee. The Committee agreed to recommend in its report to Parliament”—that is the Minister of Finance who was chairman of the committee—“that another amendment Bill be drafted to capture its recommended amendments which fell outside of the mandate of the Committee.”

Do you know what he is saying? That they will come with another amendment Bill. So they are not serious about passing this piece of legislation. They do not want it to work, because they will come with another amendment Bill again, and they will stymie and delay the entire process for the operationalization of this procurement legislation. They do not want it. They never wanted it! They never wanted it! [*Desk thumping*]

**6.00 p.m.**

Hear what happened, the specification that certain groups must be represented within the quorum provided an avenue for any group to have veto powers over the convening of a meeting, should it be unwilling or unable to attend, thereby bringing the work of the Committee to a halt. That is what they did. They brought the work of the Committee to a halt for over a year. [Interruption]

**Mr. Imbert:** A year?

**Dr. T. Gopeesingh:** With regard to quorum issues—you know that, Minister of Finance. Listen, I would not beat him up too much—[Laughter]—politically. [Crosstalk] Listen, I have been in this House for many years with my good friend, whenever we were in committees the Member for Diego Martin North/East exuded great amount of the statesmanship—[Interruption]

**Mr. Deputy Speaker:** Okay, Members, okay.

**Dr. T. Gopeesingh:**—with every committee that he chaired—[Interruption]

**Dr. Moonilal:** Who?

**Dr. T. Gopeesingh:** Imbert.

**Dr. Moonilal:** “I doh believe dat”

**Mr. Imbert:** That is a fact.

**Dr. T. Gopeesingh:**—but here it is he did not want to come to this meeting. So you know what the Committee had to do, Mr. Deputy Speaker? The Committee had to come, [Crosstalk] with regard to quorum issues and the imminent expiration of the time frame given for the completion of its mandate, your Committee submitted an interim report seeking the intervention of Parliament.

We had to come back to Parliament to seek the intervention of Parliament. [Interruption]

**Mr. Hinds:**—your son. [Laughter]

**Dr. T. Gopeesingh:** The interim report—my son is doing very well. He has his Master of Science—[Interruption]

**Dr. Moonilal:** “He brighter than Hinds.”

**Mr. Deputy Speaker:** Members, please, let us hear the discourse of the hon. Member, please.

**Dr. T. Gopeesingh:** He is doing very well and I am proud of him. He has a brilliant father and he is extremely brilliant. [*Desk thumping*] No, listen, I have friends in Parliament, they are on the other side, and my friends are my friends, and I do not let politics get between my friendships. I do not let politics get between my friendships, I have friends. The interim report was presented in the Senate on March 06, 2012, and in the House of Representatives on March 09, 2012.

In submitting an interim report your Committee sought to seek the intervention of Parliament to remedy an anomaly created by the configuration of its quorum, and so the Committee had to decide, any four members of the Committee with at least one member from the House of Representatives and one Member from the Senate, including the Chairman.

That is the way we had to go to get the Committee going for this procurement legislation. We had to come back to Parliament, ask Parliament to help us change the quorum, and we had to do this because the two Members in the Opposition were basically behaving obstructionist to the entire process of moving the entire thing forward.

We had five meetings subsequent to that, and the subject matter focused on the need for—you know what they came and said, Mr. Deputy Speaker? They want a policy position; we do not have a policy position. Even went further, besides not coming they say we do not have a policy position. Minister Tewarie came to Cabinet, very quickly, and he provided a paper for the policy position on this procurement legislation, and, basically, it said it was a framework piece of legislation that we needed rather than a prescriptive piece of legislation. Am I right, Prakash?

**Mr. Ramadhar:** That is correct.

**Dr. T. Gopeesingh:** So we dealt with the policy paper, we brought it back to them, and it is only then they started to come back to the meeting, Mr. Deputy Speaker.

So the Minister of Finance, and the presenter of this amendment to the Bill, must indicate to this country whether he really intends to bring another amendment to this piece of legislation, or he does not, because it is stated in the Minutes of the Fifth Meeting of this Joint Select Committee of Parliament. And I will sit down and ask the Minister if he really wants this procurement piece of

legislation to go through or if he is going to bring more amendments, but he is not listening. Minister, you—he is not interested. [*Crosstalk*] Somebody has a nice picture of him in a boat.

Mr. Deputy Speaker, the Civil Society, the Contractors Association, the Joint Consultative Committee began to give us increasing support when we went forward, and Dr. Tewarie will tell you, the Member for Caroni Central will tell you that there were so many international experts in the field that came and made presentations over the period of time, we had the Contractor General from Jamaica, Mr. Greg Christie coming, we had the World Bank coming, we had UNDP, IADB—[*Interruption*]

**Hon. Member:** The World Bank?

**Dr. T. Gopeesingh:** Yes, the World Bank came, and all of them made presentations, and based on their presentations a lot of discussions took place, we came to decisions, we put forward the decisions in our presentations to Parliament, and we moved along to framing the legislation that we brought eventually to the Parliament. We had obstacles along the way, and we had to deal with the obstacles and deal with them properly.

So let me answer a few of the other issues that the Member for Port of Spain North/St. Ann's West spoke about, he said it took us four years before we brought this, so he can understand why it took four years because his own members at that time decided not to support this piece of legislation. He said their team supported the legislation. They had no alternative but to support the legislation. I think I have a little history of the—the whole history behind this, in terms of when it was laid in the Senate and when it was laid in the House, when we had it in the Senate, when they laid it in the Senate, you know, this same Government now saying that they want this piece of legislation they anxious to have, they did not support the legislation in the Senate, and the Independent Senators, all nine of them supported this piece of legislation.

We did not have to go and have secret talks with the Senators to get them to support us, Mr. Deputy Speaker. [*Desk thumping*] All the Independent Senators supported this piece of legislation. They did not support it in the Senate, and when we came down here, subsequent to that, they did not support it here as well. How can they say they want this piece of legislation? That is hypocrisy, Mr. Deputy Speaker, gross hypocrisy. In the Senate they did not support it, down here they did not send it, and, today, they are coming and they are saying that we took so long to have the piece of legislation. We want this so many years now, Mr.

Deputy Speaker, but we were stymied, but we had to listen to all sectors of the society. [*Interruption*]

**Dr. Francis:** Stymied?

**Dr. T. Gopeesingh:** Yes.

**Dr. Francis:** Who stymied?

**Dr. T. Gopeesingh:** Your people stymied us.

**Dr. Francis:** 29/12, stymied?

**Dr. T. Gopeesingh:** They asked about why we took so long to proclaim the Act, the Act was proclaimed in part, Mr. Deputy Speaker. Then we appointed Mr. Timothy Hamel-Smith to help to do the work to operationalize the legislation, he was brought in. The last speaker spoke about bid rigging, Mr. Deputy Speaker, this whole issue of bid rigging is in this document. We have ensured that the whole process of bid rigging is in this, so when we pass this piece of legislation that whole issue of bid rigging will be part when we pass it, it is there already. The bid rigging aspect is in this legislation, so do not let the population feel that we are not interested in having this, it is there in the legislation already.

Also, whistle-blowing, they are talking about, all the time, about whistle-blowing and whistle-blowing. Whistle-blowing is also in this legislation, Mr. Deputy Speaker, that has been passed. So the whole issue of whistle-blowing and bid rigging is incorporated in this already. They are incorporated in this already. You all made flimsy excuses not to support this piece of landmark legislation. It was assented to and became law under the People's Partnership Government, thereby keeping a solemn election promise. When you were the Opposition you maintained your track record of indifference to transparency, efficiency and probity in public procurement. [*Desk thumping*]

The People's Partnership Government had established the public procurement oversight committee to review the legislation, and the Committee was headed, as I mentioned, by Mr. Timothy Hamel-Smith. The People's Partnership, now in Opposition, participated fully in the Joint Select Committee. Dr. Tewarie, Member for Caroni Central, participated fully in all the Joint Select Committee meetings, except one of the five meetings when he had some family business to attend to very urgently.

So we have continuously displayed our fierce commitment to best practice in public procurement, as evidenced by our track record and delivery with respect to the legislation. [*Desk thumping*]



**Mr. Deputy Speaker:** Hon. Member, your 30 minutes has expired, do you care to avail yourself of an additional 15?

**Dr. T. Gopeesingh:** Thank you, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Proceed.

**Dr. T. Gopeesingh:** So it has taken a 60-year-old PNM, two generations, to support procurement legislation [*Desk thumping*] in a burgeoning economy of much public investments, purchases, issuance of contracts, and disposal of property. While we would be judged on our promise and performance on this matter, the PNM's history is littered with the names of Calder Hart, Johnny O'Halloran, Francis Prevatt, and its open admission that "all ah we tief". When a PNM Government eventually and belatedly supported the central procurement legislation, it was on the back of extensive and groundbreaking legislative work by a progressive and responsible People's Partnership administration, and we are proud on this side to have pioneered this piece of legislation, worked with it, [*Desk thumping*] and had begun to operationalize it.

The Member, the last speaker spoke about what happened between the 1<sup>st</sup> and 7<sup>th</sup> of September, 2015. Every day we hear corruption and mismanagement, and whatever, if you have information from your auditing firm where there is a nexus somewhere, let us hear whether it is Ernst & Young is the auditing firm that is giving this information, and whether there is a compromise between the Office of the Attorney General and Ernst & Young. Let us know where these reports are coming from and who is fabricating these reports. [*Desk thumping*] We will come clear with that at some time in the future. Let us know where that is coming from. You cannot come to Parliament and "read out thing", handed down by some member of the family, it is concocted together. Yeah. So we will deal with that. We will deal with that when it comes, and talk about hundreds of millions of cash moving out.

Explain why we did not want the bid rigging prior to September?—it is in the Bill. It is in the Act that we passed, bid rigging is there. Should the commitment of the Government to fight against corruption—where is our ability to fight against corruption? And the rest of it, Member for Caroni Central spoke about the review tribunal, and you are making a big hullabaloo about that review tribunal when the work of the procurement regulator could be the same thing that the review tribunal is doing. You are duplicating it, and I do not need to re-emphasize that again, I have said it already. Member for Caroni Central has said it already.

*JSC Report*  
[DR. GOPEESINGH]

*Friday, May 20, 2016*

**6.15 p.m.**

So, they held back this thing for eight months. Eight months they held back this thing, for what? To bring five little pieces of amendment to it without any meaning, and then coming to say that you have more amendments to come. So, what is that telling the population? They are really not interested in having this piece of legislation operationalized. They are hiding behind all sorts of screens. [*Desk thumping*]

So, when we look at the consolidated version of the Public Procurement and Disposal of Public Property (Amdt.) Bill, 2015 and we look at the amendments done by the Minister of Finance in the committee, it makes no sense whatsoever. They are futile amendments, they were not worthy amendments, there was no need to delay it for eight months to put these amendments in so that we can operationalize. They are there for eight months, have they operationalized anything? Have they proclaimed anything? They are criticizing us. It was Act No. 1 of 2015. And the national community became so concerned about the passage of this piece of legislation, and I want to read from a *Newsday* article of Thursday, August 21, 2014:

“What about procurement?”

The Fourth Session of the Tenth Parliament ended with Prime Minister Kamla Persad-Bissessar speaking in the House of Representatives on July 28, about the commitment of the People’s Partnership (PP) in passing effective public procurement legislation in Parliament.

In that statement, Persad-Bissessar reiterated that passing public procurement legislation was one of the PP’s 2010 General Election promises. However it is now history that the Public Procurement and Disposal of Public Property Bill, 2014 lapsed upon the prorogation of the last parliamentary session, having only been passed in the Senate.”

And the commentator said:

“This means the bill has to be reintroduced in the House and in the Senate in the Fifth Session of the...Parliament which commenced earlier this month.”

And within a few days when the country was worried about whether we will bring back this procurement piece of legislation because it had lapsed, the hon. Prime Minister ensured that within a few days of coming back in this piece of legislation was brought to the Senate and brought back to the Lower House and it was passed, despite, by a constitutional majority. It was passed with a

constitutional majority despite the non-support of the now Government, when they were in Opposition. So, the country was worried, public procurement will lapse. Three days after the Prime Minister said that public procurement reform was critical to deal with issues such as those—and disposal of public property Bill will officially lapse when the Fourth Session of the Tenth Parliament is prorogued at midnight on July 27. The first time we came back into Parliament, the hon. Prime Minister ensured that this piece of legislation was brought back onto the books and within a short period of time debate took place and the Bill was passed.

I was reading some of the comments made by, now, our Attorney General, when he was speaking in reference to this Bill in the other place, and he raised a number of issues then, and I will bring this to his attention so he can deal with it, and this was his response when he spoke in the Senate on May 20, 2014 when this Bill was being debated in the other place. And he said:

“...this is a Bill which requires a three-fifths majority vote. The fact is that this Bill traverses upon section 4 and section 5 enshrined rights, including the right to property, the right to equality of treatment, the right to fairness of procedure, and the right to avoid self-incrimination.”

And he was speaking about the constitutionality of this Bill.

**Hon. Member:** Who?

**Dr. T. Gopeesingh:** The now Attorney General, the former Senator in Opposition in the other place.

**Dr. Moonilal:** You know he knows the law.

**Dr. T. Gopeesingh:** Well, when he speaks about constitutionality, this needs constitutionality. Based on what has been happening to the SSA, I am not too sure what has really happened.

**Dr. Moonilal:** He knows the law. [*Laughter*]

**Dr. T. Gopeesingh:** That is my friend. But, the question is, if that Bill needed a constitutional majority—the procurement Bill which we did pass with a constitutional majority—these amendments that you have brought now, should we say that they need a constitutional majority, and therefore they need our support? Because they cannot pass it without a constitutional majority.

So he said:

“...the right to property, the right to equality of treatment, the right to fairness of procedure and the right to avoid self-incrimination.”

That is based on what you said there, Mr. Attorney General.

**Mr. Al-Rawi:** No problems.

**Dr. T. Gopeesingh:** And then the next thing he asked:

“...having reflected upon this Bill and recognizing...there are 33 references in this Bill to regulations, knowing that there are no regulations before us, I did not think the Government was serious in proceeding with this Bill...”

He was asking for regulations.

Eight months you are in office and the Government, what you as Attorney General have done about regulations? Have you brought in any regulations? You have the opportunity to proclaim more than we proclaimed. It is there for you to do but you are stalling it. You have eight months and you “eh do nutten”. [*Desk thumping and laughter*] You come with some flimsy pieces of thing, and then you spent a lot of time speaking about framework versus prescriptive legislation.

We know that this piece of legislation is framework legislation, but you made a big hullabaloo of this.

**Dr. Moonilal:** I think Young needs to move into the AG office, you know.

**Mr. Al-Rawi:** Come and do it, knock yourself out.

**Dr. T. Gopeesingh:** And then you went on to speak about excessive criminalization, because the Bill had a number of high penalties and high jail terms, and the now Attorney General said:

“Come on! This is what you call in law excessive criminalization...”

If you are making amendments, if you had a Joint Select Committee, why did you not address that issue which you raised in the other place, excessive criminalization? Has there been any changes? Why the Minister did not make—about the changes related to the fines and the penalties in this Act, \$2 million, and \$5 million, and five years and 10 years imprisonment. That is what you were speaking about. Have your team sought to make any changes, when you spoke about that in the other place? This was a big thing for you at that time, but nothing has happened.

So, excessive criminalization, constitutionality, and then the Uff Commission of Enquiry, proclamation clause you spoke about. A proclamation clause, because the systems upon which this Bill are to operate do not exist, or are in need of reform, specifically the revenue authority of Trinidad and Tobago in the persons of the Board of Inland Revenue, and you spoke about Value Added Tax and so

on, that did not have any relevance to basically the Bill that was before you at that time.

So, there are many other things that the hon. Attorney General spoke about in the other place, but I did not see him tell the Minister of Finance, in his Joint Select Committee meetings, that they wanted to make some amendments to the Bill. These things were not entertained at all.

**Mr. Imbert:** He was not in the meeting. He was not invited. He was not a member.

**Dr. T. Gopeesingh:** No, but he could have told you.

**Mr. Imbert:** How?

**Dr. T. Gopeesingh:** How you mean?

**Hon. Member:** Address the Speaker. [*Laughter*]

**Dr. T. Gopeesingh:** Mr. Deputy Speaker, sorry about that. [*Laughter*] Mr. Deputy Speaker, I would now end my contribution—

**Mr. Imbert:** Yes, thank you. [*Desk thumping*]

**Dr. T. Gopeesingh:**—by indicating that the People's Partnership stands strong in terms of its determination to rid this country against corruption [*Laughter*] by our work that we have done. By our work and by our history we have shown that they have never brought any piece of legislation to deal with procurement and corruption, et cetera, but it was the UNC Government and the People's Partnership Government that brought all the pieces of legislation: the Integrity in Public Life Act, the Trinidad and Tobago Extractive Industries Transparency Initiative, and this now, the procurement legislation. Let them say what piece of legislation they have brought, and they are criticizing about bid rigging and all the things which are in this Act.

So, we kept our promise. We brought the piece of legislation, we made sure it was passed. It is you now to deal with the future, and for eight months you have been doing absolutely nothing. [*Desk thumping*] Whether it is the economy, whether it is crime, the crime is running away. This country is stagnant, it is paralyzed at the moment, it is crippled, and people are losing jobs, people are crying, people are hurting, and while you all are playing—while Rome is burning you all are fiddling.

So, Mr. Deputy Speaker, they have no moral authority to come and question anything about this, and we stand strong on our piece of procurement legislation which was before the people and was passed.

Thank you very much. [*Desk thumping*]

**The Attorney General (Hon. Faris Al-Rawi):** [*Desk thumping*] Thank you, Mr. Deputy Speaker. I have to say that I confess openly, that the hon. Member for Caroni East is a dear friend of mine—

**Mr. Imbert:** But, you do not pick your friends well.

**Hon. F. Al-Rawi:** Some may say I do not pick my friends well, but I thank him for his contribution, and for opening the debate in the fashion that he has.

And it gives me great pleasure, Mr. Deputy Speaker, to contribute to this Motion to adopt the work of a Joint Select Committee established specifically to amend the public procurement legislation. You see, I have stated it that way because my learned friend, the last speaker said quite passionately, though not quite convincingly, “you been doing nothing for eight months, there has been no work at all”, and yet he is talking about eight months of work, which the Opposition took so seriously, that a man that they had the opportunity to select out of one point three million people in Trinidad and Tobago; the Leader of the Opposition had the opportunity to select no less a professional person, than an honourable Senator who happens to be an attorney-at-law—six people appointed in an Opposition in the Senate, one of them, a learned attorney-at-law, by the Leader of the Opposition’s choice, and so important was this legislation, that Sen. Sturge could not find himself present for one single meeting. Not even for one day.

So, really, is that the evidence of commitment on the part of the People’s Partnership/UNC? My learned colleague, the Member for St. Augustine, is out of the Parliament Chamber at present. He has been here all afternoon, but he is not sitting here right now. I cannot find anybody else wearing a badge other than UNC opposite me, and I am still hearing about the People’s Partnership. You see, let us get serious? In managing this particular position, and to try and bring some sanity to this debate, let me put forward that the amendments that stand before us for adoption right now which will, if all things are equal, move to third reading and passage tonight, stood originally as a Bill with one, two, three, four, five, six, seven clauses. The seven clauses which were introduced specifically relate to a very few select measures of improvement.

1. In relation to the regulator trading with the Government of Trinidad and Tobago, and in putting a limitation on the ability of the procurement regulator to do that;
2. The referral of the reports coming out of the legislation to the Public Accounts Committee, as a matter of immediacy and cost;
3. The ensuring that there is an immediate lifting of a suspension when the procurement cycle is no longer in that procurement stand-still period;
4. In dealing with the rights of participants, specifically to have a second aspect now, what we call the review position, the board of review; and
5. Now in a new and very important section, the disposal of state lands.

Those are the five general areas that this Bill seeks to amend, and which the Joint Select Committee considered, and which the report of the Joint Select Committee now recommends in this Motion which we are considering. Specifically now I put for this honourable House's consideration the fact that this legislation, we just heard, the hon. Member who just spoke suggested that this somehow required a three-fifths majority.

**Mr. Imbert:** He said that?

**Hon. F. Al-Rawi:** He said that a little while ago. The question was asked, if this has—and it was asked quite sternly, what do you the hon. Attorney General have to say now? You were complaining about a three-fifths majority when the original Act, No 1 of 2015, back then was being debated, and then he makes his leap into this Bill, and he says, does it require a three-fifths majority now, because we are a serious Opposition, and we do our work. Three-fifths majority, let us square that point of right now.

### **6.30 p.m.**

The first Bill which became an Act of Parliament, No. 1 of 2015, did require a three-fifths majority, because it intruded in section 4 rights of the Constitution. Specifically, it intruded in section 43 of the Bill, I believe it is, which became the Act, upon the process where you could have someone enter and demand the production of information, take copies that would have affected due process, that would have affected the self-incrimination rights as well. Nothing in the amendments now proposed before us, and I took my time to read out what they are, reflects upon any intrusion of any right and, in fact, are so safely and securely secured in the new current laws of Trinidad and Tobago, because the only thing

*JSC Report*  
[HON. F. AL-RAWI]

*Friday, May 20, 2016*

that could potentially affect a right but only by way of improvement in this Bill is the review board. Why, because it gives furtherance of due process. It does not infringe any right. It in fact gives a broader due process right which our Constitution has traditionally recognized as a good thing, which our courts of this land and elsewhere recognize as a good thing.

Baroness Hale was pellucidly clear in the case of *Surratt*. Lord Nicholls was pellucidly clear in the *Panday v Gordon* case. Mr. Justice Jamadhar in the Court of Appeal was pellucidly clear in the Northern Construction matter. It is not every right that has a vague connection or direct connection with the constitutional rights in sections 4 and 5 that automatically invoke a section 13 exception under the Constitution. Because once there is proportionality and more particularly, due process, you are saved from that requirement. But that is the words and suggestions of a responsible Opposition who could not bother to send the one lawyer they had on the Committee to one single attendance in this Bill.

**Mr. Imbert:** It would not make a difference.

**Hon. F. Al-Rawi:** It may have made a difference. It could have had one extra number on the piece of paper. So, that is the deal with the last point made in respect of a section 13 right; section 13 of the Constitution exception.

Mr. Deputy Speaker, I heard the hon. Member for Caroni East speak about a series of positions. He said specifically, firstly, the Leader of the Opposition, then Prime Minister of Trinidad and Tobago, gave an undertaking to produce public procurement laws and to do so within 28 days.

**Dr. Gopeesingh:** No, we laid it in 28 days.

**Hon. F. Al-Rawi:** He said they laid it in 28 days. He said, in fact, that they have complied with their promise, that they had in fact produced laws and put them into effect by way of assent within their parliamentary term. That is the Tenth Republican Parliament.

[MADAM SPEAKER *in the Chair*]

He said that the Opposition then, which is now the Government, sabotaged the work of the Committee, as I recognize the hon. Speaker in the Chair now. He said that in 2012 we had refused to come to the Committee's work and that therefore we were stymied somehow as a country in this process. But he failed to put on the record the well-known fact that the last Government had 29 seats versus 12 at the beginning of the Parliament before they lost one seat and they became 28/13 and that with 29 seats you have an absolute constitutional majority and can pass



anything you want. They failed also, the hon. speaker last, to mention anything at all about why the then Opposition, now Government stayed away from the Joint Select Committee's work. And specifically, in 2012 and it is on the *Hansard* for the last Republican Parliament, permit me to refresh the memories of the population and hon. Members here today through you, Madam Speaker—

**Dr. Rowley:** And Caroni East.

**Hon. F. Al-Rawi:** And Caroni East. We specifically insisted that we as a responsible Opposition participating with two Joint Select Committees to produce public procurement laws. We would not allow the then Government to abuse the citizens of Trinidad and Tobago by conducting procurement in a fashion which was nothing short of disgraceful and unlawful and corrupt and specifically also because the last Government refused to come to the Joint Select Committee and put a position of policy forward. And when we refused to participate in those circumstances we went on strike, we told the country why, the country then became seized of the procurement of things including, the rapid rail that they were going to produce, the light rail over the bus route, the police uniforms, the air plane that they were going to procure, those were some of things then.

Later on came the Invaders Bay, OAS Construtora was already on the plate by then, \$8.5 billion it was back then. The procurement of the lands which they were taking for compulsory acquisition, all of that Trinidad and Tobago was stifling under and they say the Opposition had no reason. But you know what I found amazing, in the last speaker's refusal to acknowledge, because they said here today that they had policy and they brought policy forward and they again were lauding the Member for Siparia for some policy which they had, but I found in the Ministry something quite spectacular. The first time that a description of policy—you heard the hon. Member a little while ago say, the last speaker, that it was January 16, 2012 that we attended the last Joint Select Committee for public procurement and, in fact, we had stopped at that point under the protest that I had just described, one, bad procurement that they were doing and two, the failure despite repeated insistence from the Member for Diego Martin East, from the Member for Diego Martin West and from me to the then Attorney General.

We insisted that they come up with a statement of policy because you cannot draft laws without policy. So what happened? In the Ministry I found a note to Cabinet. This note to Cabinet is dated April 17, 2012. Hear the hon. Member just now, we stop coming in January 16, 2012, lo and behold note to Cabinet, April 17, 2012: Policy positions for informing the Legislative Reform of Public Procurement and Disposal of Public Property.

**Mr. Imbert:** They hide that.

**Hon. F. Al-Rawi:** So we just heard a little while ago that they had policy, it was being drafted on the back of policy. In February when we said look we cannot take it anymore, we have had two committees on public procurement, we are going nowhere fast. We have to have public procurement in place. We will work with you on public procurement but tell us your policy. Now they come, sitting in Opposition and they come and have the gall to say that they had policy all along when it is only after we stopped going to the Joint Select Committees that a note to Cabinet comes to actually create a policy.

**Dr. Rowley:** Disgraceful! Disgraceful!

**Hon. F. Al-Rawi:** It is the same sort of approach that allows the hon. Member last—

**Madam Speaker:** Order!

**Hon. F. Al-Rawi:**—to say something like, we implemented all 91 of the Uff Commission of Enquiry Report Recommendations. I nearly fell off my chair. I had to ask twice, is that so? I will give you one example which just came from memory because I do not have it in front of me but I know it is correct.

The Uff Commission of Enquiry specifically had very strong observations that it made in relation to the lands in Valsayn which were given to the NUGFW. And it recommended very serious action to be taken. I am able to say now that it was raised in the last Parliament when we were saying, what has happened to the Uff recommendations. We were able to point out to the country then that a Member of the Senate, a gentleman I like tremendously, then sitting as the President of the NUGFW was in an embarrassing position. Because the Government which should have been actioning consequences against the NUGFW could not do so because the President of the NUGFW and I mean the office, I do not mean the person, happened to be occupying a seat as the Vice-President of the Senate. And I want to be careful, I make nothing pejorative about the person himself, Mr. Lambert, for whom I have a lot of like.

But that is just one example, hon. Member, of why we cannot accept anything the UNC says. Because it just seems as if it is okay to just make it up as you go. Just repeat it over and over and over again and people will just accept what they have to say. For the record, I heard a lot of innuendos come across the floor just now about whose family member employed at Ernst & Young and what they have to hide. I want to put on the record that, yes, as a matter of fact, Ernst & Young is

one of several auditors working for the Government and, yes, Minister Stuart Young has as his significant other, a very bright lady who has a position inside of Ernst & Young, but I want to put on the record, she as a partner of Ernst & Young has been working for the Government of Trinidad and Tobago, particularly in a very large capacity, since 2010 come forward in particular.

**Mr. Imbert:** Under the UNC.

**Hon. F. Al-Rawi:** Under the UNC Government that had the opportunity to hire people. That is where she received her employment. And I can tell you, as a matter of fact, Minister Young has certainly stayed clear of employing anything or coming anywhere near Ernst & Young because he recognizes propriety. But he must not have the position of having to explain the fact that he is married or has a relationship with a very bright person who does work for the Government of Trinidad and Tobago and has done so for donkey years under the UNC Government, because it is those kinds of irresponsible statements that stick and they say it over and over again and that borders—somebody is saying it here—that borders on, it is a very horrible word, nastiness, because you just know it is not true. And to the uninformed person there will be a take away of it, twist and turn and fabricate all you want, propriety will stand.

So I put the population on notice, I expect nothing other than flagrant untruths, inveterate untruths from those opposite because I am confident that some people associated with the last Government have got to be sleeping very uncomfortably right now.

**Dr. Gopeesingh:** Madam Speaker, inveterate to those opposite. [*Crosstalk*]

**Dr. Rowley:** Why you identifying yourself?

**Dr. Gopeesingh:** What is that?

**Dr. Rowley:** Who called your name?

**Mr. Imbert:** Nobody called your name!

**Madam Speaker:** Members! Members! Please continue.

**Hon. F. Al-Rawi:** Thank you. [*Desk thumping*] So we heard the hon. Member who spoke last talked about, boy it was the usual check list, Prevatt, O'Halloran, Lock Joint, what else?

**Dr. Rowley:** Gopeesingh. [*Laughter*]

**Dr. Gopeesingh:** Rowley.

**Hon. F. Al-Rawi:** Yeah, you mention Rowley and I am coming in a little while to that one. Right? Desmond Cartey, back to 1962, PNM. I want to know what happened to a benefactor of the last government, the billion-dollar man, billion-dollar company, SIS. How come nobody opposite says SIS has relocated its principal and business and apparently equipment to Panama, cannot be found as I am informed. How come? “All of a sudden that doh exist”. [*Crosstalk*] Hear the position there. Newspaper article after newspaper article talking about this. Well, I do not know why all of a sudden their memories are only capable of remembering back to 1962 because the country is still looking at the period 2010 to 2015 and I will tell you why houses in Philippine and other things are of interest. I will tell you why, because the population is not so much looking to the bacchanal that spits out from political parties you know, they want to see if law can change culture or culture can change law.

And what they want to see is they want to see some responsibility for actions and what they want to see is a Government, any Government, actually apply the law and that is why we have been so careful not to be bombastic in our revelations. That is why we have studiously avoided name-calling with specificity.

#### **6.45 p.m.**

The first time I mentioned who had received legal fees in this Parliament, it was not on the several occasions when I informed of \$1.4 billion. I never once revealed the names of the top-10 players until I had cause to sit in the Senate and listened to a then temporary Senator put forward something on the record which was so untrue and which I took offence to. It was then that I informed the Parliament that someone had earned \$26 million but I was wrong because, as I checked at today’s date, it is actually \$36 million, and I still have not stopped counting because the figures are outstanding on that figure. We are still receiving bills right now which are due and payable; and what I can say right now is that \$32,858,901.67 and climbing, one man—Gerald Ramdeen. And, that being the case, that was the first time I mentioned that.

I want to say this because I was talking about the issue of consequences, because people say, “Well, so what, today you, tomorrow me”.

**Dr. Moonilal:** Madam Speaker, Standing Order 48(6).

**Madam Speaker:** Member, I do not rule that it constitutes a breach of this rule. Continue.

**Dr. Rowley:** “He just nervous.”

**Hon. F. Al-Rawi:** I do not know why the Member for Oropouche East is so nervous, you know. I am saying and putting onto the record a statement of fact as I am informed from the figures produced to the Ministry of the Attorney General. That is all.

And what I was saying right now relative to positions is that the country is looking for some form of result, and whilst Trinidad and Tobago has witnessed, for instance, in relation to legal fees \$1,432,040,590.73, i.e. \$1.4 billion in legal fees so far, they want to know, “Well, so what? What are you doing about it?” What I can say relative to procurement and procurement of services and legal fees is that value for money audits are going on right now and that the bills of each and every attorney across the board are being examined against the work done and that action will be taken where is appropriate.

And what I will say is that I now understand why some people are so very jumpy because the information that we have found so far is not very flattering, Madam Speaker, and I would be a little nervous about it too, if I was in those shoes. I do not say that with any pride and I wish to state for the record that that is being applied across the board because the manner in which legal services are being procured in the Ministry of the Attorney General is by way of application of an hourly rate as prescribed by the Chief Justice in the regulations set out for contentious matters together with a discount of up to 30 per cent on that across the board. And whereas legal fees have been spent as if there is no end, no tomorrow, that is no longer the position. That is why when we are coming to the Parliament in the budget, we will be able to account for the value for money considerations that we are engaged in. So I just wanted to put that onto the record.

You see, we heard the hon. Member for Chaguanas East—I keep saying—Caroni East, forgive me, hon. Member. I heard the hon. Member for Caroni East speak a little while ago about the fact that bid rigging was inside the legislation, but what he would not say was why the law was not proclaimed to operationalize bid rigging. Why? You see, the fact is on July 29, 2015, then Acting President Raziah Ahmed fixed the 31<sup>st</sup> day of July, 2015 as the date to proclaim sections 1, 2, 3, 4, 5(1), 8, 9, 10, 11, 12, 13(1)(a), (b), (c), (d), (k), (p), and (r), 13(2), 14(3), 15(2), 23, 25, 62 and 63 and none of those sections have anything by way of proclamation to give potency or effect towards curbing what appears to have been wanton breach of procurement legislation in Trinidad and Tobago.

What we say now is that as a Government, the responsibility being ours, is that Trinidad and Tobago will have produced for it by this Government measures of accountability. I would like to ask the next speaker who rises to state the

position of the Opposition because I heard the hon. Member for Caroni Central and the last speaker both speak quite boldly about putting the law into effect. You know, there is an ability to apply retroactive perspective to laws. You could do that. Retrospectivity is something that can be done in law in certain circumstances. I would like the Members of the Opposition, particularly I understand the Member for Oropouche East may stand next, I would like him as the alternate leader of the UNC. The man who ran for leader of the UNC. I would like him—

**Mr. Imbert:** Aspiring.

**Hon. F. Al-Rawi:** Aspiring leader as he is on the opposite end of the bench from this leader over here. I would like him to know that the country will be listening for his agreement, leader as he is, to apply this law retroactively. “If yuh name man, if yuh name responsible Opposition”, apply the law retroactively. Give us your unqualified support for that and I will bring the amendments to the Minister of Finance who has responsibility for this and we will on a unified basis apply the law retroactively. Let us see what the response is going to be from the Opposition because we can do it as a Parliament.

**Dr. Moonilal:** Go back to before May 2010.

**Hon. F. Al-Rawi:** We could go back any time before. Let us go back to 1962 if you want and we will deal with it.

So let us talk about the position of the last speaker as it relates to—he was talking about Cleaver Heights and I want to just put that on the record. Hon. Member, you said that Prime Minister Manning stood and asked where the \$20 million gone. You said that nothing had happened in relation to that. I want to put on the record. If the hon. Member had bothered to read the Uff report and in particular the report of McCaffrey who was hired by Uff to investigate that matter, he would know that it is a matter of public record that there is absolutely nothing wrong with that Cleaver Heights project, that it was a value for money payment met and satisfied completely. There was never any \$20 million missing and that it was a clerical error and that is the truth. It was \$10 million and then it became \$20 million today and both of them are wrong and that is certified by none other than John Uff, the Commissioner of Enquiry, on the record.

Madam Speaker, we heard the hon. Members—[*Interruption*]

**Mr. Imbert:** “Is ah typo.”

**Hon. F. Al-Rawi:** Of course it is a typo and he knows it. We heard the hon. Members talk about integrity and openness and transparency, and we heard them talk about how this Government is fiddling. We heard some wild allegations go around. Let us step away from the public procurement Bill itself and talk about the operationalization.

**Madam Speaker:** Hon. Member for San Fernando West, your 30 minutes has expired. You are entitled to 15 more minutes. Do you intend to avail yourself? You may proceed.

**Hon. F. Al-Rawi:** Yes, please. Madam Speaker, we are talking about operationalization—as I thank you for the extension—of the Bill. I would like to put onto the record, the public procurement law proposes some serious advancements in relation to e-procurement. But you know what we have met when we came into office and which we are working on?—the fact that the Electronic Transactions Act has not been proclaimed, I mean fully; the Data Protection Act has not been proclaimed fully; the amendments to the Exchequer and Audit Act have not been proclaimed fully; and more particularly, when you are talking about a network for operationalizing this law, you have to have the backbone and the architecture of the Ministry of Finance in place.

But you know what the truth of that is? After nearly \$400 billion spent by the last Government with nothing to show for it—with nothing to show for it in respect of revenue generating assets and I would like them to be able, the next speaker, to even name one revenue generating asset purchased for \$400 billion. After that, the Ministry of Finance finds itself back literally in prior to 1962 working on ledgers and books where there is no interrelation between current data, historical data, where you cannot pull up information, where there is siloing. But \$400 billion was not spent on creating a new revenue management system or improving the Board of Inland Revenue; far be it from the truth, \$400 billion was spent in our country—and you know what one of the by-products of \$400 billion was?

**Mr. Young:** A mall in Holland.

**Hon. F. Al-Rawi:** No, not the mall in Holland. One of the by-products of \$400 billion was a very unfortunate phrase which was entirely popular prior to September 07, 2010. Remember that phrase “eat ah food”?

**Hon Member:** 2015.

**Hon. F. Al-Rawi:** 2015—September 07, 2015. Remember the phrase “eat ah food”? That used to be the stock answer for anybody involved in improper

*JSC Report*  
[HON. F. AL-RAWI]

*Friday, May 20, 2016*

procurement or corruption. “Well, boy, just hata eat ah food; man hata eat ah food; maamoo hata eat ah food, SIA hata to eat ah food.” Everything was “eat ah food.”

But I am very happy to say and this comes to the point of culture changing law or law changing culture, I do not hear that expression again under a PNM Government, [*Desk thumping*] and that tells me that there is hope to transform some of the societal views as it comes to largesse and extravagance. [*Interruption*] I am hearing somebody across the road—I am watching the Members of the Opposition laughing literally. Right now, they saying, “boy, people cyah buy food” as if the overdraft of Trinidad and Tobago was not maxed out, as if after 2014, 2015, May 2014—sorry, December 2014 when the public procurement Bill was passed; between that date in December 2014 to the general election, billions spent with no proclamation; billions spent with no operationalization in a rush to spend money such that cheques are coming and hitting the Government still from the last Government.

Madam Speaker, you heard what the hon. Minister of Finance had to say today from Standard & Poor’s? I have never in my review of literature of that type seen an open and naked condemnation of a Government as I have seen the UNC condemned by Standard & Poor’s. Never have I come across that, but you see, it is okay when you have already had your food and “yuh belly full, yuh could stand up and make plenty noise opposite”. There are people that come and address us in the Parliament like comedians sometimes. Not they themselves being comedians but what they say is so comedic and the flippancy with which they make up positions is honestly quite disturbing.

### **7.00 p.m.**

Madam Speaker, Trinidad and Tobago has before it right now a choice to sober up, a choice to take responsibility, a choice to appreciate where we are as a country, a choice to realize that we can do the necessary if we work together and keep in mind productivity and discipline as our watchwords, let alone tolerance.

You see, what is entirely the prescription for Trinidad and Tobago is to wake up and realize that we cannot afford to be corrupt, and I want to know whether the next speaker, the leader in waiting for the UNC, is going to commit openly today to supporting explain-your-wealth legislation, civil asset forfeiture, where you cannot explain how you own a \$60 million property or how you own a mall in Holland or how you own whatever it is people may say you own, by the income that you have, if they will support that you should lose those assets. Because



public procurement, in curing our society, is not divorced from campaign finance reform, revenue authority reform and specifically anti-corruption legislation.

I heard the hon. Member, last speaker, say the PNM does not pass, One Alexandra, Member for Naparima, you say? You know, I am so glad you said it. The scandalous procurement of the contract to outfit One Alexandra Place, where \$71 million was put out, as I am told, for what has been valued at \$20-something million where UNC Minister after UNC Minister rushing to get at the spoils of a contract and the Member for Naparima, somebody known for spinning the wheel, known in Trinidad and Tobago for spinning the wheel, has the temerity to intervene by way of crosstalk in this debate. I wonder if Andy Balgobin is known to the Member for Naparima? I wonder. [*Crosstalk*] I wonder who paid for the wheel, as I am hearing now.

Madam Speaker, I was saying, I would like to know if the UNC is going to commit to the reforms that are necessary for the Board of Inland Revenue, because you will notice there are amendments proposed on our legislative agenda because one has actually been produced. We want to know if they will support civil asset forfeiture and that is a serious question.

We want to know if they will support the retroactivity of the application of these procurement laws, and we could go as far back as they want. We could go back to 1962, if they want. Because you see, Madam Speaker, I think that there is a deliberate strategy by the Opposition simply to make noise and oppose. That is all. It is a deliberate attempt to be obstructionist.

I heard the hon. Member for Caroni East say a little while ago: the UNC, what law can the PNM compare for the UNC's corruption laws? "Ah want tuh know who make ah jail under those laws" and what was done by the last Government, in relation to those corruption laws? What singular acts of proclamation and assistance happened under which Government to affect which cases in this country? You see, I do not think that the PNM would ever have a legacy equivalent to section 34 and Piarco.

**Dr. Gopeesingh:** You supported section 34.

**Hon F. Al-Rawi:** And I hear them again, "You supported section 34". Yes, but we did not proclaim section 34 in breach of undertakings.

So Madam Speaker, where there is surreptitious activity, where there is darkness, where there is scandal, [*Crosstalk*] there is no doubt to be loud protest, much like you are hearing right now. When you hear the noise start to chatter and

*JSC Report*  
[HON. F. AL-RAWI]

*Friday, May 20, 2016*

people get nervous in their seat, slipping off the leather as they sweat, you have to ask yourself why. When you hear people distract you with blurbs, just make it up as you go along, it could be make-up such as the type that we heard the Member for Caroni East gave us a little while ago. It could be make-up such as we may hear from the next speaker. We do not know. We ask the population to be attentive and to focus.

What we certainly will do is to bring forward the products that we are working on because the country will judge us, in the 52 months that we have left, on our track record, not so much on the battles that we face by the distractions from an Opposition, which I think has a little bit too much protest along the lines of Shakespeare where you may think that the protest is for some other reason.

Madam Speaker, there is not much more to say other than to compliment the hon. Minister of Finance for the courage and hard work necessary to bring this forward, for standing strong, when you heard Members opposite say, such as the Member for Caroni Central said a little while ago, that the review committee was a feature that was not brought by the Member for Diego Martin North/East, when the Member for Diego Martin North/East moved one by one in the House back on December 05, 2014, the same amendments then. He stood up tonight, the Member for Caroni Central, to say that never happened; just like that. The same way he said that we did not support and we had no reason to support the first iteration of the Public Procurement Bill.

I congratulate the Minister of Finance for standing up and having the courage not to want to protest too loudly while those kinds of untruths were told because anybody that has the fluency and charisma just to make it up as you go, as we watch by certain speakers opposite us, then definitely it is not the kind of people that we want to be judged by.

So, Madam Speaker, I look forward to hearing the commitments that I understand the Member for Oropouche East will give next. I look forward to his warm and open commitment on the retroactivity of this law, on civil asset forfeiture, on making sure we get to bid rigging, as I know he as the next leader of the UNC is bound to give. Thank you, Madam Speaker.

**Mr. Prakash Ramadhar** (*St. Augustine*): Thank you very much, gentlemen, ladies. [*Desk thumping, laughter and crosstalk*]

**Madam Speaker:** Order!

**Mr. P. Ramadhar:** Madam Speaker, thank you for the opportunity. Let me just say that I love history. But I believe that this Parliament has now descended itself into nothing but an historical playground. Elections came last year, we know. The PNM won September 7<sup>th</sup> and they are the Government. Mr. Attorney General, it is your time to write the laws and to change the culture and I congratulate the efforts of your furthering what had been started for some time now, this procurement legislation.

It would be wrong for us, however, to ignore all of history and to not accept the incredible fortitude of the Member for Caroni Central, in his efforts in the last term—[*Desk thumping*] to have, against many odds, pursued an effort to bring light, as you have spoken, light to the country. Nothing is perfect, we agree. But let me just say this, that work is the foundation upon which these amendments are here to be made or efforts are so made. [*Desk thumping*]

Many believed, before 2010, that this country would not see such change legislatively and what we call social engineering. You bring legislation and you change the culture or the culture changes the legislation. But it is a combination of both and we are grateful, speaking as a citizen here today, that we are one step closer to the reality of procurement legislation.

Let me also say, to be fair to my friend from San Fernando West, who I consider a dear friend, that when—[*Interruption and crosstalk*] I am a criminal lawyer—[*Laughter*] putting all jokes aside. I do believe that the Attorney General, at the core, has the best interest of this nation at heart. [*Desk thumping*] However, we are all prone to error, and so. I give you one prime example of the error he has stated here today and it is for me, unfortunately, not necessarily as the next leader of the UNC, or as the former leader of the COP, to say that when we came to the Joint Select Committee we took a view that, look this is so important, and Members may recall and will hopefully bear it out, that we will not come with a written position, in terms of policy. But that we will come truly as a Joint Select Committee because it is with the effort of all sides that we hope to change the culture in the nation, and it is as a result of that, that we were condemned then. I remember it. The Member for Diego Martin North/East was virulent in his efforts to say that he will not participate in anything without a written policy, but we gave the opportunity to all to give us your ideas, at the end of which we would have had a policy coming forward.

You have heard what happened. You have heard the delays, but at the end of it we went forward and here we are today debating an amendment to the

*JSC Report*  
[MR. RAMADHAR]

*Friday, May 20, 2016*

procurement legislation. This is crucially important, because I will share these private and personal thoughts with you, because it is important as we stand as representatives of our constituencies, we do not only speak for them, but many of us speak from a position that we have held beginning from the age of childhood onwards, as to why we became involved in politics.

I, you see, Madam Speaker, have a vision for this nation; that our children will grow up in a society that is equal and there is equal opportunity for all. I want to see a country where the environment is protected, so that it will be there for our future generations. It is our duty. We are not the landlords but we are really the tenants for a time and we must pass it on, hopefully in a better condition than we have met it. I want to see strong and independent institutions devoid of political interference and control, so that those who hold power today and win an election today do not lose the future for all of us. I also want to see a nation where the wealth of the country is really used for the benefit of the people, and to that end, I want to see a nation that is free from systemic corruption. [*Desk thumping*]

And that is why many of us would have borne many years of struggle, many, 20/25/10/50, how many years it is to achieve power. And some of us, however, have used power as a weapon and not as a tool to help. But by this legislation I think the population is looking on to see if we are really serious, whether we have the interest of our people at heart and that we intend meaningfully, not just by words and shadow-boxing, to deal with corruption. This is one spear in the armoury against the people's enemy, which is corruption that has plagued us, as we have heard, not just for the last two generations of PNM Government but for time immemorial there has been corruption.

But we as a modern society must do things that are necessary. We could never eradicate it, I suspect but we must mitigate as much as we can and suppress it as best as we could. And for those who use office to enrich themselves illicitly, they must be dealt with. And I will support. Attorney General, you have my commitment for civil asset forfeiture. [*Desk thumping*] Because I want to make a point that people believe in the society that politicians, when they hold office it is for their enrichment and for their friends and families' enrichment. I hold a different view. There are some, of course, who would fall to the weakness of the temptation of the almighty dollar and will make errors in pursuit of that, betraying the sacred trust that was given to them as representatives of the people.

But it is crucially important to remember that corruption is like an acid that burns away, not just in terms of financial and economic loss, but it erodes

democracy itself. Because the average Trinidadian today, you ask them the question: name an honest politician and they will hesitate. Name a “tiefing” politician and you will be deluded and the innocent are washed in that rush and I for one and many colleagues here believe that it is about time that we really separate the wheat from the chaff, where legislative change comes and is meaningful and not used as a weapon to prosecute some and to protect others.

### **7.15 p.m.**

Just two days ago, Finbar Gangar, who I had the privilege of representing when he was first charged, the matter, after 12 years had to be discontinued, [*Desk thumping*] after 12 years. When Mr. Panday was prosecuted, convicted and sentenced to jail, information that turned into evidence came, that it was serious political interference in that matter, and a higher court had to say, because of the real likelihood of bias, the conviction could not have stood.

When I spoke earlier about the need for a strong independent institution, these are the things I speak of. So that when your commissioner of police is chosen, people could say this is a commissioner chosen not for political patronage or for political support, but the man who—or women, who will represent law enforcement against all wrongdoers, and the protection of all law abiding.

When we come with legislation that says, yes, the State has a right to monitor and surveil, we want it to be quite well understood, that there is no supreme right and exclusive right to privacy. There is a balance, yes, but for those who give authority to do these things, must not be under political control. All these are corrupt issues or possible corrupt issues, that corrupt and undermine the democracy.

So, today as we speak about procurement, I want to congratulate the Prime Minister, the Attorney General and the Minister in the Ministry of Legal Affairs, for continuing the effort for the other spear in the armour, which is campaign and party finance reform, because they hosted a wonderful seminar yesterday and the day before. I want to congratulate that, but equally forgive me for going back a little bit into history, that matter was first raised in these hallowed halls in 2004, by the Member for Chaguanas West. [*Desk thumping*]

Things “doh just happen”, seeds need to be planted, and there is— [*Interruption*] Yes, I congratulate the effort. [*Interruption*] Seeds need to be planted and that seed in fertile soil, and if you “doh have”, fertile soil, no matter how good the seed is, it will not grow. And no matter how fertile the soil is, if the

*JSC Report*  
[MR. RAMADHAR]

*Friday, May 20, 2016*

seed is no good, it will not grow. You need a combination of good seed, good soil and nurturing to make this thing happen.

It was furthered in the last Parliament, when the Independent Senator who I had gone with, to an event hosted by the EBC, on the very issue of party registration and campaign and party finance reform. I asked her, “Listen, why do you not bring a Private Motion?” Which she did and the nation will be eternally grateful to her for that. There was a joint select committee that we sat on, chaired by the former Speaker of this House. Work had been—AG, you had contributed into that, and the work had gone forward.

Therefore, the seed having been planted, the culture having changed because of the environment of acknowledgement that these things are necessary, and the nurturing now by all of us, will bring campaign and party finance reform to the fore, together with procurement legislation, because one without the other, is one leg, when you need two. I want to give you one example of what I mean by that.

Nothing is wrong in a small society as ours, for persons to contribute to a political party. Nothing is wrong with it. In fact, without that, there will be no political parties, therefore, democracy itself will suffocate. What is wrong, however, is this grave suspicion that if you contribute sufficiently to a political party, then as “dey say in Trinidad, yuh bread butter”, if your party wins. And, of course, it goes rancid if your party losses, because if you are seen as a supporter of the losing side, you become an enemy of the State.

I am hearing names mentioned, and it is easy to do these things, but I am not hearing the names mentioned of the supports of your party? That is why, nothing is wrong with having supporters, but if they are to benefit improperly, enrich themselves inappropriately, by getting favours without due process, then we have a major problem. That is why procurement legislation—so, the very SIS or the “maamoo” you talk about, if he supports the UNC or Opposition on this side, I am just giving an example, yet, a project is coming about and he wishes to tender, in a transparent, fair an open manner, and he is awarded a contract, then no matter who he supported, whether it is—maybe I should call name on the other side. *[Interruption]* Or whoever, maybe I should not, *[Laughter]* call a name on the other side, should not really do that, but even if they—*[Interruption]* There are many more I could call, but the point I am making is, that they should not be precluded, from participating in the business—*[Interruption]* of the State.

That is why they must come together and the confluence of these two efforts, I think is significant for us because, Madam Speaker, I do not know if we truly

appreciate the seething anger, that is on the ground throughout the length and breadth of Trinidad in particular, and Tobago I am sure, to a lesser extent, and the contempt that most of the citizens have for office holders, across the board, whether you are PNM or UNC or COP, whatever. There is almost a despising of those who hold power. That is a phenomena we see throughout the world. We saw it in the Arab Spring. We are seeing it now even in America, for those who feel the burn, and for Trump, potential President of the United States, and in other parts of this world, where the classical establishment is being despised, denigrated, scorned and possibly put out of office.

If we do not catch ourselves in Trinidad and Tobago, what will happen then, the total disrespect that comes with that, because if they feel everybody “teef”, and “de eat ah food”, that the Attorney General so tastefully put to us, then what will happen is, there will be a loss of the democracy. The environment of 1990, Milady, for those who can remember, has been reset, where there was a broken Government at that time. There was a belief that the Government was acting against the interest of the people. People were losing their jobs, their homes. There was fear in the society, that there was no real future, and that is an environment that has returned. That is why it is important for us as the leaders, the elected leaders of this country, to show that there is light at the end of the tunnel. But many of us do not appreciate that it is a necessity of the leadership, if you cannot do better, the least you must do, is to give hope. In this effort started by the Member for Caroni Central and continuing today, is a light at the end of the tunnel, this is crucial for our democracy.

Madam Speaker, I do not and I had not intended to speak very long on this matter, but when the Attorney General spoke about civil asset forfeiture, I wondered if he had a peep at what—I do not really make much notes, but this is something I wanted to speak to, because in every one of the Government offices, historically, there is a belief in particular with licensing, with customs, with police and I dare say, in Ministries that give out multi-million and hundred million dollar contracts, that professionals and officials, and those who hold authority in these institutions, are corrupt. There is a widespread belief that it is endemic, deep, long-standing and historical, because we see from anecdotal evidence, there are persons who, for instance, an officer in one of the divisions, driving cars that they could not have afforded by their salary, homes that they could not have built by any savings, and a lifestyle way above their pay grades.

It has always troubled me to believe that that is transported in the minds of our citizens, that it is political corruption alone that exists, and they connect those bits of evidence that they see, with political corruption. But unless we appreciate that

*JSC Report*  
[MR. RAMADHAR]

*Friday, May 20, 2016*

there will be Ministers in Ministries, and I warn fellow MPs who are now Ministers, there may be things happening in your Ministries that you would have no idea of, and when things go good, there is no problem, but when it goes bad, at the top, it is Minister who is held accountable and responsible. You would have no knowledge of these things, but when corruption is unearthed in one of your Ministries, and I promise you it will, you will be blamed. They will associate you with it, as if you had a hand in it.

We need to know then and to make a provision, to really go after civil asset forfeiture. I for one, I am sure many others on this side, must support this legislation, and there are other bits of legislation that must come, but I am not today to speak on that. I am today really to encourage all that, having arrived at a juncture, where one of my dreams, personal dreams, for procurement is almost at hand, that we must altogether now, not niggle over details, quarrel over, what I will call, insignificance, but let us work together. Because what is the amendment that we are dealing with here today, that there is some conflict? I heard the Member for Diego Martin North/East speak very eloquently, and as unusual—  
[*Interruption*]

**Mr. Imbert:** As usual. [*Laughter*]

**Mr. P. Ramadhar:**—as usual, [*Interruption*] and I had to agree with him when he spoke, but I have returned to the courts, and there is something I always say when I rise to cross examine, that there are at least two sides to every story.  
[*Interruption*]

**Hon. Member:** “Doh snatch—” [*Interruption*]

**Mr. P. Ramadhar:** “No, I eh snatching anything.” You made good sense, that really the courts are encouraging potential litigants. Do not come here, because your wait will be long, it will be expensive, and it will be painful for all except the lawyers.

But I heard also Member for Caroni Central when he spoke, and he made eminent good sense, because then, by the logic that you want to have an oversight, over the oversight. Well, why do we not have an oversight over the oversight, over the oversight, and then go to the courts? You see, we could duplicate, triplicate, and I do not know what the next one is — [*Interruption*] quadruplicate. Right, Ganga will say it for me. But as it stands, there is already a built-in mechanism and the public hearing and airing of problems, I think so furiously important, that we underestimate it. Almost everything, and I remember some years ago when it started, before the Ian Alleyne and the other reality



shows. Whenever there was a problem in a community, “yuh know wah dey will say? Ah go bring TV6. Ah calling TV6”. The society has learnt the oldest of lessons; where there is a problem, “put ah light on it”. And if there is a light on it, “de cockroaches flee”, and that is crucially important.

Therefore, we cannot with all good conscience and sense, suggest that the—*[Interruption]* amendment to require a review board, I see it as duplicating an effort, and an unnecessary administrative level, because at the end of the day, what happens if you are still unsatisfied? You go to the court, but listen what would have happened. You would have gone through the first option and having been not satisfied with that, then you have your public hearing. Not being satisfied with that, then you go to the review board. Not being satisfied with that, then you go to the court.

I see it as nothing more than an unnecessary level of administrative delay, if you want to call it that, but there is something more insidious in it. You see, if we are to regale the regulator with such powers, he is a transformative—when I say he, I mean the office—is a transformative effort, and we get such authority to such an office, why then do we put a daddy overlooking that shoulder, within the very organization? You would have—in the courts we call it comity, between the courts; that you must have a level of agreement. So that what will happen is that the regulator will be undermined in the confidence in the country, if he makes a decision, and then the review board reverses his decision, on the same facts, on the same basis. You know what it means too? And do not underestimate what I am about to tell you. Along that the process, knowing this small country as I do and many will know it better, that along that process where the regulator makes a finding, and then the review board reverses, somebody along that chain “get ah pay”. Somebody along that chain was touched and influenced, and I will tell you it happens in the courts too.

### **7.30 p.m.**

You would have, for instance, a magistrate moving into a district, and that magistrate would be what we call a hardliner: No bail! Or if they set bail with heavy conditions and if they convict somebody, heavy jail. Do you know what the talk is then? They are looking for bribe. That is how it works in the country, not that that magistrate is taking a strong position and doing his or her job properly. So that the regulator may take a decision, and then it goes, you have the public hearing, in public, and everything is ventilated, you are not happy with it: “I am going to the review board”, not the courts that are independent, disconnected,

*JSC Report*  
[MR. RAMADHAR]

*Friday, May 20, 2016*

unconnected with any business aspect, but the review board that is dealing with—  
[*Interruption*] The court is dealing with the law, arm's length away. [*Crosstalk*]

**Mr. Imbert:** The lawyers are getting fees.

**Mr. P. Ramadhar:** Hold on, we will come to that in a moment. This thing about the lawyers getting fees, I am sickened now to hear the kind of fees that some lawyers have gotten. I appreciate the Attorney General doing a review of it, because I know how hard it is to work for poor people, in particular, to earn and then when you hear some of the outrageous numbers that are being called. So, I really would like to know more details on that, but let us not be side-tracked by the Member for Diego Martin North/East. When we go to the review board, I ask the question, and maybe the Member for Caroni Central could help us or you, Minister of Finance: is the entity or business entitled to be represented by legal representatives?

So this issue of cost, that you pay lawyers to go to court, let me tell you something. If you are going to do these things you will get professionals to help you, especially if the contract that you are dealing with is a large and wordy one. You are not going to go there with your lil copybook. You are going to go with professional consultants who will be able to argue your case and we will develop a specialty, but the point I will not let go of is this:

The regulator makes a decision, you are unhappy. You complain, you go before the public with him, you ventilate in public, he stands with his decision. He may very well reverse, but if he stands with it and then the review board, having regard to all that has gone—because you would imagine in those first two options, the facts and evidence, arguments would be well ventilated—but then the review board—and I am not seeing anything here—whether the review board sits in private, in camera, as we say, or in public. So it is really the classic old boys in a smoky back room. [*Interruption*] I am being very serious.

**Madam Speaker:** Member? Member? Member for Diego Martin North/East, could you kindly restrain yourself. I would like to hear the contribution of the Member for St. Augustine. [*Desk thumping*]

**Mr. P. Ramadhar:** Thank you very much. Yes. So, Madam Speaker, the point I am making is to avoid all of that. The very thing you want to achieve—the trust, the light and the hope—will be extinguished by the very thing that my friend, I am sure thought it through but did not see it from this point of view that this review board will undermine the authority of the regulator and of the entire process, and that is a very dangerous thing. [*Desk thumping*]

Now, before I take my seat it will be remiss of me if I did not indicate that there is a lot of pain in the society going on now where one Government was removed and replaced with a new one. It was great hope and ambition that tremendous positive change would come, and I know change is never easy nor is it sometimes timely, but there are contractors who are waiting for their moneys, not being paid month after month after month.

If that was not bad enough, these contractors cannot pay their workers who are losing their homes, losing their livelihood and losing hope. Some of them have lost their lives, but the reason I want to bring that into this debate is this:

I, too, years ago, represented a former Minister who is now dead, so I could speak. He was charged before the courts for corruption. The allegations were these—well, in substance this—that contractors who were owed money, if they wanted to be paid they had to talk to him. And unless he was paid, they would not be paid and, therefore, they would delay payment to put pressure, as they say, to force you to come up with what is required.

I do not know if my friends realize, true or not true, but these are the things that people are saying now about your Government, that persons—and I warn, not in any way to make you feel bad or to point fingers, but to alert you—that there is a perception that moneys that are owed are not being paid for the very purpose of what they called a shakedown or a squeeze. Minister of Finance, I want you to please pay some attention to these things, because if it is that you end up within the first year that you have lost all your credibility in terms of these and other errors that you have made, then the country itself is in danger. You remember I spoke about the environment for 1990, I do not ever want to see that recur, please.

So that whatever we do, legislatively, culturally or how we conduct ourselves, must restore a level of dignity and trust in the society, and that if we should move forward with this bit of legislation, at least, we would have moved some distance forward in restoring some level of trust in us by those we were elected to serve. Our very democracy, without overstating the fact, could be at stake here. So, Madam Speaker, I thank you for the opportunity. [*Desk thumping*]

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker, and it is a privilege to join the debate, at this time, when we sense that we are winding down the debate and, therefore, it falls to me to review somewhat the contributions made by my colleagues opposite and to add not much, but about two or three new points to the arguments raised by Members on this side of the House.

*JSC Report*  
[DR. MOONILAL]

*Friday, May 20, 2016*

Madam Speaker, a lot has been said and I, of course, have been taking notes from the various presenters opposite, particularly, of course, the Minister of Finance who spoke first, followed by the Minister in the Ministry of the Attorney General and Legal Affairs and Minister in the Office of the Prime Minister and, of course, the last speaker on the Government side, the Attorney General. I would indeed want to comment on some of the issues that those Members raised.

But, Madam Speaker, I just wanted to begin by putting in place my own perspective on the context of this debate. It is a very critical debate, clearly, on a critical matter, a matter that has some history, a matter that has engaged the attention of Governments and Oppositions over several years and a matter in which I think there is common understanding that it is a matter of great importance to our governance.

The Member for Port of Spain North/St. Ann's West indicated to us the delight at which foreign governments invited the now Prime Minister to attend on them to discuss issues of corruption, procurement related and so on. I am sure that those governments would be very much interested in the leader of the Government of Trinidad and Tobago to discuss these matters, because this country, since 1962 or thereabout, has had some checkered history in dealing with corruption and mismanagement, and have had various notorious developments, some culminated in calypsos and folklore over the activities of several Members of Government spanning from 1962. So that the leader of the United Kingdom may well recognize a PNM leader as someone he needs to talk to concerning managing corruption. So I am not surprised that they embraced the leader of Trinidad and Tobago to discuss this issue, because they would recognize certainly his party if they did not recognize him.

Madam Speaker, I wanted to begin at the beginning—and I would come to certain aspects of the amendment Bill in a few moments—but to respond to the Minister of Finance. The Minister of Finance, you know, gave us his assessment. The fact is that the Member for Caroni East was correct that this matter was before the former Government. And, Madam Speaker, as the then Leader of the House, I took great interest in this matter. It is a matter I monitored at the level of the Cabinet, at the level of the Parliament. It is a matter that I monitored and I kept a big interest in.

The Member for Caroni East was correct in that when I looked at the records, I found the fingerprint of the Member for Diego Martin North/East on the first set of minutes of that meeting when they agreed on a quorum that would include Opposition Members, and then the Opposition Members disappeared. So that the

committee had a difficulty in meeting, and that is the genesis for the time delay on this matter that the Member for Port of Spain North/St. Ann's West raised. So their fingerprints were only to be found on the first set of Minutes, but on no other documents thereafter, because I think they ran away from that committee and the committee could not work, and in Parliament that became a serious matter for us in the Tenth Parliament.

So the Member for Port of Spain North/St. Ann's West when he asked this question about the delay and the delay, delay, he can just look on his left—you could look on your left to two Members or three—the delay in getting the Bill to the House in the first place, because you cannot proclaim something unless it comes in a timely manner to the House of Representatives. [*Desk thumping*] So if you delay by two years in the committee stage, when do you expect to proclaim that? That is, of course, part of the delay, and the Member, the Minister of Finance, knows the history of that. I do not want to repeat that. The Member for Caroni East went into length about that.

The Minister of Finance also raised this issue which I want to quote from the parent Act as well. Madam Speaker, it is very clear, of course, that in doing this business here, in this matter, one has to be reading with one hand the amendment and with the other hand the parent Act. It is clear. You have to study both to understand what is being done here. This to me—unless I am mistaken and I could well be—is only about the second piece of legislation coming to this House in eight months that is outside of a Finance Bill, which is a mechanical something drafted by the Ministry of Finance pursuant to a budget and so on. [*Desk thumping*]

**Dr. Gopeesingh:** You are correct.

**Dr. R. Moonilal:** I am correct. [*Desk thumping*] And we have had the infamous SSA Bill, which the society condemned, that is the first, and today you have the second, which has also received condemnation. While they talk about legislative agenda and legislative agenda, this is only the second piece of legislation that you could say has some originality although it is an amendment legislation. It is an amendment. And, Madam Speaker, the Minister of Finance spoke about an amendment here that seeks to give reports from the Speaker to the Public Accounts Committee and I remember that matter, Madam Speaker. I remember it with great care.

It is, I believe, in section 24 of the parent Act that speaks about the reporting where the Office of the Procurement Regulator will give a report to the Speaker of

*JSC Report*  
[DR. MOONILAL]

*Friday, May 20, 2016*

the House; and the Speaker of the House and others, I believe it was, not just the Speaker—it is—I am getting it for you properly—section 24(4) and I quote. There is a reason why in contemplating this Bill, we ask that the report be transmitted to the Speaker and it says here:

“A report under subsection (1)...”

This is, of course, the report of the procurement body, will be sent to:

“(4) The President of the Senate and the Speaker of the House of Representatives shall cause the report to be laid before the Senate and the House of Representatives, respectively, at the next sitting of the Senate and the House of Representatives after the receipt thereof...”

Do you know what that means? In the original piece of legislation, we are saying a report from the procurement body will go to the Speaker who at the next sitting of the House will cause this report to be laid. So all Members, Government and Opposition, will immediately have sight of any report from the Office of Procurement Regulator, the agency.

**7.45 p.m.**

Now that is fundamentally different from what is being proposed. The Minister of Finance says that we are more about accountability; we are now amending to send the report to the Public Accounts Committee. The Minister is right, the Public Accounts Committee is chaired by a Member of the Opposition, but who has the majority on that committee? The Government has the majority on the Public Accounts Committee. Madam Speaker, I believe it was the Ninth Parliament, I had the honour of being, for three years or so—that was the length of the Parliament—I was chairman of the Public Accounts Committee. In fact, I was the chairman of the Public Accounts Committee that led to the Public Accounts Committee’s business being broadcast live on television and radio; I was the chairman. [*Desk thumping*]

My friend from Diego Martin North/East wanted to send me to the Privileges Committee for doing that, if not to a more dastardly place. I was chairman, but the business of the Public Accounts Committee is determined by the Members not by the Chairman. To say that the Chairman is in the Opposition means nothing, it is the Members who determine the business and it is dominated, the majority is the Government of the day. So you are sending a report from the procurement agency to the Government of the day, who can receive the report, they can programme the report to be discussed in the next six months. They can decide, look, this

report has some damaging information here, leave it right here, we will deal with that later in the year. They can delay.

The Public Accounts Committee sets its own business. They may or may not debate or discuss a matter from the procurement agency, but when the matter goes to the Speaker, or the President, as the case may be, they are compelled under the law to send it to the Parliament immediately when all Members will get sight of it. [*Desk thumping*] You see the fundamental difference? So that is a very retrogressive step. What you can do is when the report comes to the House, anyone here can move a Motion that the report be sent to the Public Accounts Committee for reporting.

So why do you prevent the report from coming to the House of Representatives or the Senate? Why do you want to prevent that by sending the report to the Public Accounts Committee where it is dead on arrival? They may or may not consider the report. You do not know what the majority may decide to do. So that that by itself, Madam Speaker, is a serious matter that the Minister of Finance knows. He has been around the Parliament, almost in every capacity, known to Parliaments, and has failed in most. Madam Speaker, the matter of the review board, I will come to that in a few moments, and the matter of the regulations. The Member for Caroni Central spoke to the issues of disposal of property; I do not want to repeat what he has said—[*Interruption*]

**Madam Speaker:** Before you go on, it is now an appropriate time for us to take the Procedural Motion. Leader of the Opposition—Leader of the House.

#### PROCEDURAL MOTION

**The Minister of Finance and Acting Minister of Planning and Development (Hon. Colm Imbert):** I do not think I will ever be Leader of the Opposition. Madam Speaker, in accordance with Standing Order 15(5), I beg to move that the House continue to sit until the conclusion of the business before it.

*Question put and agreed to.*

#### JOINT SELECT COMMITTEE REPORT

#### Public Procurement and Disposal of Public Property (Amdt.) Bill, 2015 (Adoption)

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

**Dr. R. Moonilal:** Thank you very much, Ma'am. [*Desk thumping*] Madam Speaker, I will return in a few moments to the review board and to issues of

*JSC Report*  
[DR. MOONILAL]

*Friday, May 20, 2016*

regulations, and so on. The Member for Port of Spain North/St. Ann's West, Madam Speaker, it is common knowledge that there was a press conference at 4.30 by Members of the Opposition. Several of us were delayed, but when I heard the Member for Port of Spain North/St. Ann's West, I skipped my afternoon snack, I left my hot cup of tea and I ran down in the House because the Member for Port of Spain North/St. Ann's West was taking a very juicy run-up to deliver a ball.

The Member for Port of Spain North/St. Ann's West enticed us into his contribution by indicating that he is now going to come and reveal to the House some names, or some dastardly act committed by persons, and rose with a document in his hand to say we have the information about bid rigging, about families, about this and that. Madam Speaker, I heard him so I left what I was doing and I came down in the House, I then went without tea, only for the Member to run up to the wicket and then deliver, Caroni East would say, a lollipop, because there was no issue, there was no case, there was no example, there was nothing that the Member told us, and this is a pattern of the Government.

The usually loquacious Attorney General followed and, like other Members of the Government, they have reached after eight months threatening, intimidating, warning—you know, there is an old western in the old days we saw, Madam Speaker—what was the guy's name? Fernando?

**Dr. Gopeesingh:** Fernando Sancho.

**Dr. R. Moonilal:** Fernando Sancho, and in that western he said, "I want to tell you something", he said, "Senor, when you come to shoot you must shoot, don't talk". I want to tell them, when they come, shoot politically, Ma'am. [*Desk thumping*] When you come with something, when you have information "fire off, don't talk". They bring in the House a kind of mauvais langue, they threaten, "every time you hear dem, eight months later is jail, lock up, we looking". They are permanently reviewing, auditing.

Today we heard of Ernst & Young, we know who is Ernst, we want to know who is Young. We want to know who is Young, we know who is Ernst. We want to know which Young we are talking about. Madam Speaker, the Member opposite enticed us into listening to him that he would give some examples of bid-rigging, where it has happened, the name of the company, the connection with, I think, a managing director, we heard nothing. When they came into office, this [*Inaudible*] in the Attorney General's Office, I refer to them as the young and the



restless, when they came in, tell us about ghost workers; eight months now we are here [*Desk thumping*]—“even I stop for dat”.

Madam Speaker, eight months now we are hearing about ghost workers, it started with 100, it reached 300, to this day, neither the young or the restless could tell us who are these ghost workers, anyone prosecuted, [*Desk thumping*] what has the Permanent Secretary done. Why do you not take your first offence, which is the ghost busting—[*Interruption*]

**Mr. Al-Rawi:** You want the answer now? I will give you the answer then.

**Dr. R. Moonilal:** No, you spoke for 45 minutes, and you are talking about the mall in Holland, I am coming to that now. I am coming to the mall now.

Madam Speaker, why do they do this? They have not delivered a single new house they built, [*Desk thumping*] they have not built a box drain, they have not constructed a road; you have thousands of people unemployed, barrels of blood on the street, five murders a day, but you are threatening every time you speak in Parliament. There was one Member who stood in this House a few weeks ago and I was amazed. The Member said he met his constituents and they are asking, “When all yuh locking up people?” They are not asking for a job, they are not asking about health care, they are not asking for a food card, they are asking, “When yuh locking up people?” That is what they are doing, and when you come to shoot, you shoot, “don’t” talk, otherwise you will get shot. [*Desk thumping*] Politically.

**Madam Speaker:** Just nullify it.

**Dr. R. Moonilal:** Sure. Politically you will be injured, let me put it that way. Politically you will be injured, because in six months they have had to remove a Minister of the Cabinet within four months, or so, for allegations of corruption; they have had to. So the first casualty was not on this side. It was not on this side.

Madam Speaker, but I want to teach—[*Interruption*]

**Mr. Hinds:** “But all all yuh—on September 7<sup>th</sup>.”

**Dr. R. Moonilal:** “Listen, you just hear Joint Select Committee and yuh get excited.” [*Desk thumping and laughter*]

Madam Speaker, I will call names. I want to ask the Member for Point Fortin to wipe that smile from his face because I want to raise the issue of crime. [*Desk thumping*] Madam Speaker, I am now being disturbed by my colleagues. Madam Speaker, I want to do like Fernando Sancho, because, you see, I want the Minister

*JSC Report*  
[DR. MOONILAL]

*Friday, May 20, 2016*

for Port of Spain North/St. Ann's West to take a note of something, because I am very concerned with your family-affair type debate, your argument about helping family and breaking the law, and breaking laws which could have been proclaimed, and so on. But surely you are aware, surely you must be aware because you are now investigating and reviewing legal fees, and so on. I think it is a major preoccupation of the Attorney General's Office in reviewing legal fees to explain to us how the relative of a Government Minister, relative of a presiding officer, could receive a payment from UDeCOTT before UDeCOTT approved a payment to an attorney-at-law, the attorney-at-law received payments already.

I have the document in my hand. I want to ask, how in UDeCOTT today—Madam Speaker, a point raised by the Member for Siparia earlier—how in UDeCOTT today someone can make a claim on one day and the next day receive a cheque for 400-odd—400, and how much here?—\$431,000 paid to an attorney-at-law—*[Interruption]*

**Madam Speaker:** Hon. Member, do you take responsibility for that statement?

**Dr. R. Moonilal:** Madam Speaker, I do. Let me read from the documents because I am now taking responsibility. I have in my hand, Madam Speaker, a pro forma invoice from one attorney-at-law, Mr. Kerwin Garcia, who did a pro forma invoice dated February 02, 2016, for \$431,249. Minister for Port of Spain North/St. Ann's West, I am asking a simple question, which you can answer and you can qualify the answer, is it proper for a chairman of the board, in the first instance, to be giving out contracts for services, procuring services from his nephew in this manner? You can qualify that in an explanation. Therefore, we have in our possession, as well, the cheque, and the cheque, Madam Speaker, is here dated the 2<sup>nd</sup> of the twelfth, unless I am mistaken.

So it means that the same day of the pro forma invoice is the same day of the cheque, of February 2016, and, Madam Speaker, I have the documents in my hand. So there are two issues here, the issue really is how could this happen on the same day? There is a process you go through in state enterprises for payments. The Attorney General regaled us with his knowledge of value for money, and you have to check all the bills to ensure the work was done before you pay. So when you get a claim you check the bills to make sure value has been, you know, given and then you pay, how in one day you could send in a pro forma invoice, same day get a cheque, and in a situation where the Chairman of UDeCOTT is also related to the attorney-at-law in question. That is something I raise with you.

As I say, I come to you and I call it, I just do not take a run-up for nothing.  
[*Interruption*]

**Hon. Member:** When was that approved?

**Dr. R. Moonilal:** February 02, 2016, approved. And it relates to an earlier argument the Attorney General was at pains to deal with. The Attorney General, responding to an earlier argument, raised—well, he is unusually quiet and silent, but I cannot take that at face value—[*Interruption*]

**Mr. Al-Rawi:** You want to give way?

**Dr. R. Moonilal:** Let me make the second point, I will give way to you, because you have to respond to several matters here. Madam Speaker, the Attorney General made the point, he said that it was a clerical error, the \$10 million, or so. Would the Attorney General also—[*Interruption*]

**Dr. Gopeesingh:** Cleaver Heights.

**Dr. R. Moonilal:** Cleaver Heights project. Would the Attorney General also confirm that the operative at the HDC then that testified that it was a clerical error, the \$10 million, is also the person who has been appointed at UDeCOTT without advertisement as the Chief Executive Officer of UDeCOTT?

**Mr. Al-Rawi:** Thank you, hon. Member, for giving way. Firstly, I would like if you would kindly agree to provide the information which you have in writing. Secondly, I took the opportunity to make enquiries, I have been told that, indeed, a payment was made to Kerwin Garcia on March 08, 2016, and not as you have said; however, I would be grateful for the copies. I am told that the previous attorneys in practice on this matter were Mr. Avery Sinanan and Mr. Gerald Ramdeen, that together their fees crossed over \$1 million plus for pretrial work in that matter. And I am told that the fee paid to Mr. Garcia for trial was in fact even less than half of that matter going forward. So, clearly, there was a value for money savings.

I am not sure whether in fact the procurement was done in fact by the chairman. I will make enquiries because one would assume that someone can recuse oneself from that. I am also able to state, as a matter of certainty, that the person that provided the evidence as to the clerical error was the person appointed by Prof. John Uff in the person of Mr. McCaffrey, who came in and did an audit of the HDC and the file, and he certified that it was a clerical error. Would you like any further answers?

**Dr. R. Moonilal:** Yes, please. Could you also make a commitment that you will also provide us on this side with the documentation to support what you have just indicated?

**8.00 p.m.**

**Mr. Al-Rawi:** Yes, I do give the commitment that whatever I come across I would certainly pass it on to you, [*Laughter*] and I would ask for it. So, I look forward to the—[*Interruption*]

**Dr. R. Moonilal:** Thank you very much, Attorney General. I have made a statement, I have this in my hand, I will give you it now. Would the person please take it and you can give it to the Attorney General? My deal is finished, yours now. You made some comments, could you now furnish me with the documentation?

**Mr. Al-Rawi:** I do not have it on me.

**Dr. R. Moonilal:** Oh, you do not have it on you? Okay.

**Mr. Al-Rawi:** I have my phone.

**Dr. R. Moonilal:** I do not want your phone, I want some documentation, please.

**Mr. Al-Rawi:** Will you give way?

**Dr. R. Moonilal:** No, I am not giving way. I do not need your phone, I need the documentation from—

[*Mr. F. Al-Rawi stands*]

**Dr. R. Moonilal:** I am not giving way so you cannot stand. I want from you, not your phone. I want from you the documentation from UDeCOTT.

**Madam Speaker:** Members! Members!

**Dr. R. Moonilal:** So, now that you have committed to giving me the documentation to support your correction, we look forward to that.

Madam Speaker, let me make the point for the record that Miss Margaret Chow, who then operated as the managing director of the Housing Development Corporation, that played a part in that matter that sought to clarify a clerical error for \$10 million is the chief executive officer of the UDeCoTT, without advertisement. [*Desk thumping*] There has been no advertisement, and that is another issue, since coming into office several critical state enterprises are now

being run by CEOs who have been recruited without advertisement, without proper recruitment policy at all. And if it is not in your office Attorney General, fine. Find out whose office it is in and seek to deal with it, because you are now trying to lecture us on good governance. That is what you are doing. [*Desk thumping*] So, my message to the Member for Port of Spain North/St. Ann's West, is that when you have something tangible to tell the House about bid rigging, take a number, get in line, and tell us. But "doh" come every week, you know, with some mauvais langue you hear.

The Attorney General's office is supposed to be run with greater professionalism, greater sense of, I want to say, dignity, but also based on information and knowledge. You know, you expect some Ministers in certain areas to operate more on hearsay and thing, but you do not expect Attorneys General, you do not expect Ministers in the Ministry of the Attorney General to operate on hearsay, to operate on mauvais langue, to operate on bacchanal. You hear them about threatening, then you hear them about mall in Holland and so on. I will be happy to know who is that. [*Laughter*] I will be very happy. Because I want to tell my friends opposite, I am one of the very few politicians—several of us on this side, there are some who are new—who has filed my Integrity Commission returns on time, and I have had for the last 10 years certificates of compliance [*Desk thumping*] and I will not point out now who on your side cannot get a certificate of compliance. I have received a certificate of compliance. So, if I have any asset that you know, please tell me so that I could include it. [*Laughter*] Thank you very much. [*Desk thumping*]

The Member for Port of Spain North/St. Ann's West, I want to encourage him to desist from this type of, you know, veiled attack on contractors and so on, that contractors were involved in bid rigging, and this one company had this person, and that company—do you know contractors in this country now are suing the Government for money. They are suing the Government. They are taking them to court for failure to meet and treat, not only payments. Madam Speaker, when we got into office, before we discovered where the piano was at the Diplomatic Centre, we had a meeting there, contractors cornered us there in that Diplomatic Centre, they told me I owed them \$7 billion. I say, But, I do not even know you. Seven billion dollars, what did we do? We met the contractors with the relevant state enterprise, we worked out, where reasonable, a payment schedule, and we were also able to reduce a lot of claims. [*Desk thumping*] We did not fight.

The Minister of Housing and Urban Development, the Member for San Fernando East, is saying that is what he is doing. That is fine. But, I want to tell

*JSC Report*  
[DR. MOONILAL]

*Friday, May 20, 2016*

the Government that we did not fight the contractors in this way, by being almost—I cannot use that word. But you have to meet and treat with contractors, work out their claims, reduce it if you can, but you have to pay at some time, otherwise the contractors will take you to court. Who is going to pay the bill for the Government? The taxpayer. The taxpayer now has to go and get senior counsel to defend a claim of a contractor, and the taxpayer has to pay that bill as well, and that is a serious matter.

The contractors are complaining. You know what? Not that they are not getting paid, you know. They are not getting respect. It is not that they are not being paid, they could understand that. They do not get the respect from the Government that you can meet and treat with the contractors. And if the Minister of Housing and Urban Development is meeting and treating with contractors, and trying his best to work out payments, that is fine. But there must be a reason why contractors in this country today are going to flood the court with litigation against this Government. You have to consider that because, again, it will be the taxpayers' money that will jump up in the air to pay lawyer fee.

Madam Speaker, the Minister of Finance—and I want to ask a simple question. You complain so much that we took so long to bring the procurement legislation. Of course, we proclaimed some sections, we did not proclaim—what prevented you from September to today to proclaiming any part of the Act? [*Desk thumping*] Why did you not proclaim it in eight months? What really prevented you from proclaiming bid rigging as an offence? Proclaiming this, proclaiming that, eight months later? Madam Speaker, the Government stands today eight months in office with a frightening record of non-performance [*Desk thumping*] where the newspaper editorials are now calling the Prime Minister planless PM. Could you imagine eight months into office and a newspaper editorial is calling you planless PM, where it is widely regarded—

**Madam Speaker:** Hon. Member for Oropouche East, your original 30 minutes have expired. You are entitled to 15 more minutes, do you intend to avail yourself of it?

**Dr. R. Moonilal:** Yes.

**Madam Speaker:** You may proceed.

**Dr. R. Moonilal:** Thank you very much. [*Desk thumping*] So, the Government can tell us why it is eight months later, if the former administration failed to proclaim those important offences as offences in law, why did you not do

it? Why? Eight months have gone, and you must now stand and account, and the time is coming.

Madam Speaker, the other point made, I believe, by the Attorney General, asking gently and in some cases not, our position on certain matters; civil asset forfeiture and so on. I want to tell the Attorney General, be careful of those things. We just heard from the Members earlier, where a former Minister of Government was before the court for 12 long years, facing a criminal prosecution, and I can say it, it was in the newspaper, I read it, that the matter was dismissed because the DPP did not proffer any evidence in that matter. Twelve years. And today you are asking us to support civil asset forfeiture to take away people property when you charge people and 12 years later you cannot produce evidence for a prosecution?

The Member for Caroni East, this Member here, was in handcuffs, paraded before the Magistrates' Court, when the matter—he had to spend money from his pocket.

**Dr. Gopeesingh:** I spent a million dollars.

**Dr. R. Moonilal:** One million dollars. Thank God he is an extremely successful medical practitioner, and I am coming to me just now.

Madam Speaker, you want to tell me to support you with civil asset forfeiture, when the Member for Caroni East, the magistrate said in that matter, that the charges were not known to the law then—[*Interruption*]

**Mr. Al-Rawi:** [*Inaudible*]

**Dr. R. Moonilal:** But, you have the same tendency. Madam Speaker, I—let me use the world properly now—had to fork out [*Laughter*] over \$200,000 of my own money when the Member for Diego Martin West stood here on this side of the House, and in all that he was doing, he said it had a cc to roodal@tstt.net.tt. I lost \$200,000. I feel I will sue the Member for Diego Martin West for my money. [*Desk thumping*] Madam Speaker, I had to get legal counsel when they called my name in that emailgate bacchanal and fiasco. I did not send an email, I did not receive one, they say I was cc'd too, and I had to pay money from my pocket, and you want me to support you with civil asset—what? My friend, there are two things you would not see in life and that is one. [*Desk thumping*]

I want to move on. So, Madam Speaker, we are here today—[*Interruption*] “let them go see seize theyself”. The review board they brought here, I do not have time to quote extensively from the Bill, but I want to say, what is the big purpose of this? You take eight months to come back here, because you see what

*JSC Report*  
[DR. MOONILAL]

*Friday, May 20, 2016*

is happening, Madam Speaker, is the Government they have slowed down everything; the economy slow, the traffic slow, the Government slow. They have slowed down everything to reset and reboot the economy and the society in the likes of the PNM. That is what they have done. They deliberately slowed down everything.

**Hon. Member:** Except murder rate.

**Dr. R. Moonilal:** The only thing fast is murder and corruption. That is the only thing fast now. Going up. They slowed down the economy.

And, Madam Speaker, you know they could have been proclaiming this Act since September and October last year. They brought an amendment to us. The amendment deals essentially with this review board. Why do you put a review board in place to further bureaucratize the system? We have learnt the lessons of history. A case took 12 years in the English system. You look at all the court processes and so on, the complaints about delay. In the Act, in the initial procurement legislation that we have in place, there is already an inbuilt process for appeals. I believe it is section 49, that persons can appeal, and it is in the public. You can appeal, and there are a lot of qualifications here when you appeal, the process that it takes, the time frame. So, imagine, let us say, hypothetically, well, they like to call SIS, which one should I call? Sunway. Let us say Sunway has a claim, and they are quarrelling that they did not get a contract.

Now the Member for Caroni Central was absolutely correct, the Office of Procurement Regulator is not giving out contracts, you know. They are not giving out contracts. So, Sunway goes to the Procurement Regulator and say, "Listen, I want to appeal". They go through a long drawn-out process where, in the law, the regulator is appointed and the board—has anybody read the qualifications of the regulator and the board? I do not want to repeat, it is accountant, it is lawyer, it is engineer, it is project manager, it is civil society, it is everybody inside there. And, this Sunway contractor has to go to the board and go through a long lengthy process—that we are not amending today, "eh". So that process is in place. Is it so, Member for Caroni Central? The process remains in place, the built-in appeal of the office of regulator. When Sunway is finished with that now, they do not like the decision, what they do? They go to the review board now for a next process, and money is spent.

**Madam Speaker:** Hon. Member, I am so happy to hear you keep referring to the Member for Caroni Central, I want to advise you with respect to the Standing Order 55(b).



**Dr. R. Moonilal:** Madam Speaker, without repeating that, I want to ask the Government, why are they over bureaucratizing the process? Is there a political motive involved? Because, my complaints with the review panel is that it is very limited in the first extent.

Three persons, a retired judge, I believe an accountant and an engineer, comprise a review board and they do not have the benefit of other expertise that they had in making the decision in the first place. Then the amendment Bill does not spell out the powers of the review board. Whether the review board can give advice to the regulator. There is nothing spelling out, as they do in other jurisdictions. Madam Speaker, I have had the benefit of looking at the review board and its operations as well in Kenya—we have the data from Kenya—and there are powers of the review board in Kenya. And hear the powers:

- annul anything the procuring entity has done;
- give directions to the procuring entity;
- substitute the decision of the review board for any decision of the procuring entity;
- order the payment of cost.

These are the powers of the Kenyan model, which they claimed they took, but did not put in the amendment. So, they are silent on some of these matters.

The other matter is that the aggrieved contractor or person has to continue paying legal fees all the way, and if that fails you then go to the High Court where you pay more legal fees. So, what we had done in the government is to crush the system where you have the regulator, you have an in-built appeal function, and then you have the court waiting. And, as the Minister of Finance said, the court is one giving new procedures now to go for mediation, go for some type of arbitration in these matters.

### **8.15 p.m.**

Madam Speaker, I submit that what we are doing today will lead to the collapse of decision making in the construction sector; will lead to the collapse of issuing contracts in a timely manner, it will lead to economic slowdown and it may well lead to the politicization of this process of review. [*Desk thumping*] So imagine, for the board you have to get an accountant, an engineer, four members of civil society, a judge and a lawyer. And then when a review committee comes you have to get the same people.

**Dr. Gopeesingh:** And only three.

**Dr. R. Moonilal:** And only three that will hear what nine determine with great disciplinary backgrounds and so on. They will hear that. And when you fail there, well then you can go to the High Court and take up the matter. Who will receive a contract—and I imagine when that is being done any decision is stayed. So what work will start? Will you build stadia for sport, will you build hospitals, would you build schools, would you build anything in this country if you try to implement this type of legislation? And why do you do it when you already have an appeal process in place in the parent legislation?

So, Madam Speaker, the Government can tell us, what about the parent law that they have a problem with, because the appeal process is there. It is there.

**Dr. Gopeesingh:** With the Procurement Regulator.

**Dr. R. Moonilal:** With the Procurement Regulator. Madam Speaker, the Minister of Finance earlier in the day spoke about the importance of this review because he felt that, the Minister felt—and it is a feeling that they had when they were in Opposition, that the regulator was all important and so powerful. But there is a real risk that the Minister of Finance could end up in this system as the emperor of contract administration. [*Desk thumping*]

Madam Speaker, the Minister from Diego Martin North/East himself, who has been engaged in litigation with all type of construction projects, he owes Emile Elias a “ton load of money”. Madam Speaker, he owes Emile Elias money. In fact, “who he doh know is who he doh owe and who he doh owe is who he doh know”.

Madam Speaker, you are now giving this Minister of Finance this power, let me put it here to you. I am looking at 51F and it is the same problem that we have with the Police Service Commission and other Commissions. We complain, we are moving into a new period of governance, the Parliament is asking for financial autonomy, the Judiciary is asking for financial autonomy, and in 51F you are putting in now:

“The staffing, remuneration, funding and other operational matters of the Review Board shall be prescribed by the Minister by regulations made under section 63.”

So the Minister of Finance is yet again the czar in charge of operations, budgets—

**Madam Speaker:** Too much crosstalk, please. Members! Continue Member for Oropouche East.

**Dr. R. Moonilal:** Ma'am, they are disturbing me as well. So you have a situation, you just heard in all the reports of the Police Service Commission and so on which we did a few months ago; you heard of the Police Service Commission's problem with the DPA, I believe. You have heard Ministers of Government complain, some of you will start to complain about statutory organizations under your watch. And what happens when you have to work with the Ministry of Finance and so on. This review board will not get a paperclip, will not get a ream of paper, will not get a chair, will not get a table unless such is signed off by the Minister and the Ministry of Finance. And therefore, the Ministry, and I do not mean my friend the Member for Diego Martin North/East, alone but a Minister of Finance in this legislation will exert influence over the review board for the conduct of its work.

So while the world is moving into financial autonomy for independent institutions we are going back into this colonial set up—

**Mr. Indarsingh:** Retrograde.

**Dr. R. Moonilal:** Retrograde set up with the Minister of Finance who determines everything. [*Desk thumping*] And we should be moving away from this today. So if you really wanted to have—and, Madam Speaker, let me make the point again that I made earlier, this review board is reviewing contracts, disposal of property that may involve \$50 billion—plus dollars. This is not the review for contracts to buy apron and tall boots and so on. This is serious contracts, billions of dollars and a review board that has to wait on the Minister of Finance for operational matters to be prescribed and staffing, remuneration, funding.

So, if the Minister, not this Minister of Finance, but if a Minister of Finance decide he does not like decisions being taken by the board, he does not like when they are angling to take a decision, he says listen, I cannot approve further staffing for you, I cannot approve certain things for you, I cannot approve this. Madam Speaker, this is what we should be moving away from, not moving into. We have heard the complaints of even the Industrial Court, the Environmental Commission and other service commissions. This is a retrograde step of putting such an important board, putting their operational control under the Minister of Finance.

*JSC Report*  
[DR. MOONILAL]

*Friday, May 20, 2016*

Madam Speaker, we can go on and on, but I want in closing with the few minutes left to me, Madam Speaker, I think I have five minutes again. I could be wrong—

**Hon. Member:** One minute.

**Dr. R. Moonilal:** Or one, well I was close. Madam Speaker, I want to ask the Government to tell us which body—which regime—is currently in charge of procurement in this country, because it is not the legislation. They are in the business now, Madam Speaker, of tampering with contracts, of changing the scope of works for the hospitals, they are changing the scope of works for schools and other big construction projects and they are doing that outside of all procurement legislation.

Madam Speaker, I will invite them to answer me. Thank you so much.

**The Minister of Finance and Acting Minister of Planning and Development (Hon. Colm Imbert):** Thank you, Madam Speaker. Madam Speaker, what the debate has proven to me with respect to contributions from hon. Members opposite, is that public procurement is not for amateurs. And let me deal with the last speaker first, who made a long song and dance about every clause in the amendment Bill and was wrong in every point that he made. [*Desk thumping*] Unceremoniously wrong. Let me deal with the last point he made a big hoo-ha about, that the amendment Bill says, that the Minister may make regulations subject to negative resolution of Parliament with respect to staffing, remuneration, funding and other operational matters of the review board. And when I say procurement is not for amateurs, I mean it.

If the hon. Member for Oropouche East—he seems to have disappeared or is he hiding in the back there?—had bothered to read Act No. 1 of 2015, he would have realized that in their usual incompetence, in their haste to do things, without bothering to think, in their unbridled attempt to pretend that they are doing something, he would have known that his administration provided no arrangement whatsoever in the parent Act for staffing and remuneration of the Office of Procurement Regulator. It does not exist.

It falls to us to correct this incompetence on the part of the last administration. [*Desk thumping*] Big song and dance just like, is it Macbeth? A tale full of sound and fury signifying nothing. [*Crosstalk*] No, I cannot say those words. I cannot say who told the tale but I can say what the tale was, full of sound and fury signifying nothing. So a set of noise and carrying on about how the Member for

Diego Martin North/East is going to be an emperor because he will determine the staffing and the remuneration of the office and he will decide whether they could get money or not, when the parent Act had a big gaping hole in it with respect to staffing and remuneration of the office and we have fixed that. So now there can be appropriations, now you can have arrangements with respect to staffing and equipping of the office. That is what I said, procurement is not for amateurs.

Let us go now to the next section that he made a big hoo-ha about. He screamed that the review board, unlike the Kenyan Review Board, has no prescribed authority, has no prescribed functions. There is nothing in the amendment Bill that will allow the Board to do anything unlike the Kenyan Review Board. Madam Speaker, I draw your attention to clause 51L which says:

“Upon completing a review, the Review Board may—

- (a) confirm, vary or overturn the decision of the Office; and
- (b) order the payment of costs as between parties to the review.”

But the hon. Member for Oropouche East, screaming at the top of his voice, there is nothing in there that says what they could do, unlike the Kenyan Board that would order cost and overturn decision.

It is here in black and white, in the English language that these are functions. Procurement is not for amateurs. [*Desk thumping*] You have to read, you have to understand, you have to learn, it is a specialized field just like industrial relations and labour law is a specialized field, procurement is a specialized field, it is not for amateurs. So everything that the hon. Member for Oropouche East said is not in here, is in here. That means he never read it. He did a contribution on the fly as they say, a contribution on the fly. [*Crosstalk*] Well, I am not getting into this mall thing, I do not even know where this mall is and I do not know who owns the mall and who buy the mall and who pay for the mall. Not me and that.

Now, the hon. Members opposite also ranted and raved like the hon. Member for Caroni East, the Member for Caroni Central, the Member for Oropouche East, every one of them—

**Mr. Ramadhar:** Not everyone.

**Hon. C. Imbert:** Every one of them. I am coming to you just now, I am coming to you just now. [*Laughter*] Madam Speaker, every one of them rant and rave about how the Opposition prevented the Government from going ahead with this procurement legislation for years. The Member for Caroni East got up and

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

screamed, they stopped us for years and the Member for Oropouche East continued with that foolishness.

Let me go into the record. I have the *Daily Express*, March 9, 2012. Headline: “Tewarie: Opposition set to rejoin next JSC meeting”

And here is the story:

“Five weeks after withdrawing its support, the Opposition yesterday agreed to rejoin the Parliament’s Joint Select Committee (JSC) on procurement...”

Five weeks but I had to listen, Madam Speaker.

**Dr. Rowley:** According to who?

**Hon. C. Imbert:** Tewarie, Tewarie say, five weeks. [*Crosstalk*] Hon. Bhoé Tewarie. I am quoting, I am quoting, I am reading, I am not being disrespectful. I am reading an article. He was not the Member for Caroni Central or anything at that point in time. He was nothing.

Madam Speaker, the article says:

“Five weeks after withdrawing its support, the Opposition yesterday agreed to rejoin the Parliament’s Joint Select Committee (JSC)...”

So we left in February 2012 and we returned in March 2012. But the hon. Member for Caroni Central screamed, we delayed the Bill for two years and the hon. Member for Caroni Central say, they stopped us for a year. I have counted the number of weeks between the time that the procurement documents were laid in this Parliament in July 2010 to the time the PP Government mercifully left Government, exited Government and I got 262 weeks and the Opposition delayed this Bill for five out of those 262 weeks.

The Government delayed the implementation of this legislation for 257 out of 262 weeks. But I have to keep coming into this Parliament and hear this mythology, these Anansi stories about how we delayed the procurement legislation for years and years. Five weeks, barely a month. I tell you, I tell you and bid rigging. They would not implement the section on the new procurement rules. They did a cosmetic proclamation of the law.

**8.30 p.m.**

As I said, the contribution of the Member for Oropouche East was reminiscent of an amateur. [*Desk thumping*] The hon. Member would tell us contractors are suing the Government for money. What is new about that? Contractors have sued governments for money since 1956. They will always sue governments for

money. Anytime a contractor feels that he is entitled to money and he has lawyers, he will go to court. What is new about that?

**Dr. Rowley:** “How yuh think the Port of Spain Mayor lost his chain?”

**Hon. C. Imbert:** I tell you. As if contractors suing Government for money just dropped out of the sky on September 08, 2015 and it never happened before. Madam Speaker, I know contractors who did work under the last regime since 2010, the whole five years passed and they refused to pay them. Certificates certified by engineers, three, four years ago and because they were not in the right political party, they refused to pay them and the hon. Member for Oropouche East will say contractors suing. There is a particular contractor suing a state enterprise for money, it is true. He is suing a state enterprise for a billion dollars. A medium-sized contractor somehow has \$1 billion in his bank account that he could do work and be out of pocket \$1,000 million. Who has \$1,000 million in their bank account so that they could do work and then sit down and make a claim for \$1 billion? Good grief, good grief, good grief, good grief.

One thing I will say, Madam Speaker, the cost of doing work for the Government under the UNC escalated by 400 per cent and it is no more evident than in housing where the average cost of a house was \$350,000 under the PNM between 2002 and 2010, \$350,000 average cost; under the UNC, between 2010 and 2015, \$1.3 million for the same house. Four hundred per cent escalation in price and we must not audit that, we must just pay because contractors suing for money? Well, that is what court for. The court is there to resolve matters and they will resolve these matters one way or another. [*Desk thumping*]

Let me come now to the hon. Member for St. Augustine.

**Hon. Member:** Ease him up, ease him up.

**Hon. C. Imbert:** No, no, the hon. Member for St. Augustine is no longer the Leader of the Congress of the People and there is a reason, and I will put to the hon. Member for St. Augustine that he must read Luke, Chapter 11, verses 34 onwards.

**Hon. Member:** What version?

**Hon. C. Imbert:** And let me read—it does not matter what version. Whether it is King James version or it is New Jerusalem version or Douay-Rheims version or New American—it does not matter, it does not matter. [*Interruption*] As a Catholic, you know, I deal with the Jerusalem Bible or the Douay-Rheims Bible. Anglicans deal with the King James version. That is okay, they all say the same thing. And by the way, the King James version is one of the most eloquently

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

written versions of the *Bible*. It was written when the United Kingdom was a Catholic country. It is one of the most eloquently written versions of the *Bible*.  
[*Interruption*] That is okay. But as a Catholic, I deal with the Jerusalem Bible.

But I will read a passage here from the King James and it says in verse 35:

“Take heed...that the light which is in thee be not darkness.

And as he spake, a certain Pharisee besought him to dine with him: and he went in, and sat down to meat.

And when the Pharisee saw it, he marvelled that he had not first washed before dinner.

And the Lord said unto him, Now do...”—you—“Pharisees make clean the outside of the cup and the platter; but your inward part is full of...wickedness.

...woe unto you, Pharisees! for...”—you—“tithe mint and rue and all manner of herbs, and pass over judgment...”

**Mr. Karim:** “Be careful how yuh calling Faris name in—” [*Laughter*]

**Hon. C. Imbert:** That is all right.

“Woe unto you, Pharisees! for...”—you—“love the uppermost seats in the synagogues...”

Woe unto you, scribes and Pharisees, hypocrites! for...”—you—“are as graves which appear not, and...men that walk over them are not aware of them.

Then answered one of the lawyers, and said unto him, Master, thus saying thou reproachest us also.

And he said, Woe unto you...lawyers!”—as well—“for...”—you—“lade men with burdens grievous to be borne...”—but you—“yourselves...”—will not—“touch...the burdens with one of your fingers.

Woe unto you! for...”—you—“build the sepulchres of the prophets, and your fathers”—have—“killed them.”

The whole point is, Madam Speaker—[*Desk thumping and laughter*] The whole point is—[*Continuous interruption and laughter*]

**Madam Speaker:** Order, order!



**Hon. C. Imbert:** The whole point is, Madam Speaker, that I am tired of these pious platitudes, I am tired of the hypocrisy. I am tired of the hypocrisy. The hon. Member for St. Augustine, like one of these scribes and Pharisees and lawyers in the *Bible*, sat down in a government for five years and watched that Government rape the Treasury but sanctimoniously with pious platitudes will regale us today and talk about honour and integrity. It is time for the hypocrisy to come to an end. [*Desk thumping*] I would ask the Member for St. Augustine, go and read Luke, Chapter 11, verses 34 to 51. Go and read it and understand it. Understand the concept of hypocrisy. But let us move on. [*Interruption*] And that is why you are no longer Leader of the COP, you do not understand the concept.

But let us go back now, Madam Speaker, to the matter before us. Another untruth uttered in this House this evening was the insinuation—the allegation—that these amendments in this amendment Bill have appeared before this Parliament for the first time during this debate.

**Hon. Member:** Who say that?

**Hon. C. Imbert:** Those words were uttered by the hon. Member for Caroni East, a preposterous allegation. I went to the *Hansard* and I found the *Hansard* in December 2014, and I looked at the committee stage of the procurement Bill and every single amendment that is in the amendment Bill, every single one, word for word, was proposed by the hon. Member for Diego Martin North/East, yours truly, at the committee stage. The amendment that the regulator should not be trading with the Government; the amendment that the report should go to the Public Accounts Committee; the amendment that we should have a review board; the amendment that they should deal with the disposal of land. Every single one was introduced by me, written and verbal, on December 05, 2014 and on every single one, they rejected them. Every single one!

**Dr. Rowley:** Member for Caroni Central said I am not taking no amendment.

**Hon. C. Imbert:** Yes, the Member for Caroni Central started the debate. The first words that fell from his lips, “I am not accepting any amendments” as he said with sound and fury, “I am not accepting any amendments”. So as we put the amendments that the regulator should be dismissed if he is caught providing goods and services to the Government, if he is caught being a partner or a shareholder or a director of a company that is doing business with the Government, as we put that to him, he said “I am not accepting any amendments”.

And let us go back, Madam Speaker, to another fallacy put before us by the hon. Member for Oropouche East where he ranted and raved about the provisions

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

that the report of the regulator will go to the Public Accounts Committee, and then proceeded in a most mischievous interpretation of the constitutional role and function of the Public Accounts Committee, telling the Parliament—I have been a chairman of the Public Accounts Committee. Many people here have been chairmen of the Public Accounts Committee. Telling the Parliament that the Public Accounts Committee is run by the Government and the Government decides the agenda and the Government decides what goes—nonsense, Madam Speaker, nonsense. It is disgraceful for a former chairman of the Public Accounts Committee to say such a ridiculous thing.

But let us go now exactly to the amendment. It is clause 4 of the amendment Bill and clause 4 says:

“Section 24(4) of the Act is amended by inserting after the word ‘respectively’, in the second place where it occurs...‘and the report shall be referred forthwith to the Public Accounts Committee’.”

The Member for Oropouche East, again, full of sound and fury, told us that we are going to hide, we are going to conceal. We are going to take it away from the Members of the Parliament. They would not be able to see the report, they would not be able to debate it, because with this amendment, it will no longer come to the Parliament, it will go straight to the Public Accounts Committee which is run by the Government. All untrue.

What does 24 say? In (1), it says:

“The Regulator shall submit his reports annually to Speaker...the President of the Senate and the Minister.”

What does it say in 24(4), the actual clause that we are amending? It says:

“The President of the Senate and the Speaker of the House of Representatives shall cause the report to be laid before the Senate and the House of Representatives, respectively, at the next sitting of the Senate and the House of Representatives after...receipt thereof, respectively.”

And what does the amendment say?

“...inserting after the word ‘respectively’ in the second place where it occurs...”

And the second place where it occurs is the end of the clause. It says:

“...and the report shall be referred forthwith...”

So you know what this means, Madam Speaker? That the President of the Senate and the Speaker of the House of Representatives shall cause the report to be laid before the Senate and the House respectively and at the next sitting of the Senate and the House of Representatives after the receipt thereof respectively, and then it is referred to the Public Accounts Committee. So that every single Member in this place and every single Member in the other place will get the report of the regulator first and like any other report that today, I laid a whole series of public accounts on papers and so on. I laid them on the table and then I referred them to the Public Accounts Committee. That is mischief at its highest, mischief at its highest.

So we are not taking anything away, we are adding. So it is not only laid here for everybody to see, for the entire public to see, for the media to see, for the population to see, it is here transparent. After it is here and it is widely disseminated, then it goes to the Public Accounts Committee for the Public Accounts Committee, chaired by the Opposition, to examine what has gone on, what has gone right and what has gone wrong with public procurement in Trinidad and Tobago and they do so in public. They do so in public so the improvement that we are making to this is that we are ensuring that after everybody here gets a copy and the public gets a copy, it goes to a parliamentary committee which then examines the regulator and his decisions in public on live television.

But yet I have to listen to the Member for Oropouche East say that this amendment will make sure it does not come here, it is hidden, it is sent to some place where the Government will decide whether it could be dealt with or not. There is no room in procurement for amateurs or untruth or deception. What the hon. Member told us is the opposite of what is taking place. What they tell us over there is the opposite. Imagine the Member for St. Augustine tells us we should not have a review board because somebody would bribe them. That is what he said. He said we should not have a review board because they will be bribed.

**8.45 p.m.**

But the hon. Member for St. Augustine is fully aware of the Tax Appeal Board, understands its function. The Board of Inland Revenue will make an assessment on the tax liability of a taxpayer. The taxpayer is then entitled to appeal to the board. The board will do a review and the board will make its final decision and then that goes to the Tax Appeal Board who does a further review and then the decision of the Tax Appeal Board ends up in the court. What is the difference between that and the review board of this procurement office? What is

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

the difference? None!! But you are going to have a distinguished lawyer who would try to mislead the population, will try to fool people and say we should not have something like this because the people will get bribe, it should go straight to the court. So all tax matters should go straight to the court too because they will bribe the Tax Appeal Board.

The Environmental Commission, do not send anything there because they would bribe them. Send it straight to the court. The Equal Opportunity Commission, do not send anything there because they would bribe them, send it to the court. I am shocked that a senior member of the legal profession could make these kind of ridiculous allegations, that you should not have an appeal tribunal to look at a matter because they would bribe them.

As I said, procurement is no place for amateurs. You have the Member for Caroni Central saying the procurement office will review the complaint and that is as good as a review board. Nonsense! That is himself to himself. And as the hon. Member for Chaguanas west said to me across the table sotto voce, “power corrupts and absolute power corrupts absolutely”. You cannot have a situation where the only recourse that somebody has before it goes before a court is that they go back to the same person who made the decision in the first place and ask them to take a second look at it. That is not transparency. That is not progress.

**Dr. Tewarie:** Would the hon. Member give way?

**Hon. C. Imbert:** No. That is not transparency, Madam Speaker.

**Dr. Tewarie:** That is how you operate.

**Hon. C. Imbert:** Madam Speaker, Madam Speaker.

**Madam Speaker:** Member, if it is one thing we should all exercise in here is tolerance. As a senior Member, you know that it is the discretion of the Member on his legs to give way. So please take it in an honourable way if he does not entertain your request. Continue, Member.

**Hon. C. Imbert:** Yes, Madam Speaker, he had his chance to speak. And you know, Madam Speaker, I am getting tired of the behaviour of the Member for Caroni Central. He is always making allegations and casting aspersions and saying things that are just not true.

For example, in the committee, when we came to the point of the review board, the hon. Member for Caroni Central indicated that he had a personal matter

that he needed to attend to and asked us to defer deliberation of the matter, in fact defer the meeting of the committee. But we had work to do, this is serious business. So you know what we did, Madam Speaker, and it is in the report? We deferred deliberation and consideration of that matter until he came back. That is the courtesy we extended to him. But he would give the impression here that we went ahead and made decisions in his absence. Nothing could be further from the truth and I am getting tired of him and his misrepresentation in this Parliament, Madam Speaker. [*Desk thumping*] Tired of it! And always full of righteous indignation and screaming and getting on. I am tired of this misbehaviour on his part, Madam Speaker. We deferred deliberation on the review board, specifically to accommodate the return of the hon. Member for Caroni Central, in the country. We did not take any decision until we gave him a full opportunity to be heard and to make his arguments and to make his submissions and so on. That is how I conduct committees, Madam Speaker, not like him; "I will not tolerate amendments, not a dog bark inside of here." I am not like that, Madam Speaker. We are different on this side. We allow democracy. We allow discussions and we allow consultation. [*Desk thumping*]

Madam Speaker, the fact of the matter is, you not only have to talk the talk you have to walk the talk as well. For five years and three months, the Members opposite talked about procurement reform and they talked about procurement reform and they talked about procurement reform and they said the Opposition was blocking them. They had 29 votes. They only needed 26. They did not need a single opposition vote, either in this place or in the other place. They could have passed this legislation in two minutes, in two minutes. But for five years and three months and they come back again, six years now, to say it is the Opposition that prevent them from passing the legislation. And you know people are buying into that? Buying into that, Madam Speaker, because they have a habit. They just repeat untruths over and over and over and over until people, some people, believe them. Well, we will have none of it, Madam Speaker. They did not proclaim the operative parts of the procurement law. They had no interest in transparency. They had no interest in proper procurement. [*Desk thumping*]

If you go into the files, the files in the Ministries and the state enterprises are littered with irregularities and fraud and corruption, and insider trading and interference and bid rigging. Everything that this Bill seeks to prevent, you find it

*JSC Report*  
[HON. C. IMBERT]

*Friday, May 20, 2016*

inside of a state enterprise or Ministry under their administration and that is why they did not proclaim the operative part of this law, Madam Speaker.

Well that ends today. We are putting protection for the country so that the office of the regulator can no longer be a partner or a shareholder or have an interest in a company that does business with the Government. “That done with these amendments. That done.” We have made sure that the Opposition will have the opportunity to examine the Office of the Regulator in public on live television in the Public Accounts Committee. We have introduced that innovation and I firmly state, Madam Speaker, that bid rigging is now an offence in Trinidad and Tobago. [*Desk thumping*]

**Madam Speaker:** Hon. Member, your original 30 minutes have expired. You are entitled to 15 more minutes. Do you intend to avail yourself of it?

**Hon. C. Imbert:** No, Madam Speaker, just two minutes.

**Madam Speaker:** Please continue.

**Hon. C. Imbert:** Let us get on with this. Let us get on with this. We have had enough of procrastination. Enough talk. Time for action now. [*Desk thumping*] Time to deal with the criminals. Time to deal with the bid riggers. Time to deal with the inside traders. Time to deal with the manipulators. Time to bring them to justice, Madam Speaker.

So, with those few words, Madam Speaker, I beg to move. [*Desk thumping*]

*Question put and agreed.*

*Report adopted.*

**PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC  
PROPERTY (AMDT.) BILL, 2015**

**The Minister of Finance and Acting Minister of Planning and Development (Hon. Colm Imbert):** Madam Speaker, as provided by Standing Order 68(1), I beg to move:

That a Bill to amend the Public Procurement and Disposal of Public Property, Act 2015, be forthwith read a second time.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committee to a committee of the whole House.*

*House in Committee*

*Friday, May 20, 2016*

*House in committee.*

**Madam Chairman:** Members, I wish to advise that the Bill that we are considering is what is attached to the report. It should be, I think it is, Appendix 5.

*Clauses 1 to 5 ordered to stand part of the Bill.*

*Clause 6.*

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

**Dr. Tewarie:** Madam Chair, I wish to propose an amendment to clause 6. It has been circulated. The request is to delete clause 6.

**Madam Chairman:** Are you making any contribution?

**Mr. Imbert:** No. We are not agreeing to this. Go to the vote, please Madam Chairman.

*Question, on amendment, put.*

**Dr. Tewarie:** Might I make the case for the request?

**Madam Chairman:** Yes, Member for Caroni Central.

**Dr. Rowley:** There is no case to be made.

**Madam Chairman:** Please, Member for Caroni Central.

**Dr. Tewarie:** Yes. Section 49 of this Bill outlines a procedure under the procurement regulator for the handling of all challenges to decisions made. The hon. Minister, in his presentation showed very clearly that he did not understand the provision because he said that it would be a case of himself to himself, when the role of the Procurement Regulator is to regulate the procurement by all other entities in the system. Therefore, this entire clause is misguided and the elaboration of the case, by raising the issue of the Tax Appeal Board and other similar boards, does not take into account that this would be a second review process and not an appeal to a decision of functionaries.

**9.00 p.m.**

Therefore, Madam Chairman, I think the entire clause is misguided. I argued the case in the contribution to the House, and I think the Minister demonstrated in his winding up, that his motivation for doing this clause is flawed. On that basis, on the basis of rationality and reason and good governance, and the insistence on clear bureaucracies that work, rather than those that overlap and confuse, I would like to make the case for the amendment as proposed.

*House in Committee*

*Friday, May 20, 2016*

*Question, on amendment, negatived.*

*Question put and agreed to.*

*Clause 6 ordered to stand part of the Bill.*

*Clause 7.*

*Question proposed:* That clause 7 stand part of the Bill.

**Dr. Tewarie:** Madam Chairman, I would also like to propose an amendment to that clause. It would be, in that section 57A, to delete the word “Minister” and insert the word “Office”.

**Madam Chairman:** Could the Member please—you have an opportunity to elucidate.

**Dr. Tewarie:** Yes. The argument that we made in relation to this matter, is that what is happening here, is the Minister is now taking responsibility in a piece of procurement legislation, that was meant to insulate the Executive from the procurement process. What is happening here in the issue of State lands is that the Minister is taking the responsibility for determining the terms and conditions under which the regulations can be made. Since this is included in the procurement regulatory Act, Act No. 1 of 2015, I see no reason, if the issue is to bring land under the procurement law, that it could not be done by the procurement regulator and his office. The matter will still come to Parliament, and I would ask that the negative resolution be made affirmative.

**Madam Chairman:** Are there any further comments on the suggested amendment, made by the Member?

**Mr. Imbert:** Yes, Madam Chairman, we do not agree.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 7 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*

*Friday, May 20, 2016*

**ADJOURNMENT**

**The Minister of Finance and Acting Minister of Planning and Development (Hon. Colm Imbert):** Thank you, Madam Speaker. I beg to move that this House do now adjourn to a date to be fixed.

With respect to Private Members' Day, we will have discussions with the Opposition to determine an appropriate day in June, as was discussed on the last occasion, between the substantive Leader of Government Business and myself in my capacity as I then was, of performing the functions of Prime Minister, and discussions I had with the hon. Leader of the Opposition, wherein it was unanimously agreed, that we would do the Motion, the Private Motion in the month of June.

**Madam Speaker:** Hon. Members, there is one matter that qualifies to be raised on the Motion for the adjournment of the House, filed by the Member for Tabaquite.

**Forres Park Landfill Site  
(Indiscriminate Dumping of Garbage)**

**Dr. Surujrattan Rambachan (Tabaquite):** [*Desk thumping*] Thank you, Madam Speaker. I really value the opportunity to raise another matter on the Motion for the adjournment of the House. I have been raising several matters as you recognize over the last couple of weeks. On the last occasion I raised a matter about the performance of WASA, in terms of the restoration of roads. Madam Speaker, the roads, they have deteriorated further since then, and nothing has been done, in order to bring any relief. In fact, other areas have now been dug up and left unattended.

Today, I am therefore left to wonder whether I am wasting time in this honourable House, or whether I need to write to a joint select committee, or to yourself, through you, to have the agencies brought before these joint select committees, where they can be questioned with respect to these matters, as a matter of urgency.

I, therefore, raise this evening, the failure of relevant Government agencies, to deal with a very important matter, indiscriminate dumping of tons of garbage, and I mean tons of garbage, from the Claxton Bay Flyover to the Forres Park Landfill. In the first instance a distance of about 400 metres, and which is creating a serious health hazard and environmental threat. I wish I could take you there to visit as Speaker of this House, so you would understand the concerns that Members of Parliament like myself have when we bring these matters.

*Forres Park Landfill Site*  
[DR RAMBACHAN]

*Friday, May 20, 2016*

Madam Speaker, last Sunday morning I went there on the site, and I began to examine the garbage that had been dumped there. If some “forensic work” is done, you will be able to trace the people who are dumping garbage there by some kind of investigation. For example, I found there bank statements for people from streets in San Fernando that were given by the First Citizens Bank. So I could give you the names and addresses of those people whose bank statements were there in the rubbish heap. I can give you the names of children and the addresses of whose schoolbooks, from the Marabella primary schools, were dumped there on the garbage site. I can give you the names and addresses of people from barrels that were sent from New York that came, and were dumped there. I can give you, Madam Speaker, the boxes and the numbers of an air-conditioned unit and, therefore, which could be traced to the persons who sold those units through the customs.

If we are really serious, the point I am making, about finding out who are some of the persons who are doing this dumping and then proceed as far as you can, under the law, to deal with it. Because the situation is really bad and that is an area, where in this very House two weeks ago, I believe it was, the hon. Minister of Public Utilities indicated that in the new fiscal year the Beetham Dump will be closed in stages, and further garbage will be taken from there to the Forres Park dump. When I questioned what was going to really happen to the Forres Park dump, I did not, in my view, get a reasonable answer as to how that situation is going to be treated. So here I am coming back to say that this situation is going to be growing, and a problem is going to continue to exist there unless some action is taken.

Madam Speaker, I went to address the Couva/Tabaquite/Talparo Regional Corporation, but particularly to address the CEO, Miss Carol Dial of the corporation, in order to indicate my total dissatisfaction, with the manner in which garbage is being indiscriminately dumped in that area and in my constituency. I then forwarded to them, after your approval, a copy of this Motion, and having received it, this morning they sent five trucks, a backhoe and about 10 workers to clean up that dump.

I am now told that every week, about on three occasions for the week, they send people to clean up that dump. When I checked it, I estimated that every week they are spending about \$50,000 to clean up that area of the road. That is about \$2 million for the year that can be spent to buy medicines, and make sure there are pharmaceuticals available and CDAP drugs available in the country. But we have to spend it there to clean up garbage that private people in particular are dumping.

Madam Speaker, there are now shacks that have been built at the entrance to the dump by the flyover. They cleaned up the area and they refused to break down the shacks, because they are afraid of the people who are doing the scavenging, who are threatening them. What those people do, the people who are doing the scavenging, they jump out from those shacks in the early hours of the mornings also, and stop the legitimate garbage trucks, and take off what they want and dump it at the side of the road there.

Yet, the police in my presence on Sunday, were passing up and down that road. They were passing there and the police would not do anything to prosecute or to warn those people or to stop, because there are laws in the country which the police can apply. I direct this through you, to the Minister of National Security, to say that the police there are not even doing what they have to do.

The regional corporation has municipal officers who can come there and also prosecute people, but they are not doing their job. The only CEO ever in the history of the Couva/Tabaquite/Talparo Corporation to clean up that area, and to have done something about that indiscriminate dumping, was a CEO by the name of Miss Pamela Doon. I pay regard and respect to her today in this House, for the fact that she was able to clean up that place and to take control.

Today, the current CEO and the administration of the Couva/Tabaquite/Talparo Corporation are failing miserably in terms of their responsibility, but not only are they failing miserably, there are other agencies that I have written to about this; the ODPM. The ODPM has not even responded to my letter. SWMCOL who said that they are only in charge of the dump, and not what is happening from Claxton Bay Flyover, for 400 metres going along the dump. I have written also to the Ministry of Health through the CMOH's office.

### **9.15 p.m.**

Madam Speaker, it is very difficult to get the County Medical Officers of Health to respond. Recently I needed the County Medical Officer of Health from Siparia to respond to a matter, a personal matter, and only when I contacted the office of the Permanent Secretary could I get the County Medical Officer of Health who did not even want to take my call. So imagine what you go through with the Couva County Medical Officer of Health, simply to get them to take a call, Madam Speaker. I can give you the numbers, how many times you call there and they promise to call you back and they do not call back. This is a very serious situation.

*Forres Park Landfill Site*  
[HON. BRIG. GEN. A. ANTOINE]

*Friday, May 20, 2016*

I am standing here not to win votes. I am standing here to protect the health and the well-being and the welfare of the citizens, [*Desk thumping*] and if I have to criticise any agency of Government or any particular individual, I am going to do so without fear and favour, because that is what I swore to do when I came as a Member of this House.

So, Madam Speaker, all of these agencies: SWMCOL, ODPM, Ministry of Health, CMOH office; they all have to bear some responsibility in terms of dealing with this situation. Not only there. In Tarouba they are doing the same thing. The whole matter of the indiscriminate dumping of garbage is serious, and this has been exacerbated because the litter wardens have been sent home. So there are no litter wardens to even go around the areas to do any monitoring or to lay charges, or to do anything about this.

When I raised that matter when we were debating the local government matter last week, the Minister just ignored it and did not even reply to the issue that I raised about the litter wardens, because there are no litter wardens right now in the country, so people are just doing what they want. There is a high level of irresponsibility on the part even of private citizens as to how they are dumping and they are disposing of their garbage in the country. They just go there sometimes in the early hours of the morning. I drive past there sometimes in the dusk dark as they say, and you see the cars going there quickly. People open their trunks, they just drop everything out at the Claxton Bay Flyover and they are gone their way. Madam Speaker, it sounds like I am being an irritant, but I intend to continue to be an irritant until people begin to do their jobs, until there is a shift in behaviour and the mindset of our people to keep the country clean. [*Desk thumping*] That is what this is about, Madam Speaker.

So today I raise this matter, and I hope I just would not get a story from the hon. Minister: “Well, SWMCOL and this one will do something”, unlike the matter with WASA when nothing is being done. Madam Speaker, I beg of you, that if there are certain assurances given that we find a way. I am directing how to make sure that these things are done, because I do not want to come here and keep raising matters and so on.

I have a responsibility to raise these matters on behalf of my constituents and, therefore, I plead tonight with the hon. Minister and through your office that something be done about this matter of indiscriminate dumping there and the environmental and health hazards that are being created because, Madam Speaker, what they started to do three days ago was to begin to burn toxic things there,

whether it is to take out the copper or what have you, now you have smoke there just like you have around the Beetham, and you are going to have a terrible situation occurring there very soon.

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

**The Minister of Public Utilities (Hon. Brig. Gen. Ancil Antoine):** Madam Speaker, the Trinidad and Tobago Solid Waste Management Company Limited is responsible for the management of the three landfill sites located at Beetham, Forres Park and Guanapo. As it pertains to the Forres Park Landfill, which is the second largest landfill, SWMCOL only has jurisdiction, Madam Speaker, over the actual landfill site and roads within the site. The Member for Tabaquite, because he is a seasoned politician and former Government Minister, knows that the roads leading from Claxton Bay to the Forres Park Landfill fall under the jurisdiction of the Couva/Tabaquite/Talparo Regional Corporation that is under the control of the People's Partnership. [*Crosstalk*]

Madam Speaker, I know that sometimes MPs may be experiencing problems with their own regional corporations, their chairmen or their councillors in their constituencies. That is no justification whatsoever to bring internal problems that one is experiencing to the national community or to Parliament. [*Crosstalk*] I am quite sure that an experienced politician like the Member for Tabaquite can pay a visit to his regional corporation and discuss the matter with them. [*Desk thumping*]

Madam Speaker, this Government is aware that there are those who break the law and engage in dumping of refuse on the various roadways leading to the Forres Park site, and there is great concern regarding the negative effects that this situation is having on the surrounding area. This situation has been in existence for a very long time, as the Member for Tabaquite is quite aware, and has been encouraged by the presence of salvagers who collect recyclable material and white waste along the road leading to the landfill. These salvagers usually remove items from trucks prior to the entry to the landfill site. This situation has led to the accumulation of waste along the roadway leading to the site. I would like to inform the Member for Tabaquite that the Couva/Tabaquite/Talparo Regional Corporation has revealed that indiscriminate dumping in the area has posed an ongoing challenge to the corporation. So the corporation who has responsibility for the area is aware of the problem which, at present, has only five municipal police officers.

The corporation indicates that the Kangawood Road which leads to the Forres Park Landfill is routinely cleaned every two weeks. Admittedly, this effort has

*Forres Park Landfill Site*  
[HON. BRIG. GEN. A. ANTOINE]

*Friday, May 20, 2016*

proven insufficient in relation to the magnitude of the problem which currently exists. The Couva/Tabaquite/Talparo Regional Corporation wishes to inform the Member for Tabaquite that it is however currently undertaking a comprehensive clean-up exercise of the area surrounding the Forres Park Landfill.

Madam Speaker, while a long-term strategy is being developed, the corporation has advised that measures are being implemented in the short to medium term to treat with this matter. Critical of this approach is the prevention of dumping in the area. As such, the corporation will continue to liaise with the Trinidad and Tobago Police Service to increase patrols in that particular area given the capacity constraints of the regional corporation. The corporation wishes to inform the Member for Tabaquite that they are also considering the installation of CCTV cameras at strategic points to discourage illegal dumping.

Madam Speaker, given that this issue exists in close proximity to the operations of the Forres Park Landfill site which is under the control of SWMCOL and the Ministry of Public Utilities, my Ministry will continue to collaborate with the Ministry of Rural Development and Local Government, the Couva/Tabaquite/Talparo Regional Corporation and the Environmental Management Authority to identify other possible solutions to discourage the practice and reduce the negative effects of this situation. I will have no difficulty, Madam Speaker, of undertaking the role of mediator between the office of the MP for Tabaquite [*Desk thumping*] and the Couva/Tabaquite Talparo Regional Corporation [*Desk thumping*] if they are having a communication or a testosterone problem.

Madam Speaker, as part of a long-term strategy for addressing waste management, this Government has included the following Bills as part of the national legislative agenda 2015 to 2020, which demonstrates that the administration intends to treat with the socio-economic and environmental issues relative to waste management. These Bills include the Waste Recycling Bill, the Municipal Corporations (Amdt.) Bill and the Waste Management Bill.

Additionally, the local government reform process, which is currently being undertaken by the Ministry of Rural Development and Local Government will address the autonomy and executive authority of the regional corporations. This action will establish a direct relationship between the regional and municipal corporations and the Ministry of Finance. It will also ensure adequate funding and the autonomy of these bodies to develop and implement their own regional policies, plans and programmes within the framework of national policy. Included

*Forres Park Landfill Site*

*Friday, May 20, 2016*

in this reform process is also the intention to give greater responsibilities and authority to the municipal police.

Madam Speaker, the proposed revision of the role of the Municipal Corporations Act, which is envisioned to give the corporation a more active role in the management of the region, would have a critical impact on the challenges being faced with illegal dumping not only in the Forres Park, Claxton Bay area, but across the country.

Madam Speaker, this Government is committed to addressing the environmental challenges being experienced in the Forres Park, Claxton Bay area. A collaborative approach is being taken which will include all relevant stakeholders and will in future be supported by the strengthening of legislation relating to these matters. Madam Speaker, the Government can help the Couva/Tabaquite/Talparo Regional Corporation and the MP for Tabaquite by reforming local government and strengthening the legislation relating to these matters, but unfortunately we cannot help the MP for Tabaquite in his relations with the chairman and members of the Couva/Tabaquite/Talparo Regional Corporation. Madam Speaker, I thank you. [*Desk thumping*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 9.26 p.m.*