



PARLIAMENT
OF THE REPUBLIC OF TRINIDAD AND TOBAGO
SECOND SESSION (2011/2012) OF THE TENTH PARLIAMENT

H.O.R. PAPER NO. 2 of 2012 MP PARL: NO. 14/3/31

INTERIM 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

[Ordered to be printed]

APPOINTMENT

1.1 Pursuant to resolutions passed in the House of Representatives on **Wednesday November 09, 2011** and on **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 Proposal to provide for public procurement and disposal of public property together with the Legislative Proposal to repeal and replace the Central Tenders Board Act.

1.2 Your Committee was appointed to continue the work of a previous committee which was appointed on November 02, 2010 but which was unable to complete its work before the prorogation of the First Session (2010/2011) of the Tenth Parliament on June 17, 2011. That Committee reported to Parliament and requested all its work to be saved and referred to any subsequent committee with a similar mandate.

MEMBERSHIP

2.1 The following Members were appointed to the Joint Select Committee:

- Dr. Bhoendradatt Tewarie - Chairman
- Dr. Tim Gopeesingh, MP
- Mr. Prakash Ramadhar, MP
- Mr. Herbert Volney, MP
- Mr. Collin Partap, MP
- Dr. Keith Rowley, MP
- Mr. Colm Imbert, MP
- Mr. Anand Ramlogan, SC
- Mr. David Abdulah
- Mr. Faris Al-Rawi
- Mrs. Helen Drayton
- Dr. James Armstrong

2.2 The composition of the Committee remained the same as the one which was appointed in the First Session (2010/2011) with the exception of Dr. Bhoendradatt

Tewarie and Dr. James Armstrong who replaced Mr. Kevin Ramnarine and Dr. Rolph Balgobin, respectively.

TERMS OF REFERENCE

3.1 Your Committee was appointed to consider and report *on the Legislative Proposal to provide for public procurement and disposal of public property together with the Legislative Proposal to repeal and replace the Central Tenders Board Act which were laid in the House of Representatives on Friday June 25, 2010 **along with the work of the previous Committee appointed in the First Session of the Tenth Parliament:***

3.2 Your Committee was also required to:

- (a) *consult with stakeholders, experts and interested persons;*
- (b) *send for persons, papers, records and other documents;*
- (c) *recommend amendments to the proposals with a view to improving the drafts; and*
- (d) *submit a report to Parliament within three (3) months from the date of appointment.”*

3.3 Having regard to the mandate [3.2(d)], your Committee was required to submit a report by **February 23, 2012.**

SECRETARIAL SUPPORT

4.1 The following persons provided secretarial assistance to your Committee:

- Ms. Lily Broomes- Secretary
- Mr. Julien Ogilvie-Assistant Secretary

EXPERT ASSISTANCE

5.1 The following persons provided expert advice to your Committee:

- Mrs. Claire Blake, S.C.-Senior Legal Consultant
- Ms. Anne Hussein- Legal Officer I

QUORUM

6.1 Your Committee agreed to the composition of the quorum as follows:

- ***Four(4) Members***

Comprising two (2) Members of the Government, one (1) Member of the Opposition and one (1) Independent Member.

MEETINGS

7.1 Since its appointment, your Committee held three (3) meetings on:

December 02, 2011;

January 06, 2012;

January 16, 2012.

7.2 The **Fourth Meeting** was scheduled for Monday January 30, 2012 and was subsequently re-scheduled to Wednesday February 29, 2012. However, in both instances the meeting was cancelled due to challenges in attaining the required quorum.

THE ISSUE OF QUORUM

8.1 In submitting this Interim Report, your Committee wishes to bring to the attention of the Parliament the current difficulty being experienced with the achievement of a quorum. The progress of the work of the Committee has been stymied because of the inability to validly transact business even when a majority of members is present, due to the lack of a quorum. This situation, by extension, materially hinders the work of the Parliament.

8.2 The configuration of a quorum, as agreed to by the Committee, as outlined in paragraph 6.1, is a significant contributor to the Committee's inability to meet to continue its work. The quorum as set, inadvertently allows the work of the Committee to be subject to a veto by any group acting in concert, which has resulted in overriding the mandate of the House.

8.3 Research has shown that in other jurisdictions the only stipulation in relation to a quorum of a Joint Select Committee is that it must reflect that it is in fact a joint committee and so in the United Kingdom, for example, a quorum from each House must be present¹. In other jurisdictions the quorum is usually set as either a predefined percentage of the membership or as a number determined by resolution of the House, with no other qualification².

8.4 It is significant to add, that the quorum of the House of Representatives and the Senate as set out in the Constitution is set at 12 and 10 respectively, with no prescription as to the composition of such a quorum³. This means that once a quorum is attained, the ordinary business of the House/Senate can be transacted; it matters not who is present or who is absent. There seems to be no precedent for identifying distinctive entities within either house for purposes of a quorum for a Joint Select Committee.

RECOMMENDATIONS

9.1 In view of the foregoing, your Committee is obliged to seek the intervention of the Houses in the resolution of this matter so that the Committee could complete the work assigned to it by the Parliament.

9.2 Your Committee also respectfully requests an extension of three (3) months in order to complete its work and to submit a final report to Parliament.

Respectfully submitted,

Dr. Bhoendradatt Tewarie
Chairman

¹ See May's Parliamentary Practice (UK), 23rd ed.p.840.

² See May's Parliamentary Practice (UK), 24th ed. pp. 913-914; David Mc Gee's, Parliamentary Practice (New Zealand), 3rd ed. p. 267 and House of Commons Practice and Procedure (Canada) A. O'Brien and M. Bosc, eds. 2nd ed. pp, 1085-1086.

³ Section 60(1) of the Constitution of Trinidad and Tobago

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February 29, 2012