

VERBATIM NOTES OF THE NINETEENTH MEETING OF THE JOINT SELECT COMMITTEE APPOINTED TO ENQUIRE INTO AND REPORT ON LAND AND PHYSICAL INFRASTRUCTURE HELD (IN PUBLIC) IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, TOWER D, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON MONDAY, SEPTEMBER 18, 2017 AT 1.15 P.M.

PRESENT

Mr. Stephen Creese	Chairman
Mr. Rushton Paray	Vice-Chairman
Mr. Darryl Smith	Member
Mr. Nigel De Freitas	Member
Mr. Wade Mark	Member
Mrs. Glenda Jennings-Smith	Member
Mr. Franklin Khan	Member
Dr. Lovell Francis	Member
Mrs. Angelique Massiah	Secretary
Miss Kimberly Mitchell	Assistant Secretary
Miss Katharina Gokool	Graduate Research Asst.

3.20 p.m.: *Meeting resumed in the J. Hamilton Maurice Room.*

SEAMEN AND WATERFRONT WORKERS TRADE UNION

Mr. Michael Annisette President General

Mr. Chairman: The Nineteenth Meeting of the Joint Select Committee on Land and Physical Infrastructure is hereby reconvened. Good afternoon and welcome. Members are reminded to turn off their cell phones or place same on silent or vibrate. This hearing is being broadcast live on Parliament Channel 11, Parliament Radio

105.5 FM, and the Parliament's YouTube Channel, *ParlView*. Members of the viewing and listening audience may send comments via e-mail at Parl101@ttparliament.org, on our Facebook page at [Facebook.com/ttparliament](https://www.facebook.com/ttparliament), or on [Twitter@ttparliament](https://twitter.com/ttparliament).

I would like to take this opportunity to remind our audience and our viewership that the objectives of this enquiry are to understand the current state of the ferry service in Trinidad and Tobago, to examine the policies and procedures used to acquire ferries, and to ensure that value for money is obtained, to determine whether due diligence governed the conduct of all aspects of the maintenance and management of the provision of the sea bridge service, and to determine the changes and challenges with respect to the maintenance of ferries.

I would like to remind our Committee members to direct their questions and concerns through the Chair. And, as of this point, please activate your phones whenever you are recognized, and please switch off the phones whenever you are not speaking. I would now take this opportunity to introduce myself: my name is Stephen Creese, I am the Chairman of the Committee, and I will invite members of the Committee, starting on my immediate left, to introduce themselves.

[Members of the Committee introduce themselves]

Mr. Chairman: I would like to assure our first witness that these proceedings are under the jurisdiction of Parliament and, therefore, you are afforded parliamentary privilege in terms of whatever statements you make, and, therefore, you should exercise due amount of discretion with respect to any of the people you may have to mention during your presentation. I will now invite you to introduce yourself, Sir.

Mr. Annisette: My name is Michael Annisette, President General of the Seamen and Waterfront Workers Trade Union.

Mr. Chairman: Do you care to make an opening statement?

Mr. Annisette: Yes, I do.

Mr. Chairman: Please feel free so to do.

Mr. Annisette: Hon. members of this investigation Committee and the general public, I think it would be remiss of me if I do not debunk the malicious and, at times, misinformation that has been placed in the public domain as it relates to the contract for supplying catering staff, food, and other things on board the vessel.

3.25 p.m.

I have heard in the public domain that the seaman's union and Michael Annisette, in particular, receives \$700 a month for the *Galicia*, and as a result of that he is supporting the whole question of the *Galicia*. That could be further from the truth, and let me make it clear, because I make no apologies whatsoever for what I am going to say.

The Seamen and Waterfront Workers Trade Union was “find” in a situation where the Government of the day had determined that they were going and retrench workers. And we had several discussions with that Government in respect of the way forward, and one of the salient points that we made and we continue to make, that the union would not accept the outsourcing of any jobs that falls under our jurisdiction, and by extension you are sending our workers home and you are bringing in private contractors to do the job. That has been a philosophy of SWWTU.

But more importantly, we had several retrenchments, and as a consequence we determined as a business model to do something new and get away from the traditional collective bargaining purposes, and entered into business whereby we will be able to generate revenues, one; and two, jobs for our members who have been displaced or who are on the labour market. And I want to make specific reference to a document here. [*Holds up document*] I do not know if you all would want it

into—but it is a statement that was made by hon. Franklin Khan, Friday, April 29, 2005, when the hon. Minister addressed Parliament. And what I want to refer to is Item 6:

Mr. Speaker—“marine and towage, as a non-strategic business, would be offered to Port and Maritime Services Limited...A three-year management contract will be established with that company after which the marine and towage business would be provided through a competitive bidding process. This initial arrangement stems from a request by the SWWTU—the principal representative body for port employees. The SWWTU owns 49 per cent of that company.”

This is a document that Mr. Khan read into Parliament. So then we make no apologies whatsoever for supplying labour on the ferries. The supply of labour in the maritime industry by unions are an acceptable principle in the maritime industry. We have a labour supply pool, and we supply labour not only in Trinidad, but internationally and regionally. Right, that is one.

And, for the public, this is a document too, [*Points at document*] an agreement for the supply of labour to Johnson & Johnson that was entered in 2007, the union again, in our concept of how a trade union ought to operate. Johnson & Johnson was going to send home everybody and they offered a private contractor to supply the labour. We were representing the workers. I had to fly out to the United States to meet with the principals, and there was a fundamental agreement, given what you are saying, we will give the labour to your company to supply because they are your workers. And it is a fundamental principle that if you send the workers home, we as the union will stand up and fight if we are representing the workers for those workers to continue to work rather than sending them home and bringing in new employees. All right, so then I want to make that point, because you see people seem to forget.

I have another contract here, and I could go on, and I could go on. This is with Lennox Offshore Services Limited. We supply labour there too. I flew to Holland to get labour on the Bombax project which was the first project of the 40-inch pipeline, laying pipeline in Trinidad and Tobago. I made representation for our offshore workers who are welders, and we were able to negotiate with the company to fly our workers out to Holland to learn the welding in order for them to be employed, because that has been our vision all along the line. But further, some people might want to know what is our vision. Our vision is derived—because I am a student of history. *Forged from the Love of Liberty*, Selected Speeches of Dr. Eric Williams, and I want to quote him. I want to quote him. Page 51:

PNM perspective places great emphasis on the participation by the trade union in economic activities.

Not me who said that. It is the founding father of the People's National Movement made that fundamental statement that unions must be involved in the economic activities of a country, and he cited Israel as one of the places where that was done and where it is successful. Having said that, one would understand and appreciate the rationale and the vision, on the new thinking of this organization who suffered almost 65 per cent emasculation by retrenchment of our members, and we set up a business unit in order to get employment for those personnel.

And let us deal with the ferry service. We were supplying labour originally in 2005, and the Port Authority, not the union, not Michael Annisette, determined in 2010 to go out for tender, because they determined that they were losing money, it was not making business sense, and therefore they went out for public tender. And our union through our company tendered and won the tender. We submitted a price for that tender. It was agreed, and we were awarded a contract for the supply of labour and catering services. And what is so disheartening, when “it have”

respectable people and people who supposed to understand what is happening, go in the public domain and try to tell the public that we getting \$700,000 a month for labour, which they know is a fallacy, which they know is misleading, I wonder? I wonder what is the purpose and to what end that responsible people who supposed to be leaders in this society could mislead the public by making such statement?

Do you know members, and I would conclude, that the labour based on our contract, the labour supply is \$222,000 per month? But, do you know that our labour cost is over four hundred and something thousand? Is the country aware of that? Is the country aware that we subsidize the Government in the sense then that the materials that we supply on board the vessel, we are only paid 50 per cent of the value of that, and we have to absorb the other 50 per cent cost? Is the country aware that we employ over 150 people? Is the country aware that we pay tax? Is the country aware that we pay VAT? Is the country aware that we are a registered company? Is the country aware that the Government is owing us over seven point something million dollars in terms of receivables over a 90-day period, and in other words, we are financing the operations there? But no one talks about that.

But our purpose will continue to be to find employment for our members through a different mechanism. And if people want to believe well that is wrong, so be it. But we will continue to maintain that the question of being involved in the economic activities cannot be the remit of a certain group of people only, and when the trade union movement gets into it, when we talk about people-centred then it becomes a problem, because \$700,000 a month becomes a problem, and it is for two vessels. And when you work it out based on the passenger ship that we were asked to calculate it on, it works out to US \$3 per passenger a day. That is what it works out to. Not US \$25,000 a day. Three US dollars per day for the passengers. And I want to make it clear, it was a public tender. We tendered. We had a right to so do.

And I am not going to apologize to anybody for venturing into a new dynamics in which to make the union more relevant. In which to restructure our organization by going into business, because there is a song, “When labour holds the reins of power I want to be there”. And what is wrong with labour being involved in business? I thank you.

Dr. Francis: Good afternoon, Sir. You have pre-empted my line of questioning so I will ask: how are you paying taxes if you are suggesting that your operating cost—by your operating cost you are recording a loss?

Mr. Annisette: Well, because the losses, I have to pay tax. So, I have to pay tax.

Dr. Francis: On a losing business?

Mr. Annisette: Hear what I am saying. Hear what I am saying. [*Interruption*] I made a specific reference to the misrepresentation—and quote me correct—where it was stated in here, in this august body, that we get \$700,000 for labour supply, which was a misrepresentation. Because the contract is not for a labour supply. It is for several entities that culminate in \$700,000. And I am saying, that if you owe me eight point something million dollars, obviously I am subsidizing myself.

Dr. Francis: So, is the \$700,000 figure correct?

Mr. Annisette: Yes, it is. It is. It is a tendered figure that we tendered on, and let me make it plain to the general public, that figure is less than what the Port Authority had to pay out when they were involved in the operations. It is considerably less than what it cost the Port Authority to do the very said operation that we tendered for.

Dr. Francis: So, if the \$700,000 figure is correct, then your opening statement is disingenuous?

Mr. Annisette: No. To who? You?

Dr. Francis: No, it belies the facts. [*Interruption*] Your opening soliloquy in which

you sought to make the point that the figures being bandied in the public domain were incorrect.

Mr. Annisette: All right—

Dr. Francis: You have just substantiated Mr. Annisette that the figure is correct?

Mr. Annisette: No, but you see you are missing the fundamental—

Dr. Francis: It is your opening statement.

Mr. Annisette: You are missing a fundamental point. If you listened to my statement I would have said, in the public domain there is a statement that is being made by people within this august body which says that Annisette gets \$700,000 for the *Galicia* vessel. Not the two fast ferry vessels that we tendered for. The statement was the *Galicia* which was a misrepresentation, because we do not get \$700,000 for the *Galicia*. That is what I said. So, let me correct you, and let me correct the record for the public purposes. Thank you.

Dr. Francis: That is a correction, because your opening statement did not establish that fact.

Mr. Annisette: No, I disagree with you. I made it clear it was the *Galicia*, the statement was made. You could read back the records. All right.

Dr. Francis: Mr. Annisette—there is a record which can be read.

Mr. Annisette: Okay. Thank you.

Dr. Francis: I was listening to you with great intent.

Mr. Annisette: “Ah”, I appreciate it.

Dr. Francis: Your opening statement has been obviated by your subsequent statement. So, can we get it straight? Is the \$700,000 figure being bandied in the public the correct figure?

Mr. Annisette: No! The figure that was bandied in the public was for the *Galicia*. Let me make it clear, the figure of the \$700,000 was bandied about for the *Galicia*,

and there was even a caveat that that is why I am supporting the retention of the *Galicia* in Trinidad and Tobago. It is in public records too, and that is not a fact.

Dr. Francis: We can check the records, and I shall leave that issue alone.

Mr. Annisette: Okay, I appreciate that.

Dr. Francis: Mr. Annisette, are you familiar with a company called the Port Workers and Private Sector Manning Services?

Mr. Annisette: Obviously.

Dr. Francis: Good! Do you have offices?

Mr. Annisette: At SWWTU, 1D Wrightson Road, Port of Spain.

Dr. Francis: Are you aware that a number of your workers have qualms, have concerns with the functioning of your company?

Mr. Annisette: No, well they are—as long as you are running any company on the systems that we operate you are going to have people who will have qualms because they cannot have their own way. They cannot get their own way. And that is a normal business.

Dr. Francis: Okay. Maybe I should be more specific.

Mr. Annisette: Yes.

Dr. Francis: Are you aware that you have workers who are alleging serious abuses being committed by this company?

Mr. Annisette: I am aware that it had several workers that went to Tobago with Mr. London and accused our organization of sexual favours for employment. Mr. London send and call me, and when we were finished he humbly—and Mr. London is still liked, he is in London. He apologized humbly and profusely to my organization and to me for taking on board some of those mischief statements. Because people are going to say anything in Trinidad when they cannot have their way, and I understand that. And that is part of life, and I was warned about that.

But I have a responsibility as the President of the union—and I live a particular life. It is 12 children that I have, and I have 13 grandchildren and three great grandchildren.

Dr. Francis: My final question before I stand down. We have testimony which says that you Mr. Annisette has been a perpetrator of unwanted sexual advances from a number of female workers, how do you respond to that?

Mr. Annisette: That was told to Mr. London too, and when the facts were cleared out he apologised to me profusely. Because that is a norm. If you do not get work and somebody else get work, the statement is, they have to be with the boss to get work, because there are some small minds that we have involved in that. But that is part of the business. That is part of the life, and that is what this business, you understand, entails. But what I know, there is somebody up there [*Points upwards*] who is greater than all of us, and he is the seer and knower of everything, and I leave that in his hands, and that will never bother me, because I can sleep easily every night.

Mrs. Jennings-Smith: Mr. Chairman, Mr. Annisette as a woman here, I think I am the only woman on this panel. You spoke openly and you spoke about your company pays taxes and you pay everything. Why do you not like to pay women who have been employed with you when they apply for their maternity benefits? Because we have had reports, and I understand those reports were lodged at different places. Do you have something against women employees?

Mr. Annisette: You see, again, I listened to you when you were questioning a young lady, and I was disappointed. Disappointed because I respected you and I know that you are a mother, and I am a father. And the question that you asked that young lady, is whether or not you and Mr. Annisette had a personal relationship? Which I thought had no bearing here whatsoever. But that as it may, I cannot tell

you what to ask. People are free to say what they want. We have paid everybody who would have come to us, and if you have not been paid and you have not lodged a report or a complaint, I cannot address the particular matter. And I am saying, while I have had letters coming from unions and what not, none of the employees have come to the organization and said “Mr. Annisette you know we have not been paid.”

As a matter of fact, let me put it on record, there are people who could not have qualify for NIS payment given the state of their health, and this organization, because of our people’s organization, went ahead and set up mechanisms to ensure that these people are paid under the NIS benefit. And I could show you documents, we have paid in terms of advance salaries over three hundred and something thousand dollars for workers who at some point in time would have been affected by not working, or by having problems home, or having to pay rent, and we paid them in advance of their working, because that is the philosophy of this organization.

There are several people, and the proponent who you asked the question, when their house fell down and they went to the Minister and they could not have gotten a house, they came to seamen’s union, and Michael Annisette, the president of seamen’s union, on behalf of that lady, made representation, and that person got a house, and it is not only that person, there are several other people. And let me put on record too, we are in business not now, we also—and Mr. Mark was a beneficiary of that, NUGFW and SWWTU, construction company, when we as two unions put our heads together, under the founding father, and we agreed to build houses in Valsayn, and there were certain Ministers who say we would have debased the value of the house if they bring people there, workers, and we were able to build houses for \$150,000 for our members, when private sector was building those same houses for over \$500,000.

That is our history. That is what we do. And if anybody tells you that I am against women—I have grandchildren who are women, I have daughters who are women, why would I not want to pay somebody benefits when we would have paid people benefits who did not even qualify for the benefits in order to ensure that these people get pay? And I could show you pictures of people thanking us. You know, for doing what? This same company? For buying books for over 50-something children who could not afford to buy books to go to school, this company under my leadership took a decision and went and buy books for all those children and them. And that is our philosophy. That is our history. And nobody could deny that. And no amount of sexual harassment talk, and all kinds of debased language could refute that fact, and will ever change that reality.

Mrs. Jennings-Smith: Sir, I have a simple question for you: Can you say yes or no, whether there are persons employed by your company who have not been paid maternity benefits?

Mr. Annisette: Anybody who is employed by Seamen and Waterfront Workers Trade Union will be paid their benefits. If they have not been paid and they did not bring it to my attention or the organization's attention, do not blame us. But as a union, as a company, a union-run company, our philosophy is to recognize every law in Trinidad and Tobago, including paying any maternity benefits.

Mrs. Jennings-Smith: Sir, I am referring here to the catering company—

Mr. Annisette: Yes.

Mrs. Jennings-Smith: Let me conclude. Are you aware that there is a matter before labour courts relative to non-payment of maternity benefits?

Mr. Annisette: No, I am not aware.

Mrs. Jennings-Smith: To your company?

Mr. Annisette: What I am aware of—I am going to tell you what I am aware of.

We got a letter from Communication Workers' Union saying that five workers say they were not paid. Five workers! And I ask you, how many people have been pregnant in the company? It is more than five. Okay? And I say, but, how could you send such a threatening letter without even asking a question. And there is no grievances as far as we are concern, because we have a philosophy that if there is a problem within the organization, because we try to build a family organization, a people's organization. If the matter has not been brought to the organization as far as we are concerned, a grievance does not exist. That is a fundamental principle in industrial relations.

And as I told the union, okay, if that is done, I am prepared to investigate it. Further to that, and I want to thank comrade—and he is there. Comrade Roget came to me with the same question. He said two ladies came to him, and I explained him what the situation was, and he said but they never told me. He said, well, I will talk to communication, because I tell him, as long as there is not an official report of non-payment to the union, I will consider the matter a no matter.

Mrs. Jennings-Smith: Does the name Giuseppi—a person name Giuseppi work in your company?

Mr. Annisette: Giuseppi, no.

Mrs. Jennings-Smith: Are you sure there is not a person named Giuseppi who works with the union company as a person?

Mr. Annisette: I do not know anybody by the name of Giuseppi working with the company.

Mrs. Jennings-Smith: Okay. Were you ever called by somebody in that company and told about a situation relative to a young woman and advances towards her?

Mr. Annisette: No, never.

Mrs. Jennings-Smith: Okay, good. I want to close by putting this on the table.

But indeed there is a matter which is lodged at the Ministry of Labour and Small Enterprise Development pertaining to non-payment of maternity benefit.

Mr. Annisette: All I will simply tell you is that if there is a complaint that has been lodged, the SWWTU and the workers to the SWWTU, and the company, and the workers have not been paid, if there is an official complaint coming from the workers, that matter would be investigated and the persons if they have not been paid, in keeping with the law, they will be paid.

Mrs. Jennings-Smith: Last, Chairman. I know sometimes, especially women, when they are working with a company and the boss is the person that you have to complain to, they find different ways of bringing their complaints to the notice of authorities, where they would get some kind of redress. So, I am not making excuses for anybody, but rather to put to you that there is indeed a complaint at the Ministry of Labour and Small Enterprise Development, relative to the management of that same company, that catering company.

Mr. Annisette: All I am simply saying again, you see it is convenient to talk about bosses, but when there is a need for salary loans, when there is a need to buy books for the children, when there is a need to go and talk to the Minister to get houses, there is not a fear for the boss. You come to the boss, and the boss helps. You see, life is funny, but as I said, I believe in my spiritual African roots and it has taught me something, and the truth will prevail eventually.

You could run, you could hide, you could try to malign this organization or my name, but the truth will prevail. And let me repeat it again: I have grandchildren who are women, I have great grandchildren who are women, I have children who are women and I know, based on African tradition, that the first person in this world was a woman, and therefore in order to get respect, you have to treat them with respect, and I will continue to believe in that philosophy, and I will continue to

practise that philosophy. And no amount of trying to malign my name will prevent this organization from going outside there and seeking employment for our members internationally, regionally and locally.

Mr. Khan: Mr. Annisette, I just want to change the conversation a little here.

Mr. Annisette: Yes, Mr. Khan.

Mr. Khan: Over the period of this enquiry we have interrogated/questioned the port's board, the port's management, because fundamentally we are looking at the efficiency of the port or the lack therefor, and how we can get it right, especially the sea bridge.

Mr. Annisette: Thank you.

Mr. Khan: The Seamen and Waterfront Workers Trade Union is the recognized trade union?

Mr. Annisette: Yes, we are the recognized majority union.

Mr. Khan: It is obvious from the discourse that went previously, and from the numbers, the port is a very inefficiently run organization, would you agree with that?

Mr. Annisette: No, I would not agree. There are some hiccups, yes, and there can be some improvements, yes. But let me remind you, hon. Minister, because you see in 2003 I was involved. I led the negotiations. You were part of it, and we sat down and we worked out several mechanisms in terms of how to make the port productive, how to make it efficient. Do not forget that. And I will read out the document, because I walked with it.

Having said that, we accepted three retrenchments on the port to bring down the port labour force to international best practice, which was 700 people, and I would show you the document. [*Points to document*] It is here. You were part of it. I will show you Mr. Jerry Hospedales' statement on the document. But what happened, we agreed to send people home. We paid the supreme price, and what

happened after? Within a year or two—all right, the labour force went back up to over 1,000-and-something people. Who do you blame for that? Do you blame the union? We do not employ people. We do not employ people. But having said that, we have committed ourselves, and with you too as the Minister, to working with the board and the management to ensure that the port reaches the efficiencies that is required. Because I am painfully aware, as a member of the ITF and the regional representative for the Latin American Caribbean region, that if this port and the Port of Point Lisas do not operate in terms of international best practice, vessels would not come to Trinidad and Tobago and we will suffer.

Mr. Khan: You are contradicting yourself. You are saying—

Mr. Annisette: That is your view.

Mr. Khan: No, hold on. Hold on.

Mr. Annisette: With the greatest of respect, that is your view.

Mr. Khan: You are saying that the port is not inefficient. It was clear over the period of the enquiry, both from the discourse of the management and the board, the port is inefficiently run because all their key performance indicators are below international standard, and there is a major crisis on the sea bridge, which is really the purpose of this enquiry.

Mr. Annisette: Yeah, yeah, the purpose.

Mr. Khan: So, your cargo business is out “ah” whack, your sea bridge which is your other main portfolio is disastrous to say the least. There is port board, management and union. It is a tripartite system. I am telling you that the port is inefficiently run. You are telling me no, but the figure shows they are losing \$400 million a year. You cannot tell me it is efficiently run. I am asking you as the representative body, what do you think is causing this major haemorrhage on the port, and what in your opinion we can do to get it right? We want the involvement

of the union. I would deal with your company later on. There are some issues that need to be sorted out there, but fundamental to this enquiry we want to get the union's perspective, because the union is a key stakeholder.

Mr. Annisette: All right.

Mr. Khan: And the union cannot claim that the port is efficiently run because you represent the workers—

Mr. Annisette: No, no, no.

Mr. Khan:—because the figure shows otherwise.

Mr. Annisette: No, say what I said. I said there are issues that need to be sorted out. [*Interruption*] Having said that—

Mr. Khan: Just answer me, what you think has gone wrong, and from the union's perspective, not from PWPSM—

Mr. Annisette: Yeah, yeah, yeah.

Mr. Khan:—from the union's perspective, as a representative trade union body what do you think—what initiatives you would like to see the port's management, and by extension the Government, take to get a semblance of being right, or on the right track.

3.55 p.m.

Mr. Annisette: The first thing that I would like to see is that when we sit down and we agree, which we have done with all the governments, to implement a system in terms of best practices, in terms of international best practice and we agree with the retrenchments of workers, and we agree to put systems in place, that those systems that we agree to are put in place.

As I speak to you I have a document where we signed off in terms of best practice, in terms of cutting labour force, in terms of several

documents. That was coming out of the 2014 to 2017 collective bargaining period. We also told the Port Authority that we cannot continue to run the sea bridge on the basis of an onshore contract because it will haemorrhage the Government and the Port Authority. We have submitted over a 12-year period, collective agreements that are rooted in the maritime concept, and, to date, the port has not engaged the union in any of those discussions.

We are also saying, listen, we need to train our workers—all right?—and certify them so that they will be properly trained in order to operate. We cannot continue in the port to have million-dollar equipment and you send somebody who is not aware of the equipment to train on that equipment. We have suggested—the union—that we buy simulators like I have seen in Germany in order to train these workers. Because what happens when we do it the old way that the union has rejected, is that you run into cost. We are saying, listen, there is a need also for discipline within the port industry because it is a culture. And it is not about the port, it is a Trinidad thing. People do not care and therefore we need to build a new kind of structure.

We have given the commitment to the management of the Port Authority that we are prepared to work with them to seriously engage the management and the board in order for the port to be efficient and effective, and it hurts me. You know why? Because I have had the privilege of representing the Latin American and Caribbean region as the Vice Chair of the ITF. I have travelled to international ports and I believe that, given the tools and the environment, that we can make the port of Port of Spain a better port.

Mr. Khan: So in conclusion then, would you say that you think the current management of the port is well equipped and is competent and skilled enough to handle this major task ahead?

Mr. Annisette: I believe that the management of the port needs a beef up in terms of the skill sets that you will require to do the kind of transformation that is necessary. And let me make one point. The port hired a change manager from PricewaterhouseCoopers for 12 years and nothing changed. Who do you blame for that, the workers? Who do you blame for that? You see, people have short memories. Let me repeat it again. The port, at considerable cost, hired a change manager from PricewaterhouseCoopers for 12 years and there was not even one fundamental change. The Port of Port of Spain brought in a foreign company Porche—do not forget that—keep them here at considerable prices to transform the port and nothing was done, not one thing. And I am saying that we have the indigenous skills in Trinidad and Tobago in order to make those transitions, but there has to be the will both on management, both on the stakeholders and both on the union, to take the necessary decisions that will take us to the pathway of productivity and efficiency in the port industry.

Mr. Mark: Let me welcome Michael Annisette of the Seamen and Waterfront Workers Trade Union. You made a point a short while ago that you cannot run a sea bridge as an onshore contract.

Mr. Annisette: Yes.

Mr. Mark: Would you like to elaborate for this committee what you mean by that?

Mr. Annisette: All right. We had a government shipping service centre

and the contract that was negotiated was an onshore contract. There was no provision for a maritime contract. So that when the business of maritime started to expand and we acquired vessels; we started to manage vessels, there was not that transition from the onshore contract that speaks to, that if you work eight hours, the next hour after is overtime. That “doh” happen in a maritime industry. And then you get double time, triple time, based on what is happening.

In the maritime industry it is governed by international rules and regulations. STCW95 covers it. The labour convention 2006 covers the terms, the conditions and what is expected and is required. And if you do not put yourself in that space you are going to find yourself haemorrhaging in terms of cost. Because the fast ferry operation is a 12-hour operation. It is a 12-hour operation and then therefore, you need to structure your contract to reflect what are the provisions in MLC/2006 that speak to a maritime industry contract separate and apart from an onshore contract in which the port operates presently.

And let me make the point again, eh. Allow me to make the point again. This union has submitted, over the last 15 years, collective agreements separate and apart from the onshore agreement so that we could have a dedicated maritime collective agreement, and, to date, the management and/or the board of the Port Authority have not responded to our proposals. So it is not that we like it. We recognize it. We have done what we were supposed to do and the management and the board have failed to respond to our proposals for a dedicated maritime contract.

Mr. Mark: Let me just ask, have you ever been a member or a commissioner on the Port Authority?

Mr. Annisette: Yes, I have.

Mr. Mark: Are you familiar with the procurement processes?

Mr. Annisette: Yes, I am.

Mr. Mark: Would you want to share with us what, in your professional opinion as a trade unionist and as a person who has been involved in international maritime business and operations, where did we go wrong, firstly, with the *Galicia* and if you can share with us where did we go wrong with this whole question of the acquisition of the *Cabo Star* and the *Ocean Flower II* given from a procurement perspective, given your experiences?

Mr. Annisette: Okay. What I can say in terms of the *Galicia*—*Super Fast Galicia*—when I made the statement, it was bandied about that I am getting all this money for the contract that is why I am supporting them, unfortunately. But the facts would be the facts. The truth will always be the truth. The *Galicia* went through the normal tender procedure. The Central Tenders Board of Trinidad and Tobago was involved in the procurement of that vessel and, therefore, if anybody wants to allude to corruption, well, I guess the Central Tenders Board is part of that. I do not support it.

There was an issue where the vessel was leaving and you had an opportunity, and something that happened here that nobody paid attention to, the *Warrior Spirit* was leaving. And do you know—and no one has put that in the public domain for reasons. The *Warrior Spirit* contract for the three years extension with the renewal for three years—for one year, one year, one year—when that charter party agreement was signed, the exit clause was excised from that agreement, which made it virtually

impossible for the Port Authority to terminate the contract of the *Warrior Spirit* for failure for performing the contract.

And when the investigation was done, we were told that Miss Ford—she is not here so I do not want to bash here, all right?—did the contract. Mr. Grant said, well he thought Miss Ford, being a lawyer, he signed off on it and when they went to the Ministry, the Ministry say, well, they thought that they did due diligence. And as a consequence of that the port found themselves in a situation where the *Warrior Spirit* was limping; one engine, creating all kinds of havoc and there was no mechanism to get rid of that.

And the question that I would like this committee to investigate, why it is that the exit clause to protect Trinidad and Tobago was excised from that charter party agreement that put Trinidad and Tobago in this problem where we had to go outside there because the vessel was on one engine. It was taking as much as 14 to 15 hours to do cargo. The public was complaining and the then Government was forced to acquire a vessel, given the fact that the sea bridge is an essential service.

Having said that, I heard a lot of talk and I will express my view as I see it. I have said it publicly and that puts me, as some people say, for a frontal attack by people high in this country. But that is the life that I live, and the truth will always be the truth. Had the charter party agreement been signed—because no maritime industry—and I hear all kinds of talk and I disagree. There is nothing in the maritime industry that there is an implied contract. The charter party agreement is what dictates what happens in terms of your service between the charterer and the charter. And that is a maritime law; that is a basic. Right?

The contracts that people normally use is BIMCO. But I “doh” want to get into that. But what I find strange, there was a refusal because somebody said somebody was holding a gun to their head, which we will deal with, but we had a contract for two vessels and the vessel was not in Trinidad and Tobago waters and a charter party agreement was signed. That is unheard of in the maritime industry. People from the ITF called me and say, “But what is wrong with all yuh in Trinidad and Tobago? How you all could do something like that? That is unheard of.” And I would like that to be investigated. How did we see it fit to sign a charter party agreement which, all of a sudden we determine is the correct thing to do, but for a vessel that is not yet in your territorial waters, for a vessel that did not do a sea trial? How is that possible? Okay?

Having said that, had we signed the charter party agreement, the *Galicia* could not leave Trinidad and Tobago because they would have been “binded” by that agreement and if they had left, it would have been serious consequences. But, more importantly, are you aware that the *Galicia* had the capacity to increase the passenger-ship by 137 more people? So with all the seats were on the vessel, you know, and if you wanted that option, you could have done it, like what you did with the vessel that is here. Because the vessel left the port as a ro-ro vessel. And you know what is a ro-ro vessel in maritime law? A vessel that could only carry no more than 12 passengers. That is the meaning of a ro-ro vessel. But the vessel became a passenger ferry when it got a provisional licence in Panama. So when the vessel had the charter party agreement, it was a ro-ro vessel, and we knew that we did not want a ro-ro vessel. We knew that we wanted a passenger vessel.

That is a question I will want this committee to investigate, because those are several, several questions that, to me, as you say a trade union maritime person that has practised internationally, that raises red flags in my head.

And let me make a final point. In my view, this thing was calculated and designed to have this result. Nobody could change my mind. And I will tell you why. I will tell you why, and I will say it now because you say to talk. I and my executive, 13 members, spoke to Minister Sinanan, and I warned him about the consequences of not signing the charter party agreement, and he said: “They could go. Nobody ain’t holding this Government to ransom. It have vessels outside there.” And I say, “Hon. Minister, we had six tenders and all failed. I am telling you, given what is happening in the market outside there, if that vessel leaves Trinidad and Tobago, it going to be embarrassing to us.”

And I even make a joke and I said, “Listen, if they have the gun at your head, I is a negotiator. Ah do it internationally. I will go and negotiate for you.” And I warned him. I have 13 members who are willing to come and sign to an affidavit to that effect. And no one took on the union. Okay? And I saw the consequence of what was happening. And let me raise something again further, eh, for this august body. The truckers came to see me and there is a lady who is in this body, she was in the meeting at the union hall and I told them that four months before the *Atlantic Provider* came to Trinidad and Tobago to operate, we knew it was coming here. Before the *Express*—the *Warrior Express*—left Trinidad and Tobago, we knew that the *Atlantic Provider* was going and work in Trinidad and Tobago territorial waters, and it is coincidental that

that same vessel, which is a vessel that this union arrested, the Jet Lotus, we arrested—you know why we arrested that vessel? For failure for paying the foreign crew, one, and two, for unsafe conditions of the vessel.

And do you know that within the extra month that that vessel was operating, what the union say came to pass—and luckily it was the last month—you know the vessel break down and the vessel is still outside there waiting to be repaired? So we were operating a vessel that we knew that could not carry passengers. And what was told to us, that, boy, the circumstances demand that that happen.

The same thing with the barge. The truckers can tell you. I spoke to them about the barge. They went to the Minister and the Minister told them, “Whoever telling all yuh that, talking foolishness. We are not bringing no barge in Trinidad and Tobago.” But there was a certain board member, before that board member became a board member, was walking with his computer with that barge in it to operate in Trinidad and Tobago. And do you know, when the barge came, they allowed the barge to dock at GSS in a condemned area from the OSH and this union had to take it up so that the barge could have leave there because it was unsafe?

Those are facts. Those are not fictions of my imagination. Those are the realities that I am speaking. And all I am trying to say, Minister Mark and other Members, I am a Trinidadian, you know, and it hurts me to know what has happened there, because I operate in the maritime industry. I am the regional representative for the ITF for Latin America and the Caribbean region. I travel all over the maritime world and I know what I am speaking of. You understand? And then people does ask us: “Do you print money in Trinidad and Tobago? How could you have a

30-year old vessel and paying US \$14,000 a month for a 30-year old vessel?”

And those are the realities. And all I am simply saying that this committee has a golden opportunity to put things in place to ensure that this does not happen to Trinidad and Tobago again. You cannot allow a vessel to leave your country without having another vessel in place and create a situation where you are forced to take any vessel at any price. That is unheard of in the maritime world and it is unfair to the taxpayers. And I want the public to understand that, you know. The money that is being paid is taxpayers’ money and, therefore, I have a responsibility as a citizen of Trinidad and Tobago to express my views.

Some people tell me, “Well, Annisette, dey go take de contract. Dey will set up people to come at you.” But that is the price for expressing an honest view, so be it.

Mr. Chairman: Mr. Annisette, I want to be clear on something, because you said to us that you approached the Minister and warned of the consequences, as you were seeing them at the time.

Mr. Annisette: Yes.

Mr. Chairman: Am I to conclude that you are laying blame for this impasse squarely at the feet of the Minister?

Mr. Annisette: Yes, I am. I make no apologies for that. I make none whatsoever. Until somebody can tell me why the charter party agreement was not signed, given all the assurances that were given, given the letter coming from the permanent secretary in the Ministry to the Tobago users of the fast ferry, who said, “Yes we are going and sign an agreement”, and until I can get any justifiable answer, I have concluded in my mind that

your failure—and, you know, and why I am saying is the Minister. The Minister may have said, “I wasn't a Minister at a particular point in time. I was not even in Cabinet.” That is not the issue. The issue is that the vessel left under your watch and therefore if the vessel left under your watch you should be man enough to take the responsibility for the chaos that the leaving of the *Galicia* caused to the people of Tobago, in particular, because I interface with them. They talk to me.

The truckers came to me and the truckers, as a consequence of what happened, joined the National Trade Union Centre. And we had meetings, and I expressed to them long before the barge came, and there is somebody from Tobago who is around who could confirm that too, that we were going and get the barge and the *Atlantic Provider* to operate the sea bridge. People doubted me, and it came to pass. You know why? Because the circumstances were such we were told, that we have no other alternative but to hire those two vessels—a barge and a ro-ro vessel that could not carry passengers.

Mr. Chairman: At the juncture at which you became aware of that, did you seek to speak to any of the other key players, like the port or—

Mr. Annisette: Yes, I did. I expressed that to the port and there are people who, if they want to be honest, can come and say that Michael Annisette as the President of Seamen and Waterfront Workers Trade Union did express that view and it came to pass.

Mr. Chairman: Did you, at any stage, think that it may be advisable to speak to people further up the chain of command?

Mr. Annisette: Like?

Mr. Chairman: Well, you have the port with specific responsibility for

this sea bridge service. Then beyond that you have the Ministry. There is a permanent secretary there with oversight over the port. And I am going up the chain, eh.

Mr. Annisette: Okay, yeah.

Mr. Chairman: You said you spoke to the Minister.

Mr. Annisette: Yeah.

Mr. Chairman: Did you speak to any other public authorities, individuals?

Mr. Annisette: I would have spoken to another Minister who I know personally, expressing some concerns. I would have spoken to someone who had the ear of the hon. Prime Minister. I do not know if that person would have transmitted the sentiments of the Seamen and Waterfront Workers Trade Union. I would have made public statements in the public domain in terms of how the union felt about it.

And you know it strange, Chair? The *Panorama*. This union said, do not sell the *Panorama*, you know. They went and sell it and the *Panorama* is operating right now—good. And then do you know that the *Panorama* was one of the vessels that was put in to tender to come back and work in Trinidad and Tobago? But the problem is, who is Michael Annisette who is from “Docksford” university who could come and tell us what to do? What he knows? He is a dock man. You understand? He knows nothing. I am not a professional. I do not have a “doctor” by my name. So my views are not taken seriously. And I can point to several issues that we would have raised and it has come to pass, because “Docksford” university is not UWI. We are not respected. We are dock workers. Who is Annisette? Who is this Annisette to come and have a

contract for people?

Member: Seven hundred.

Mr. Annisette: Yes, 700. This African person, this trade union man from behind the bridge, who is he? I am not part of the so-called economic elite, or business elite.

Mr. Chairman: I hear, and I want to give another member a chance.

Mr. Smith: Thank you, Mr. Annisette.

Mr. Annisette: Yes, yes. Yes, to you, friend.

Mr. Smith: I just heard you say it again, my friend. Is it \$700,000 per vessel, per month?

Mr. Annisette: Yes. It is seven—I have the figures here if you want me to re-check it. But I know it is in that capacity. Let me tell you. The contract was not for the supply of labour only. It was several things that the port was doing, and I want to point out to the public that our contract would have saved the port money because it was costing the Port Authority much more money to do the same business that we were doing. Do you know that we would have paid more than \$13 million to the Port Authority? Yes, well, I want the public to know that. Because, you see, people talk and nobody talks about that.

Do you know that the port gets \$133,000 per vessel, per month? Are you aware of that? And the \$133,000 is more than what is the requirement because the position is that we are supposed to pay on the sales and we pay more than the sales. The Port Authority has benefitted from this contract. Nobody talks about that. Do you know how much money that we would have paid in income tax? You will want to know? Over \$15 million. Okay.

You see, nobody sits down and talks about it. And then, as “ah telling yuh”, the concept of the union being involved in economic activities was a concept that I embraced given the statement that I read from the founding father of the PNM.

Mr. Chairman: Thank you, Mr. Annisette for reiterating that piece of information.

Mr. Annisette: No, it is critical because it was a philosophy that the founding father of the party enshrined and it is in black and white and it is a principle that was supported by my learned friend, a good friend of mine, Mr. Khan, when he made his statement to Parliament on Friday, April 29, 2005.

Mr. Chairman: You have entered that in the record already. We wish to move on.

Mr. Annisette: I want to repeat it for purposes for the public to understand what is happening, because they make it appear that Annisette put a gun to somebody head—Annisette.

Mr. Chairman: Thank you, Sir. Member, proceed.

Dr. Francis: Mr. Annisette, no intent to be facetious, but do you have a magical business formula? Because some of the things that you are saying are mind-boggling.

Mr. Annisette: Well, I want to believe that from where I sit, as I said, I believe in several things and those things guide me, and when you put faith in that, everything is going to go right, because our spiritual ancestors will guide you. And I walk with the—*Maat, Guiding Principle of Moral Living*, an African book and this is what guides me.

Dr. Francis: I am very intrigued by the fact that you raised that reference

because, just like you, I am a student of history and I know the history of the trade union movement in this country in terms of bringing dignity and rights to the majority of our people, and we expect that unions operate with that cultural and historical underpinning. Mr. Annisette, do your workers have contracts?

Mr. Annisette: Yes.

Dr. Francis: Could you supply us with copies of those contracts?

Mr. Annisette: I will.

Dr. Francis: Because we have testimony which says otherwise, that they do not have contracts.

Mr. Annisette: Okay. They sign on—and let me explain to the public so the public is going to understand. When we formed this company it was a vision of Michael Annisette and we had a lot of debates whether a union should be involved in business. And we set up what you call a different approach to how we do business. We did not want to run the business in the traditional way where you have it. And we used to have meetings almost every Tuesday with the workers; we talk about the contracts; we talk about what are the terms; we talk about what is expected—

Dr. Francis: So you have contracts?

Mr. Annisette: Yes.

Dr. Francis: And you can supply this committee with copies or templates of that?

Mr. Annisette: Yes, what they would have signed to. Okay. No problem.

Dr. Francis: Okay, thank you.

Mr. De Freitas: Good afternoon again.

Mr. Annisette: Yeah, pleasant day to you.

Mr. De Freitas: I have been listening intently and I just wanted to get some clarification. As much as I have heard all that you have said regarding the issue with the ferries and the service, the inter-island transport service, I am looking at the one thing that I know that is under your control or the control of the union and gauging the operations of that would gauge other things. So you have the Port Workers and Private Sector Manning Limited. That is the company that is responsible for the 703,000 per vessel contracts, and you indicated earlier that the business place is where—at SWWTU?

4.25 p.m.

Mr. Annisette: Yeah, 1D Wrightson Road.

Mr. De Freitas: Okay. How is that company structured?

Mr. Annisette: Meaning?

Mr. De Freitas: In the sense that, who is the CEO of that company, who is the manager of that company?

Mr. Annisette: We have a CEO and the CEO of that company is a former member of the People's National Movement which was Joseph Ross, we had Ferdie Ferreira at one time who was the CEO, we had Mr. Alfonse at one time who was the CEO. Presently, Mr. Joseph Ross, a former Member of Parliament is the CEO of that company.

Mr. De Freitas: CEO of that company. Okay, and the question I am asking where you said that the purpose of the company was set up because you would have had, I guess union members or workers being retrenched, and so you would have provided an opportunity for them to continue working under that arrangement, yes?

Mr. Annisette: No, no, no.

Mr. De Freitas: So what was the purpose of the company being set up?

Mr. Annisette: Let me explain it again—and I read the documents so I do not want to refer to the document—where there was a philosophical discussion with the then Government in terms of outsourcing and privatizing the port, and this union made its position clear that we are not going to accept, under any circumstances, any Government going and retrench our workers and bringing in people from outside to do the very work that you retrenched our members for, and therefore, we were saying if you have to outsource we have to do it through our company and we set up a company in that regard and it is not even speak to maritime. It speak to the question of when the Government took the decision to set up three separate companies, and the decision was to outsource it and to privatize it. Okay. So I want you to understand that.

In terms of the maritime operations, we were given a labour supply for one specific period, meaning, that the port did not have sufficient people to man the vessel when the fast ferry came to Trinidad and Tobago, and therefore, the Port Authority and the Government at the day agreed that the Trinidad and Tobago seaman's union, being an international and regional labour supply company for maritime workers, they will source the labour through our organization, and we supply the Port Authority with the labour only. It is in 2010 when the Port Authority determined that they were losing money that they were not happy with the operation, it was inefficient, that they determined that they were going out for public tender for the whole operations of the vessel, and it is at that point our company tendered with the figures and won the tender.

Mr. Khan: Just let me interject here. What was the length of that contract?

Mr. Annisette: The contract, which one?

Mr. Khan: The 2010 contract.

Mr. Annisette: The 2010 contract was for three years in the first instance.

Mr. Khan: So your company is still engaged. So by what process were you engaged after 2013?

Mr. Annisette: When the contract had finished the board determined—not Michael Annisette—that they will renew the contract for another three years.

Mr. Khan: So they tendered a contract for three years, because they say they wanted to go to public tender.

Mr. Annisette: What is that?

Mr. Khan: I say, the board at the time in 2010 decided that they want to go out for public tender—

Mr. Annisette: They did not decide, they went out for public.

Mr. Khan: They went out for public tender, you won the contract legitimately, fine. The contract was awarded for three years, so on what basis did they not go back out for tender and they just keep rolling over the contract?

Mr. Annisette: No, no, no. You see you say keep rolling over. It is only one roll over.

Mr. Khan: From 2013 to 2016?

Mr. Annisette: Yeah, it is three years. All right. Okay. But having—

Mr. Khan: What was the rationale for that?

Mr. Annisette:—said that, I will ask you a question. What is the rationale for NEC giving Caribbean Crewing a contract for more than 12 years and they went out for tender once? What is the rationale of giving the contract for the supply of transport for prisoners? How many times did that contract go out for tender? You see, my concern is and I will say it openly, I want to believe that it have different rules for different people. When you are in “Docksford” people intend to inject into the public mind that something fishy went on there because it rolled over, but I tendered for the NEC and I am going to show you too. I tendered for the NEC and do you know

what happened? When there was a change of Government the NEC, which is Caribbean Crewing, got a rollover to, but nobody talks about that.

Mr. Khan: Mr. Annisette, the issue is not just—

Mr. Annisette: No, no, I have to put it.

Mr. Khan: Hold on! We interrogated the port management and the port board for the very fact of the same rollover process for Bay Ferries and we took objection to it. So we are just trying to be consistent because the—

Mr. Annisette: Oh, that is about consistency?

Mr. Khan:—whole issue of—there has been a proliferation of rolling over in the port which was brought to the attention of this Committee and we did not see that in a favourable light, and we continue to so do and that will be reflected in our report.

Mr. Annisette: Okay. Well, rollover as you know is not nothing new in Trinidad and Tobago because I could call several Government contracts where there are rollovers and I call two so far. I asked you and I will ask this Committee, tell me how many times the transport for prisoners, which is millions of dollars contract went out for tender, was there not a rollover? The NEC contract, was there not rollovers in that contract too? So it is a culture—

Mr. Chairman: Thank you, Mr. Annisette. Your point has been made—

Mr. Annisette: Okay. All right. Sorry, sorry.

Mr. Chairman:—but there are some other questions to get into.

Mr. De Freitas: I just wanted to add quickly. I think the issue here that in terms of the rollover, is that you are part of a union that represents workers and the very entity that is issuing these contracts.

Mr. Annisette: Issuing what contract?

Mr. De Freitas: The Port Workers Private Sector Manning Limited, that company and the contract that it holds, and therefore, if it continues to roll over it could easily

be said that based on the union and the ability of the union to let us say strike, that you can force that contract to rollover and this is why it would be better to have it tendered at every particular point so that if you tender and you win the contract, then it is fair in that regard.

Mr. Annisette: No, but—

Mr. De Freitas: But having it roll over and roll over and you are using the—hold on—example of the transport of prisoners, the people transporting the prisoners are not the people holding the prisoners in place, and therefore, they cannot use the fact that they are working for the prisons to get the contract to transport them and there is a separation there, and I think that is the issue that is happening here.

Mr. Annisette: I beg to disagree with you and I will tell why, Sir. You see, we formed a company, it is registered, we went out for tender, we won the tender. I want to repeat it. We did nothing wrong. And then if your analysis is because they would be frighten because Annisette could strike, Annisette could strike in the morning. There are so many dilapidated equipment on the port, there are so many OSHA issues, that if I want to be facetious and if I want to use stronger tactics I can strike in the morning and nobody can do me anything.

So to suggest to the public that we could strike is an unfair statement, given the state of the port in terms of what is happening. That port does not even have paint to paint the lines for the tractor to run on—they do not even have paint—the port have not paid workers who have been injured, the port have not paid workers who have gone home going in two and three years, and I have several reasons that I could sit down without a contract to say, “Aye, I am going to stop”. But you know why we do not do it? I will tell you why. The port “strike” once against my advice, and the Cartegena Port is as a consequence of the port striking. Do you know why? In the maritime world, in the sea world, shippers “do not bound” for Port of Port of

Spain, and as a president of a union who travels internationally I would not do anything that will compromise Trinidad and Tobago to see our people lose jobs on the port, and therefore, there are times I have to turn my back and accept things that is unacceptable in a port industry.

Mr. Paray: Mr. Chairman, through you, I have a couple very, very short questions, Mr. Annisette. In terms of the model that you have adopted in terms of the business model, quickly, is that something that is common throughout unions throughout the world?

Mr. Annisette: It is something that is common in Europe in particular, it is something that is common in the United States, and it is something that I learned when I went to Shanghai.

Mr. Paray: Okay, thank you. So I get that is a common model for unions. That is what I wanted to get at. Is the SWWTU the only union in Trinidad and Tobago that has adopted that model, or have any other of the main unions adopted that model as well?

Mr. Annisette: Before we formed our company there was a company that was formed, my learned friend Mr. Wade Mark can assist, NUGFW and SWWTU Construction Company. That was formed long before we formed our company and we were charged with the responsibility of building affordable houses for our members and people who are not our member.

Mr. Paray: I know you mentioned that already before, so I know that is on the record. What I am trying to get at, one, is that the model is a common model throughout unions throughout the world so it is nothing new for Trinidad and Tobago; two, as it exists today, beside SWWTU, any of the other unions have adopted that model that is working?

Mr. Annisette: The only other union that has attempted to adopt it is the Steel

Workers Union and they had some issues. And as I speak to you, the seaman's union in St. Lucia would have called me for assistance in terms of setting up the model because unions within the Caribbean are now beginning to understand that just like how the world is changing, that the trade union movement have to change with the time else not we will end up like the dinosaur.

Mr. Paray: Okay. So you have the only active model.

Mr. Annisette: Yeah.

Mr. Paray: Now, would you agree that that model—because the union can generate revenue that I am assuming—should be use towards the greater welfare of its members, vis-à-vis, training, assistance with medical and so on? Does that position give you the ability not to depend on the State for handouts?

Mr. Annisette: That was the whole concept. That was the whole underpinning ideology of going into your own business so that you could service your members in several different ways. As I speak to you, Sir, even in the national trade union centre we have now set up what we call a committee to look into the national trade union centre going into business, modelling the Seamen and Waterfront Workers Trade Union model as I speak to you.

Mr. Paray: Okay, and I want to run through some very, very quick ones. Just quickly. The business component of the SWWTU, does that business comply with all the State regulations in terms of taxes, NIS, BIR, VAT?

Mr. Annisette: Every living one and I have all the certifications here. Every living. It is not a fly-by-night company. It is a company that has been formed, has been registered, and has follow all the rules and we pay taxes. We do not avoid taxes. Even though if the Government have not paid us for eight months and nine months, we still pay our taxes.

Mr. Paray: And you are in a position that if you were to be checked and verified

for clearances in the morning—

Mr. Annisette: In the morning.

Mr. Paray:—all your fiduciary requirements would have been met.

Mr. Annisette: In the morning. In the morning.

Mr. Paray: Last two questions, Mr. Annisette. You spoke considerably about the *Galicia* and I trust that you have good knowledge of it because during the term of this enquiry I have gotten conflicting reports on certain aspects of the *Galicia*, to the best of your knowledge—if you remember—when was the first working day of the *Galicia* because—

Mr. Annisette: The *Galicia* I know—because when the vessel came it was the 7th—“doh hold meh to the time, eh”. I think it was somewhere about the 7th of July thereabout.

Mr. Paray: 7th of July?

Mr. Annisette: Right. Okay? I was on board the vessel because as a Trinidadian and as the president of the SWWTU, I wanted to see what was happening and I was on board and they had issues with docking up, and I had some discussions with the captain.

Mr. Paray: Why I ask that, there has been—

Mr. Annisette: No, no, no. All right. I just want to make the point affording you, but like every other vessel—when a vessel comes to Trinidad and Tobago, it does not work immediately. There are certain requirements, legal requirements, that you must go through, drogher’s license; the Maritime Division must come on board, do surveys and give you the safe manning levels, check to see whether the vessel meets all the maritime IMO, SOLAS requirements before you can see it, and I know that the vessel would have sailed about a week or two after. It cannot be more than two weeks after—

Mr. Paray: The reason why I ask that—

Mr. Annisette:—waiting for those certifications.

Mr. Paray: The Permanent Secretary via a testimony agreed with Sen. Khan when he proffered that the vessel sat and the first working day of the vessel was August 4th, and I wanted to get some clarity for the record that it was not fact August 4th—

Mr. Annisette: It was not August 4th.

Mr. Paray:—that it was July.

Mr. Annisette: I can certainly say but do not hold me to the specific date—but what I can tell you is very easy to find out because I heard my learned friend said that he got August 4th from his research, but if he was doing the research all he would have had to do was to go and see the sailing schedule of the vessel, and when the vessel went to Tobago and when Mr. London welcomed the vessel and praised the vessel. It was not August 4th and unfortunately Mr. Khan somebody may have given you misinformation.

Mr. Paray: Last question. The hon. Prime Minister in speaking on this matter at public functions, and I think it is recorded in the minutes of testimonies of some others, that *Galicia* spent seven months idle in Trinidad costing taxpayers money, can you verify if you are aware that this vessel docked somewhere for seven months costing taxpayers money?

Mr. Annisette: When the hon. Prime Minister made that statement, if you check the records, I would have stated several things, that somebody is misleading the hon. Prime Minister because that statement is so patently incorrect. It is so misleading that I do not believe that if the Prime Minister had the relevant information he would have made such a statement. There were several other statements that the Prime Minister would have made and I said it in the public three times, that it is unfortunate that people are misleading the Prime Minister because one of the statements was that

the dredging was for the *Galicia* alone and it would have cost taxpayers \$50 million every two years for the *Galicia* if we had to put it up by GSS, which again was a misleading statement, it was an unfortunate statement, and they were being unkind to the Prime Minister.

Mr. Paray: Okay. Thank you, Mr. Annisette.

Mr. Mark: Mr. Annisette, you made a very startling revaluation earlier when you said that you knew four months before the *Atlantic Provider* arrived in this country that it was coming. I want to ask you, firstly, whether the tender process that finally threw up the *Atlantic Provider*, how would you describe that tender process having regard to the fact that four months before you knew that that vessel was coming to Trinidad or going to be used on the sea bridge? That is the first question. The second short question I have for you, we were told in evidence by one Mr. Adrian Beharry, Deputy Chairman of the Port Authority, that he negotiated—he, I have it here in writing—both the contracts for both the *Trinity Transporter* which you brought down from US \$12,000 per day to US \$8,000 per day, and you also negotiated the contract for the *Atlantic Provider* which was \$14,500 per day and you were able to get it at \$14,000 per day. I just want to ask you, as a former commissioner on the board, how can a single member negotiate on behalf of the port, or do you have a process that is employed under the Port Authority Act as well as the manual which is entitled the State Enterprises Performance Monitoring Manual? Those are the two areas I would like to have clarified.

Mr. Annisette: You are so correct, and then let us deal with—because I heard the statement and I was shocked, and I was surprised that nobody from this honourable Committee pursued that line of questioning. It is unheard of in the corporate world, and more so given the state performance manual that a board member is seen to be intimately involved in a negotiating process for and on behalf of the Port Authority.

The board is policy decision and have oversight, and therefore, all negotiations that went on since I was there, since I was on the port—and I could tell you about all—no board members were ever intimately involved in the process, and therefore, it raises serious questions. I raised a point that I knew that the barge—even before the young man became a board member it was in his computer and it is rather coincidental that that vessel came, and I would like to ask: who was the owner of that barge, one; and what is the relationship he may have with the negotiator of the contract? I would want to ask that publicly. Who is the owner of the barge, and if there is any relationship with the person who had the barge in his computer?

And Mr. Chair, I do not know if you will permit me because I think this is important. This is the national trade union budget brief that we send every year to the Government when they ask for our comments—and this is NATUC eh—and NATUC has articulated—I do not know if you want a copy? I could give you a copy—about the union involvement in the economic activities of Trinidad and Tobago as a philosophy and a principle of the national trade union centre.

Mr. Chairman: You could submit it to us.

Mr. Annisette: I will.

Mr. Chairman: Your second question was answered, member Mark?

Mr. Smith: While he is looking for it, Chairman—

Mr. Mark: Oh, my second question.

Mr. Annisette: Which one is it?

Mr. Mark: Where I asked you about the tendering process with having regard to the four months in advance.

Mr. Annisette: Yeah, yeah, I answered that because I was told—you see, the maritime world is a very small, small world and I represent, as I say, the Caribbean and Latin American region, and therefore, almost every year I attend an international

shipping conference that involves the ITF internationally and the international shipping association and they know everything that happens in the maritime, and they brought it to my attention and I tell them “nah man, da is just old talk”.

Mr. Smith: One more, Chairman.

Mr. Chairman: Mr. Annisette, would you like to make any closing comments.

Mr. Annisette: Yeah, yeah, I will.

Mr. Chairman: Do so now.

Mr. Annisette: I would like to thank this honourable Committee for giving me the opportunity to unequivocally put on the records where we are at as an organization, why we do what we do, and we are not only involved in maritime, we are involved in construction to and other work, and we employ over 500 people. Having said that, the issue of this contract was a big, big hooray. When the people People’s Partnership Government came—and there was an *Express* report again, Annisette again, corruption what not, but the People’s Partnership Government, like the founding father, when they sat down with the union and they understood our philosophy, supported the concept of the union’s involvement in business like the People’s National Movement did in the past. Okay?

So I want to assure you and this Committee that this union is committed and has always been committed to working with the Port Authority of Trinidad and Tobago and Plipdeco to ensure that we become efficient and productive. We will work with the board, the management and any Government that is in power because the port, as you know, is the lifeline, economic and the heartbeat of any country, and if there are inefficiencies, if there are a lot of unproductive and waste, we the customer, we the people of Trinidad and Tobago suffer, and it is in that context we will continue to work with the Government, any Government that is in power, the board and management to ensure that we have an effective port.

I want to reiterate it, this union makes no apologies whatsoever to anybody for venturing into a new dynamic, into a new fundamental principle, into a new vision, into a new area in terms of how we generate revenues, how we participate in the economic activities of the country and how we will do things to not be dependent on the Government so we independent, and we see that model through, as I say the book and several other countries which we have adopted. Some people disagree with it and they are entitled to it, but we have been able to generate employment for over 500 people in Trinidad and Tobago. Thank you.

Mr. Chairman: Thank you, Mr. Annisette. This hearing is suspended and we will resume at five o'clock.

4.52 p.m.: *Meeting suspended.*

5.10 p.m.: *Meeting resumed.*

INVITED OFFICIAL

Hon. Dr. Keith Rowley, MP Prime Minister, Trinidad and Tobago

Mr. Chairman: The 19th Meeting of the Committee is hereby resumed. Good evening and welcome, Mr. Prime Minister.

Dr. Rowley: Chairman, a very good afternoon to you. Good afternoon to you, members, colleagues.

Mr. Chairman: This is an enquiry into the Trinidad and Tobago Inter-Island Ferry Service with specific focus in the procurement and maintenance of the ferries. The objectives of the enquiry are: to understand the current state of the ferry service in Trinidad and Tobago; to examine the policies and procedures used to acquired ferries and ensure that value for money is obtained; to determine whether due diligence govern the conduct of all aspects of the maintenance and management of the provision of the sea bridge service, and to determine the changes and challenges with respect to the maintenance of ferries. In this regard, before we begin, may I

introduce myself? My name is Stephen Creese, I am the Chairman of this Committee and on my left.

[Introductions made]

Mr. Chairman: The witness is advised that your testimony is covered by parliamentary privilege. Before the questions begin, do you wish to make any opening statement?

Dr. Rowley: Chairman and members, thank you very much for the introduction and thank you very much for the opportunity to make an opening statement. Let me begin by indicating that I am here in my capacity as head of the Cabinet but also as a colleague of those that are assembled around the table, because I regard myself here this evening as talking to the Parliament's Committee.

And I am glad for the opportunity to make an opening statement because my presence here is purely in the context of the terms of reference of the Committee which is the procurement and maintenance of the ferries and by extension, the ferry operations of the port. As head of the Government, as soon as I saw that there was an interest in convening this Committee, I indicated that the Government would cooperate fully with this event, this venture, and I consider it to be breaking of new ground with respect to the country's management and the use of the parliamentary committee in directing the operations of State, and that is why I was not hesitant to indicate that I will be here when I saw that members indicated that my presence here might assist the Committee.

Chairman, I speak from the location of head of the Government, chairman of the Cabinet and with responsibility for the country's affairs and vicarious responsibility for whatever happens anywhere in the Government. And when I saw the invitation intended to be extended to me, I thought that—what I saw was that it said that the Committee wanted to find out why I made certain comments with

respect to certain operations with the port, namely why is it that I made comments that I had concerns about specific operations at the port. I made two comments in that regard. And the first comment that was made by me, when there were issues with respect to the *Galicia*, a vessel that was operating for some time between Trinidad and Tobago and that vessel's principals and the Ministry and the port got into, if we may call a bit of "ah kangkatang" resulting in the vessel being withdrawn from service while it was contracted to the State.

And that development resulted in me, as member of the Cabinet and head of the Cabinet, paying particular attention to what was going on there because I had a very clear view as to what this might mean for inter-island transport and particularly for the people of Tobago. And in so doing, I got myself familiar with the documentation that was surrounding that vessel, its operations and its incidents and at that time, I made a comment that I was concerned about what it represented and so concerned was I, that I asked the Attorney General to look at the documents and advise me as to whether in fact there were untoward happenings with respect to that arrangement.

Later on, I went to Tobago, by which time the vessel had been withdrawn and the Tobago people were feeling the negative effects of the withdrawal and the short-term stopgap measures were irritating people and so on and I went to Tobago, I travelled on the ferry to Tobago. And before that, I went to Tobago and I met with some members of the business community and I indicated to them my concerns and then I went to Tobago again and I met with maybe the comprehensive body of business communities in Tobago, and at that—I had a press conference after I met with those people and at the press conference, a member of the media put to me a question as to whether I was convinced that there was wrongdoing or corrupt practice with respect to the procurement exercise on the port, and I indicated yes I was, and

that indication was based on the documentation that I had seen and that I was familiar with at the time.

I want to make a general statement, Chairman, that from my familiarity of the operations of the port, before I became Prime Minister and even now as Prime Minister, I can conclude that the port is an area of darkness into which some severe lighting needs to be shone. The port is a very important area of the national economy and I will want to just confine myself a little bit to the ferry service between Trinidad and Tobago which also is an essential service.

But what has happened over time is that certain practices, conflicts, irregularities and I dare say indifference has developed as a matter of course on the port and its operations, and out of that would come the need to rectify it and in any rectification, there would be those who would want to vigorously defend the status quo and in some instances, defending themselves, because as bad as the situation is, it works very well for some people. The port spends a large amount of money in obtaining goods and particularly services, and that arrangement of public moneys being spent to make these goods and services available have attracted a certain kind of behaviour, a certain kind of response which is quite worrisome, and I have no doubt that there are those who are quite happy with what is going on with the port. As Prime Minister, I was and I am very unhappy about it and I took certain steps to address it and some of those steps have caused certain kinds of reactions.

But I will only confine myself to the documentation because without the documents, we end up with a lot of what I saw here this afternoon. I do not want to go down that road, I am going to confine my involvement in this matter to what the documents can support because if there is any rectification and worse, if there is any accountability or persons to be held accountable at any stage, you can only do that, not by who like who or who say what or who did know what or who know who, it

is by what can be supported, especially if it is likely to end up in a court of law.

And against that background that I can say, Chairman, that when I become party to certain information—and I think I should go a little for the benefit of the public because this thing has been exercising this country since, I think, April, since mid/early April. The first set of documents I saw which caused me to be concerned, by the point I made earlier on, was that the port set about to obtain a vessel for Tobago in 2013. That vessel left here in 2016. What the documentation has shown is that there had been serious irregularities with respect to that procurement process.

And I want to point out one specific irregularity which seemed to have been quite normal and accepted at the port and is defended now with great vigour and the irregularity is this. We had a vessel on contract. I refer here to the *Warrior Spirit*. The *Warrior Spirit* was contracted for a period of time. One of its engines failed and the port decided to replace the *Warrior Spirit* but to do so, the port had to break the contract which held that vessel to the port services. The port hired a lawyer to provide legal help in treating with this problem which had to be treated with because a one-engine vessel should have been of concern to the Government of the day. So I take no issue with that.

The documents will show that in its operations at the port, that exercise, that procurement exercise morphed into the attorney who was hired to give legal advice on this contract by port operations, morphing into an advisor as to how to replace the *Warrior Spirit* and morphed into an arrangement where the lawyer became a searcher for a vessel. Five vessels were found. One particular vessel then became a vessel of interest and the lawyer became an advisor to the port as to which vessel should be chosen and then the lawyer became a supplier of that vessel by way of an agent. Now as a procurement process, this is absolutely astounding and this is a significant contract of many tens of millions of dollars.

Interestingly enough, what caught my attention when I perused those documents in the early part of paying attention to this development was when I saw that the evaluation process at the port did two things that were of concern to me. One was the invitation by the Port Authority to invite the lawyer to be a supplier of this vessel in the scheme of things among brokers—the lawyer not being a broker. But more interestingly, when the evaluation process was undertaken, a vessel appeared that was not part of the process and the document asked the question why is this and how is this vessel in front of us, and the evaluation exercise was told this vessel is the agent of the lawyer and they proceeded to evaluate just as simple as that. I saw no document where the question was asked, I simply saw that a vessel appeared belonging to an agent supplied by the lawyer. Interestingly enough, that vessel won the contract and became the *Galicía* in February 2014. I raise it in this detail because that kind of way of doing business continued right up until April 2016. That would have been under two Governments, under three boards, but the bottom line is, Government come, Government go, board come, board go, that arrangement survived and remained in place.

So come January 2016, we are in the middle of a situation at the level of Cabinet where we are being told that the port has an issue to deal with and that issue was to carry out for the fifth attempt, I think it was, to get a tender going on the port because I think three or four times, the port's operation, whatever it is, tried to go out for a tender and on every occasion, that tender was aborted and that caught my attention as to what is going on at the port where something that we have handled since in the days of *Gelting* and *Teisten* and whatever, how come all of a sudden, the port of Trinidad and Tobago cannot execute a tender process to select a vessel.

In fact, I went to the opening of the Law Term this morning and the Bishop mentioned in his synopsis of our country, he said we cannot buy a boat. But the

exercise was, there was a vessel in place that came in on a short-term tender and the record will show that regardless of what was happening, there were three, four, five attempts to go out to tender at the end of a period of expiry but for some reason, the port could not get it done.

The difficulty grew, the Minister was changed, the board was changed in a Cabinet reshuffle, a general Cabinet reshuffle, and a new Minister went in place. The next thing I know is that the Government was facing a situation where the port was putting to the Government that the arrangement for the continuation of the service of this vessel was that the vessel ought to be—the principals ought to be offered a five-year contract without tender—and I speak here of a contract worth almost approximately \$300 million without tender—because up to that point, all extensions were without tender, all tender processes were frustrated, and this and other similar interests at the port had the effect of fracturing the board and dividing the management into camps as to who was for and who was against, certain issues and certain decisions. And the documentation will show that the principals of the *Galicia* was taking the position that they are to get an extension without tender, failing which they will pull the vessel from service.

I want to say here that this is a procurement process to which no Government of Trinidad and Tobago should subscribe and no Government of Trinidad and Tobago should find itself in a situation where a supplier of a service or a good could tell the Government that I am going to do this on these terms, failing which, I will make trouble for you. So if you do not want trouble, you ignore any procurement process that could stand scrutiny and give me a quarter billion-dollar contract and we continue merrily along the way. The Government which I lead would in no way be so blackmailed and in no way would any Minister, in any Government that I lead, find himself in a situation where he will succumb to that, regardless of who is

advancing it. That a contract that has been extended without tender, on more than one occasion, and four times you failed to get a tender going for reasons not yet clear to any person, and of course, a new Government comes into office and you indicate that you are going to tender and the supplier will tell you, in the case of the *Galicia*, “We want to buy the boat and to buy the boat, you will give us a five-year contract to allow us to go to a bank to raise money to buy the boat to be a supplier of service to you”. But that might be good business for the *Galicia* interest.

But what the documents will show—and by documents, I make reference to the Mouttet report which I commissioned for the simple reason, that I wanted a document which would collate and accumulate all the documents surrounding these areas of procurement and management at the port in recent times. So that document, being the compendium of authority of who did what, who say what, who have what, will be a compendium that could assist any investigation because I am sure that a proper investigation, a detailed investigation is required to get to the bottom of the problem at the port that I mentioned at the beginning of my opening.

So when one goes through the document, one thing is very clear, in the documents, that when the principals of the *Galicia* entered and accepted an 18-month contract in 2016 that was to expire in October 2017, having done so by accepting the offer of that contract and operated that contract until April 2017, those principals were not in control of the *Galicia* and they wrote to the Minister of Works and to Minister of Finance indicating such that the vessel was only available up until February 2017 and for it to remain in service, an agreement had to be had for a five-year contract because the owners will call the boat out of service if a contract was not had where the boat could have been purchased by the *Galicia* owners—by the *Galicia* principals who had the boat on charter from the real owner abroad. That is the condition of the situation in early 2017.

Now, this is a business venture being put to the Government. As a matter of fact, it was put in the context of a public/private partnership with respect to the dredging to accommodate the *Galicia*. But if you go to the documents, you would see the number of drawbacks and the number of situations where from the very inception where there were issues with that vessel, and for the Government to accommodate it in perpetuity by those arrangements were not procurement processes that the Government of Trinidad and Tobago could have entered into.

When the vessel was pulled—in fact, if you may recall, in that attempt at blackmailing the Government into accepting those terms, you may recall that Easter of 2017, it was made public that the vessel will cease to operate on Good Friday, Good Friday being the height of the entry to Tobago for the Easter season on which Tobagonians were depending for the largest bit of economic activity in Tobago. The vessel owners indicated publicly that the vessel will cease to operate on Good Friday. Certain interventions were made and that did not happen on Good Friday but it happened in mid-April.

Then, we got to the point that, as the vessel is leaving, the principals understood that they were contracted and one of the conditions of the contract that was in place that if they had to replace the vessel, they will replace it with a vessel of a similar status and that vessel being present in Trinidad and Tobago. But by responding to their principals and pulling it out in mid-April, they offered the port—the documents will show that they offered the port for the period of the unexpired part of the contract which they were operated, they offered an alternative vessel called the *Elizabeth Ross*, which the port found to be unsuitable and therefore, could not accept it. And then the port made the point that if you are making any change of vessel midstream to continue the contract, the vessel that is going to be the replacement vessel ought to be in Trinidad and Tobago so that there will be no break

in the service, and what they were offering was a break of many weeks between the *Galicia* leaving and the other vessel being available. That is what the documentation has shown.

And therefore, whether there is a contract in place or whatever, whatever, I am not going to debate that here because I am not a lawyer, I do not advise myself. But I will tell you that the State, whether at the port or at the Ministry, will ensure that the public's interest and the public's right is pursued in the place where those things are discussed and that is to come. We have got two Senior Counsels' advice and both have confirmed the Government's public position and the Government will proceed according to that advice. So that is one. And of course, with the limited notice and breaking of the contract, the Government had in front of it now, a situation: We were expecting to have a contract ending in October, it was breached in April and we had to get some kind of service to Tobago from the very next day.

I heard a lot being said about the barge and the *Transporter* and so on. As Prime Minister, when this matter came to me, my instructions were get the best that was available and get it now because Tobago has to be serviced from the next day. A very quick tender process was entered into. I am advised that only one vessel, one person or one interest or one agent, put a proposal in and that was found to be wholly unacceptable. So we got to a situation now where we had to deal with what we could find outside of the tender process, meaning treating with things in the unsolicited way and you had to search. All that was available around the region and in Trinidad and Tobago at the time was the *Transporter* and the barge. The barge to carry a certain kind of cargo and the *Transporter* to carry a certain kind of cargo. It was the best that was available. If anything better was available in that period of emergency, the port, the board and the Government would have accepted that.

Unacceptable as that was to some persons and difficult as it was, we always

maintained, it was for a very temporary period. We had our hands in the lion's mouth and entered into that contract for a three-month period, that was the maximum, and we told the country, we told Tobagonians, we will try as quickly as possible to end that arrangement. I think it ended somewhere in the same kind of order, two to three months that we talked about, but during that period, a lot of inconvenience was extended to the people of Tobago, a lot of hardship and in fact, I dare say losses were incurred because this is what developed out of what I just said.

And at the same time, a new board was put in place in early April and the new board was saddled with the responsibility of providing a replacement for this cargo ferry that had come to this grief and the Government having the requirement to put something in place, if not temporary, we had a short-term arrangement, the very temporary arrangement; we had a medium-term arrangement to go to tender and get a better vessel for a one-year, two to three-year contract and also Cabinet took a decision that we will take steps to begin the process of buying a new vessel. Of course, you know a vessel is not something you can buy in a supermarket or in a hardware or at Costco, you have to take some time in the gestation period to actually place the order and then take some time to build it and that is the long term.

The medium-term was to go out to tender and get a proper vessel that does not have the kinds of problems that I have outlined, and I have not yet touched on the documentation of the problems that the *Galicia* had while it operated here. But, of course, in the interim, the short-term was this very stopgap measure.

5.40 p.m.

And, soon as we thought we had solved that, or we were in the process of solving that, another problem developed on the passenger ferry side, where we were operating the *Express* and the *Spirit*, which provide—once they are running—they provide an adequate service to Tobago, a cargo vessel, two service vessels and the

air bridge, we had a fairly adequate service. At peak time we have to bolster it up, and so on. But outside the peak time, the service is quite adequate.

Then we discovered that the *Express* had to be withdrawn from service, as a matter of urgency, because it had not been serviced for quite some time, having missed its dry docking and having been run up to a point where any further use was taking us to a point of questionable safety. So the *Spirit* had to be pulled out of service. That left the *Express* alone and left Tobago in a bit of a lurch in event that the *Express* breaks down, the service is going to be a problem. We added a water taxi, which could have operated when the sea state was good. If the sea state was bad, that particular component could not operate. So we were again now limping along. So we got the perfect storm now of the cargo side problem, now we have the ferry side problem. And the new board set about to fix both, which is to get a cargo vessel and to get a ferry vessel and once both of these were in place, a good cargo vessel and a good ferry vessel, this problem, after four or five months, would have now receded.

Lo and behold, the board appeared to succeed and got a vessel called the *Cabo Star* which, for all intents and purposes, is providing a service in taking, and a good service. I think that there is an excess capacity, and so on. There were some management and operational issues, which I think they are working out. But there is a cargo vessel—and of course, the next step was to get a ferry boat that would replace the withdrawn *Spirit* and the limping *Express*, because the *Express* has to go on dry dock itself, and so on.

I saw, Mr. Chairman, a lot of interest being placed in the procurement process of these two vessels, and I give you the assurance that I paid attention and the Government paid attention to the media's work in raising questions about the procurement under the new board of these two vessels.

Mr. Chairman, I must tell you “eh”, and I am sure—I tell you rhetorically for the record—that in matters of this nature where there are benefits to be had and good contracts to be obtained, there is a response from persons who are not successful and some persons behave very badly in defending their interest. Do not expect that every person behaves in a very civil manner and say: “Okay, let the process work and if I am fortunate...” I can tell you it had been reported to me that one individual turned up in the Ministry of Works and told the Minister: “I am a PNM, ah have ah boat and ah want dat.” And, of course, the Minister's position was: “It doh go so.” If you have a boat there is a tender out, put your tender out, put your bid in or put your offering in, the port will evaluate it and if you are successful, it matters not whether you are a PNM or not, the boat will be successful. That might have made an enemy.

But on the other hand, there were many other people who had offerings and, of course, they will advance it either in private or in public and, of course, we have a tremendously aggressive and, I dare say, competent press in Trinidad and Tobago. And if you know how to get your story in the media you could really carry a case. And a lot of what has happened, in talking around that period and these items, a lot of it, not all of it, had to do with interests peddling their wares.

But then, certain specific problems begin to emerge out of the ether of examination, and we all know what the public was made aware of. But something caught my attention, which caused me great concern, and it was this. Most of what was being said about the procurement process and outcome, with respect to the vessels that were supposed to replace the ones that I just mentioned that were withdrawn, had to do with who had supplied the service, what process was used to identify and to select from these people, what we are paying for that service. And all of these are very valid questions. Make no mistake about it. These should and must always remain very valid questions. And in the event that those questions

generate answers that cause concern, then the persons that have to provide those answers are to be held accountable. So that brings me to the point where I started, that the whole question of the procurement process and the procurement arrangements became the national conversation here for weeks around these vessels.

As we were dealing with the crisis of the sudden withdrawal of the *Galicia*, the Government and myself as Prime Minister had a duty to do everything that was possible to accelerate the decision-making process. I made myself available as Prime Minister at any time of day to be consulted by the port, through the Minister, and if it requires a Cabinet decision to fast-track the process, I was quite prepared as Prime Minister to give that authority and I did so on at least one occasion, or it might have been two occasions where the instruction was given to proceed, once the port was happy that they had found what they were looking for, gave the Minister the instruction to proceed, because the way it goes to management to board, board to Minister, Minister to Cabinet. But, of course, I am contacted on a Friday afternoon and I am told that the port had already found two vessels, which they lost by not acting in a timely manner. And wanting to make sure a vessel get to Tobago as quickly as possible, we want to avoid that. So when they found the third vessel or thereabouts and they said: “Listen, we have found a vessel. Everything is in place.” I as Prime Minister could, would, and must and did say, consult the Attorney General with your findings. Once the Attorney General's office clears it, and the Attorney General is happy with it, I will give—you have my authority to proceed. The port can proceed through the Minister and the matter will be ratified by the Cabinet. I take that responsibility for giving the instruction to proceed in the interest of time and relieving the suffering in Tobago and the matter comes to the Cabinet. The alternative would have been to be told that on Friday afternoon say: “Okay, bring it to Cabinet on Thursday”. That is a week we lost. Cabinet agrees to it on Thursday

and you may even want to wait for a confirmation the following Thursday, so one or two weeks. What was happening in Tobago, as Prime Minister, I took the decision that I would make the decision and bind the Cabinet to it, expecting the ratification. Of course, if I go to Cabinet and my colleagues do not agree with me and do not ratify it, then I stand by that and the consequences I will face there. But that is how it goes. It is not uncommon for that to happen, whether it is with travel, whether it is obtaining in an emergency, and so on. So that, for me, was not the issue.

What really bothered me, Mr. Chairman, and got me very concerned, I was in Barbados on the weekend of the 11th of August and I was just about to enter the water—outside of where I was staying and I was contacted by a whistleblower who sought me out, identified me as the Prime Minister of Trinidad and Tobago and asked me if I was aware that the vessel that is providing the cargo service to Tobago was owned by a Mexican entity called Baja Ferries. I was taking the conversation because this conversation was relating to a matter that I have just spoken to at length. I identified the person as a person of interest with knowledge in a matter of which I should be concerned. I said I was unaware that—what are you telling me? And I was told on the telephone that the *Cabo Star* was owned by a Mexican company called Baja Ferries and that company, finding out that Trinidad and Tobago was in the market for a cargo vessel, had communicated with the port and offered that vessel to the port, owner to port, whether it is to Ministry or to port board. The owner of the *Cabo Star* had made that offer of the vessel. It was made to the port management.

I said to the speaker that I will only entertain that allegation, which was, to me, made against the background of a lot that was being said about the company that actually provided the boat. I said I will take this information only if it can be supported by documents.

I was returning to Trinidad on Monday and I indicated to the speaker that if

you can support what you are telling me in documentary form from the so-called owners, I will take this matter seriously. I returned to Trinidad on Monday night and met at my residence the following documents, which I would like to read into the records because these documents are in the Mouttet report, along with all the other documents I have made reference to in my summary. But I want to read two documents into the record here and I would, since they are documents, I would have to read the names of the individuals.

The document is dated—let me read one first. I am reading here and, well I am not sure which one comes first because they are both dated the same day. Okay, let me read the letter first, because the email is late in the time evening. The email is timed at 6.14 p.m. So the email refers to the letter, so, therefore the email is first. And the email is from a guy called Oscar Rowano. It was sent on Thursday 25th May, 2017, at 6.14 p.m. to Leong@pat&t.com. That is the receiving address and it is copied to a number of others and the subject is Baja Ferries *MV Cabo Star* and it reads as follows:

Dear Mr. Grant.

Hope this email finds you well. Mr. Brian Jones and Mrs. Mara Pedono who are part of the marketing and business development team for our group stressed out the importance of me getting directly in contact with you.

Please find attached a self-explanatory letter in which you will find information of our *MV Cabo Star* which could be developed for charter and can be developed shortly.

I am also attaching the certificate of registry and the record of equipment safety for the ship. We will send you some pictures shortly. Hope we can meet in the near future and my team and me remain at your disposal should you have any questions.

Please do not hesitate to call any of us.

That is an email coming from the owners of the *Cabo Star* who owned the *Cabo Star* in May, writing to the management of the port on the 25th of May making the *Cabo Star* available owner to port.

Subsequent—because this email refers to the letter, I draw the conclusion that the letter was written after the email went out and the letter again, coming from La Paz, Mexico, dated 25th May addressed to Mr. Grant, CEO of Port Authority, Re: Ferry for Trinidad and Tobago. Again:

I hope this letter finds you well, Mr. Grant. It has been brought to my attention from our marketing and business development, which is also in charge of our chartering, the need that you have for a ferry to operate between Port of Spain and Scarborough. Baja Ferries has the possibility to offer our *MV Cabo Star* with the following capacities—and it went on to list the specs of the *Cabo Star*—and in the case, the vessel is positioned in west coast Mexico and could make Port of Spain 12 to 15 days after departing from its current trading area.

The *MV Cabo Star* can be available shortly after we find an agreement. She can be inspected in case you need at your earliest convenience and the vessel is trading between the port of Mazat Land and La Paz in north-west Mexico.

We have been receiving requests from different brokers for our vessel but we understand the importance of the situation and prefer to enter into discussions directly in case you are interested.

I believe sometimes it is better to deal with matters of this nature directly with no intermediaries, and if you should be interested in our vessel my team and myself can pay you a visit shortly in order to discuss further.

Should you have any questions or require additional information, please do not hesitate to contact me and any member of my team. I look forward to working together in the near future.

Best regards.

Oscar Rowano.

Chief Executive Officer.

Baja Ferries, Mexico.

Mr. Chairman, when I saw these documents, given what was in the public domain in the media and out of the media's work, I became very concerned. Because what occurred to me is that is it, that here is the owner of a vessel making the vessel available to the port and the port not obtaining that vessel from the owner either allowing or taking steps to allow the vessel to be made available through a third party. And I take note of the fact that the letter points out that the owner is saying to the port: "I prefer to deal directly with you."

I summoned the Chairman of the Port the following morning and asked whether she was aware, either from the management or from the board or any form of any owner of the *Cabo Star* before Bridgemans and the chairman indicated that in the dealings with the *Cabo Star* there was never any other owner in front of the port's processes but Bridgemans. I asked her if she was aware of any correspondence coming to the port by way of member, staff or otherwise, from the owner pre-Bridgeman. She said she was not aware of it. I then made the documents available to her and she confirmed that these documents formed no part of the processes that took place at the board level and she was unaware that the management was in this contact with any person who had an interest in the *Cabo Star*.

I then asked her, or should I say I then enquired from authorities what would

have been the circumstances had the port been aware of this offer? The general consensus was that the port could have obtained this vessel from the owner at considerably lower cost.

I made further enquiries, that had the owners been the supplier of this vessel, the vessel could have been had by best market practice and rates for approximately US \$5,000 or US \$6,000 a day less than we are paying now.

Mr. Chairman, I raise this and put this on the record because it is my view that this committee is doing a good job in ventilating certain things, a lot of it of great interest, but we would fail in our duty if we do not get to the very bottom of this issue to determine whether my worst fears are being realized, that the laxness and the defence of conflicts and encouragement of corruption on the port, on this particular occasion a knock-on from the *Galicia* arrangement where a lawyer could come on the port and end up getting the contract to supply a boat that she selected and get involved in the selection process and put an agent into the evaluation process and then, of course, would have us believe that once the agent got the job, she had nothing to do with it again. And the question that has to be asked is: When your agent got the job to supply to the *Galicia*, where was your beneficial interest? Is it that you let the agent run away with the trophy, or is it that the authorities under the Anti-corruption Act needs to find out whether there were benefits being had by that subterfuge that took place with the *Galicia*.

And the port would have allowed that to happen, because when the evaluation took place and was told that your attorney who was hired to give you legal advice on the *Warrior Spirit* was invited to be a bidder, nobody asked a question: How come? And when your bidder produced another company in the form of an agent entering the evaluation process, and you allowed that to happen, nobody asked how come and why is this happening?

And then you knew that is a vessel that was found by your agent, by your lawyer and you allowed that to happen, and today you have all kinds of people *Galicia, Galicia, Galicia, Galicia*, defended the *Galicia*, I am telling you, Mr. Chairman, it is my view, as I am entitled to, under our Constitution, that they are defending their personal interests.

As a matter of fact, permit me to digress, Mr. Chairman, I know that there are difficulties. I know that the Government that I lead is responsible for what happens and all the responsibility the Government is responsible. But I tell you this, the defence of the *Galicia*, especially in Tobago and the dissonance from Tobago had the effect of doing as much damage as the corrupt practice that put the *Galicia* in Tobago. There were some voices that spent every news reel, morning news, midday news, evening news, in defence of the *Galicia*, telling the world how bad Tobago is. They went as far as to photograph empty shelves on the Internet and put it in the paper that Tobago was running out of food, the people in Tobago was starving because the boat was not coming. And, of course, they have their hotels and their guest houses that they want people to occupy but the news from Tobago and the voice from Tobago is all about how bad Tobago is. “Oh God, we suffering; oh God, we go dead”, including fabricating situations to push that across, all behind, telling the Government just hire the *Galicia* and all would be well.

Look, we just had a destruction of the Northern Antilles, US Virgin Islands, BVI, Barbuda, Anguilla, Puerto Rico—not a voice from Tobago saying Tobago is open for business, our hotels are available, our airport is open, our streets are available. We have, no, no. The voices are only available when is time “tuh talk stupidity” and to get up and defend wrongdoing because they have no interest whatsoever in a procurement process that could stand scrutiny.

The Minister who I appointed and gave him specific instructions to go down

into that den of iniquity and clean it up, he came to the Parliament and he was the first person to advise the country through the Parliament what happened with the procurement process of the *Galicia* and the role played by Nyree Alphonso, the port's lawyer. He was the first person to do that, on my instruction, to clean up the port and I expected the pushback from the port because the port is a place of conflict and iniquity where the taxpayer gets the rough end of it.

And, of course, you want a head. You want the Minister head. And if I had given you the Minister head, all of us would have been happy, a Minister head has been taken, but those who are down there benefiting from the corruption which is the hallmark of that and other places in this country, would have been there waiting for the next government and the next board and the next government and the next board and what they have become accustomed to, would survive.

Mr. Chairman, I implore this committee to put an end to this. The same way this committee's convening is breaking new ground in this country, it will break new ground if it holds people accountable, not just by getting a head but by getting the individuals who have made a career of this, and I dare say the port is not the only place in Trinidad and Tobago where this is going on. Understand?

And, Mr. Chairman, I have asked Mr. Mouttet to do a report, knowing what I had known then and what I found out after, and that report is to assist. Because what I have done, today I have sent the report to the Parliament and I trust that that report would be ongoing to this committee and members would look at it. It is a compendium of the documents; not he say, she say—the documents in support of what I have said here. And, of course, I am also sending that report to the Attorney General's office for further attention and I am also going to make it public, so that the public will read it and understand what has been happening with respect to public business. This would not be one of those situations where a report goes on the shelf

and gathers dust. The public must know and when the public knows, they will take decisions in their own interest.

Because there is too much self-interest. There is too much self-interest. I watched this committee's proceedings today for a little while in between meetings, and just a little snippet I saw. There was one member before the committee telling the committee—very angry that the committee was allowing wrong things to be said about him—and telling the committee that it was being said that the *Galicia's* cleaning service was \$750,000 and it was not that and the \$750,000 was for two boats. And I said this could not be accidental, because it was repeated to the committee. I can tell you as I join this operation, the \$750,000 was not for two boats, it was per boat—\$750,000 per boat and I saw a member engaging one of my colleagues here to convince my colleague that the colleague was wrong.

And in fact it is not just \$750,000. In 2015, the contract to clean was \$56 million. A \$56 million contract awarded over a two-year period without tender on the doorstep of the election. And if these people figure we do not know how these things go, they are not fooling anybody. But I am saying the time has come for this country to take stock of who benefits from the corrupt practices in this country and the conflict in this country and who suffers from it; a \$56 million contract is not a small contract. And to come before a committee of Parliament and tell the committee of Parliament that the \$750,000 a month is for two boats is in fact trying to soften the revelation of the port's business, which requires urgent attention.

I once again want to use this opportunity before this committee as one of your colleagues, to apologize to the people of Tobago for what has happened and what they have gone through but to also tell them that there comes a time when the doctor that administers the needle in the surgery is the saviour and the nurse that takes the knife or the scalpel and gashes the boil may have inflicted pain on the boil but that

is the precedent to the healing.

My Government has taken issue with the establishment on the port and will continue so to do and nobody will get this Government to do what they wanted us to do, to give them a quarter billion dollar contract without tender and get very angry when the Cabinet decided in March to instruct the port go out for tender to decide: “Well, since all yuh doing dat we are pulling de boat”. We will discuss that in another air conditioned place, with a different person and not you in the chair, Mr. Chairman; a person probably with a gown and a wig. But that will be discussed elsewhere. I say no more for the moment, Mr. Chairman. I am open to your questions if you have any.

Mr. Chairman: The floor is open to questions. Sen. Mark.

Mr. Mark: Thank you very much, Mr. Chairman. Let me once again welcome the hon. Prime Minister. Hon. Prime Minister, as Chairman of the Cabinet, are you aware that on December 15, 2015, the Secretary of the Port Authority, one Pamela Forde, wrote a letter to the Minister of Works and Transport, Fitzgerald Hinds, the honourable, indicating that the new board of the port, which was only installed, I think, was November 22nd, or thereabouts. Do not hold me to it, but it was in November that the new board at its first meeting had taken a decision to terminate the party charter agreement for the *Galicia* and they were advising the Minister of Works and Transport to take steps or measures to provide notice to the owners of the *Galicia*—90 days’ notice? Are you aware of such a letter?

6.10 p.m.

Dr. Rowley: Mr. Chairman, I am here in my capacity as head of the Cabinet, and there is a route by which information comes to the Cabinet. That information if it had to get to me had to get to me by way of the Minister and the Cabinet and no such information got to me.

Mr. Mark: Okay. May I also ask the hon. Prime Minister: Are you aware of the charter party agreement involving the *Cabo Star* and the *Ocean Flower 2*? Are you aware of the party charter agreements?

Dr. Rowley: I am not aware of the details, but I do know that if the port is going to enter into arrangements, charter party, the Ministry of Works and Transport—what happen with those vessels is that it is the Ministry of Works and Transport that is the client and the port uses the vessel obtained by the Ministry of Works and Transport, and I would expect that where charter parties are concerned, the port would follow the arrangements to contract.

Mr. Mark: You would know that or you should be aware that on the 17th of June which was a Saturday, the party charter agreements for the two vessels, the *Cabo Star* and the *Ocean Flower 2*, were signed by the Permanent Secretary, Deputy Acting at that time, as well as Mr. Brian Grange who was the lead person of this particular company called Bridgemans Services Group.

Dr. Rowley: Given all that you have put to me, I cannot say that I am aware because I do not know what you are concerned about. I have not heard the name Brian Grange, so I cannot say yes I know that, but what I do know, what I can say is that in the attempt to bring the Tobago problem to acceptability as quickly as possible, as I said earlier on in my presentation, I was on standby and available to expedite the process so that time being of the essence that the port could move as quickly as possible, and once I was approached that my decision was required, I was prepared to give it and I gave it on a weekend, a Friday afternoon, and once I gave that to ensure that time, valuable time, to shorten the suffering in Tobago—that it does not wait for another week of Cabinet. Cabinet meets on a Thursday and confirms on the following Thursday—but once I as Prime Minister gave the

authority to proceed, which was—I am advised that it was Friday the 16th then whatever else you are asking there will flow from that.

Mr. Mark: What I am asking is that: would you not agree before you grant approval for anything, in this instance, to give the Ministry of Works and Transport the go ahead to sign off on the party charter agreement, you would conduct some due diligence?

Dr. Rowley: I am always advised in matters of this nature by persons whose job it is to advise me. I would not give—even though I am saying that I would give approval, I have to justify myself to myself that the approval is worthy of being given. As a matter of fact, when I gave the authority to go forward on the understanding that it will be ratified by the Cabinet, it was because I was satisfied that the relevant authority advising me was on board and that the documents going to the Cabinet will have the relevant support for what I had done and it did have independent advice.

Mr. Mark: Would you want to share with this Committee who were your advisors and who was the independent counsel that would have advised you to approve this document ultimately?

Dr. Rowley: Mr. Chairman, if my memory serves me right, I was either in Tobago. I was in Tobago and I was on the phone to my office, personnel of which were in touch with the Attorney General's Office and the port was being advised and that advice was being transmitted to us. If you want to know the name of the advisor, I did not know then, I am now being told that the advisor was Jo-Anne Julien and the Attorney General's Office, so that aspect of it was well covered.

Mr. Mark: So, would you not agree, hon. Prime Minister, that before granting approval to the Minister through the Ministry to sign off on this party charter

agreement or the charter party agreement or contract, it would have been at least reasonable for the hon. Prime Minister to be properly advised on the contents, because I am leading to a question—

Dr. Rowley: Let me answer that. Mr. Chairman, these things do not go down from the top, they come up from below. So by the time it gets to me for my sign-off, what you are raising there, this due diligence, would already have been satisfied at the level of the port because the way it goes, the management would advise the board—because the technical people and the human resource, the work is done by the management—they will advise the board. The board, through the chairman, talks to the Minister and when the chairman talks to the Minister, what you are raising there is work that would have been done, and one then understands that the Minister does not go out and do his own due diligence because the chairman approaches him.

When the Minister gets that clearance from the port by way of its board saying, we are in a position to proceed because we have this vessel and we have done what we had to do and we are satisfied that the vessel is available and we have independent legal advice that we can proceed in this way, by the time it gets to me as Prime Minister, that satisfaction is in place. It is not a requirement then for me to go and launch my own due diligence. I have to rely on the governance structure below me and I did so.

I would tell you that if what you are saying is that I should have delayed it to conduct my own investigation, I disagree with you, Mr. Chairman, because I am telling you as head of the Cabinet with responsibility for the condition of the people of Tobago, I had a responsibility to make time work for them. So, standing on the work done by my Minister, my board and my management at the port, I

take a decision resting on the work to be done in the structure beneath me, and doing it so that time will work for the people of Tobago and not lose the vessel because if we had lost the vessel, we got to start all over again—this is the port's argument, this is the port's story.

As a matter of fact, if my memory serves me right, the port had come to the Cabinet with some other vessel before—two vessels before—and before the Cabinet could sign off on the approval we lost the vessels, because the vessels were in great demand and since we could not sign off the minute they were available or the day or so, two or three days later when the port thought they had a vessel they said, sorry, you are too late, the vessel has gone.

When this third vessel appeared and they come on a Friday afternoon and said—the Minister comes and says we cannot wait until Thursday for Cabinet, we need you, because normally the Minister would not come to me for sign-off. A Minister would not come to me to sign off on something which is supposed to go to the Cabinet on Thursday. That would happen only in an emergency, and we consider the Tobago situation an emergency insofar as choosing and finding a vessel to get there as quickly as possible, and that is the only reason why the Minister found me in Tobago to tell me that they require my instructions. I did not have a pen and paper to sign my name on anything. I said on the phone proceed and it will be ratified by the Cabinet and then the Cabinet Note will have to be prepared and brought and that was done.

Mr. Mark: Well, we were told by the Permanent Secretary in the Ministry of Works and Transport in evidence that an independent legal counsel approved the charter party agreement. They also told us that the Attorney General approved the charter party agreement and they also told us that you as the hon. Prime

Minister signed off on it, but we got documentation from the said Ministry of Works and Transport showing that the party charter agreement or the charter party agreement was signed off on the 17th.

Mr. Young: Which is the day after.

Mr. Mark: No, the 17th.

Mr. Young: Is the day after.

Mr. Mark: Mr. Chairman, I do not think this advisor, the hon. Stuart Young—

Mr. Chairman: Please, just be reminded that the witness alone will speak.

Mr. Mark:—has any status here except to speak in low tones to the witness, not to me. You are not here as a witness.

Mr. Chairman: Continue. Member Mark, continue with your questions.

Dr. Rowley: Mr. Chairman, your time is valuable, do not spend it scolding him.

Mr. Mark: Control him.

Mr. Chairman: Continue with your question.

Mr. Mark: Mr. Chairman, I want to be very calm.

Dr. Rowley: You are talking control, I have to ask your Chairman to control you.

Mr. Mark: Yes, thank you.

Dr. Rowley: Good. Could you start over the question, please?

Mr. Mark: I am asking hon. Prime Minister that we have written documentation from the Ministry of Works and Transport indicating that the charter party agreement was signed off on the 17th and the Cabinet Note was approved on the 20th. Now, what I am saying is that this is what we have in black and white.

Dr. Rowley: But you have it in verbal from me too.

Mr. Mark: But what we are asking you now, because we asked the Permanent Secretary: Would you be willing because of the nature of this matter and because

as you have said—and I totally agree with you—you want to get to the bottom of this thing and you want to deal with appropriate recommendations so that it will not reoccur in the future. Would you be willing to make available to this Committee the various Cabinet Notes for purposes of our sight?

Dr. Rowley: Cabinet Notes?

Mr. Mark: Yes, Cabinet Notes, because we have a document that is contradicting what you are saying. What the hon. Prime Minister, that is, is saying. So can we get an approval?

Dr. Rowley: Mr. Chairman, let us go step by step. Let us go step by step. I was at length and at pains to point out that I gave agreement for the process to proceed by giving prime ministerial clearance and authority on Friday the 16th. It is only after I gave that, that somebody, anybody anywhere, would have proceeded because I would tell you, when I was contacted, it was told to me in the request being made to me that they need my sign-off so that they could proceed to sign.

So when I gave the approval on Friday evening about eight o'clock in the evening, it necessarily follows that any signing off would take place after that. So, if you are telling me that the documents that you have showed that the charter party was signed off after the 16th, which is the 17th, then that is fine. I am confirming that and I confirmed the circumstances, and then if you tell me you see a Cabinet Note dated on the 20th, it meant that the action of signing the charter party was done on the strength of the prime ministerial approval, then subsequent to the signing of it on the 17th a Cabinet Note would have been written—the 17th is Saturday, we do not work on a Sunday, you come to work on a Monday, people start to type and prepare a Cabinet Note which goes to Cabinet on the Thursday. And if you are telling me it is the 20th the Cabinet is, then everything is as I have

said. So I do not know what other document you are referring to.

Mr. Chairman: At this juncture, I would ask the Member to move along, because in his opening submission the witness stated what you have just again put on the record that he was approached before the Cabinet meeting as an urgent matter to give his verbal or advance approval on behalf of the Cabinet and he did same. So I think we are going over old ground. So could you move along member?

Dr. Rowley: Mr. Chairman, I crave your indulgence just to specify on the record that all of these actions I have just outlined by the second time, the Cabinet record would show that there was a ratification of this action and under the Constitution that is how it ought to be. There has been no breach of anything here.

Mr. Chairman: But I think that was clear from your earlier submissions. Could you move along member?

Dr. Rowley: Thank you, Mr. Chairman.

Mr. Mark: Hon. Prime Minister, I have a document before me dealing with the charter party agreement, and there are certain blank spaces on this document. I just wanted to ask you if you had sight of this document at all in your capacity as Prime Minister.

Dr. Rowley: Mr. Chairman, in my outing here to assist this Committee, I would not engage in any matter which I have no knowledge of. My understanding is that the Minister responsible for the port was here, the chairman of the port was here, members of management were here and if that question was not answered then, sorry I cannot help you with that.

Mr. Mark: Could you elaborate on your statement that the port is an area of conflict, and inequity and corruption? Do you have any document—

Dr. Rowley: I am not sure that the record would show that I used the word “inequity” because I am not aware of the port being operated in any equitable arrangement. So I do not think I used that work.

Mr. Mark: Iniquity

Dr. Rowley: Iniquity?

Mr. Mark: Yes, I beg your pardon.

Dr. Rowley: That is a different word.

Mr. Mark: Iniquity.

Dr. Rowley: Meaning wrongdoing.

Mr. Mark: Yes.

Dr. Rowley: Oh yeah. But, again, Mr. Chairman, given the fact that I am sitting here in my capacity as Prime Minister of the country and my statements would have certain kinds of interpretation, I want to limit my characterization to what I have already said. Let the documents speak for themselves, and I have said I would put the documents out for the public and let the public come to their own conclusion. I do not want to sit here and pontificate any further on my feelings or my thoughts on the matter. I think I have gone far enough and I think I have gone further than, maybe, I should have as Prime Minister, but the bottom line is I thought that I should go that far so that the public could understand the nature and the extent of the concern that exercise in my mind.

Mr. Mark: I have two questions just to tie up round one, because I am coming to round two and the two final questions would be: you had said publicly to the people of Tobago that because of the circumstances surrounding the sea bridge crisis any future tendering for vessels to deal with the sea bridge would involve members of the stakeholder community of Tobago including the specifications of

the vessel in question. My information is that the stakeholders in Tobago have not been involved in a public advertisement that has been issued by the Port Authority that is supposed to close on the 20th. I would want to take your word for what it means. It is serious and as you told Mark Bassant your “yes” means a lot. So I would like to ask you, in light of the absence of stakeholder involvement in the actual tendering process, the drawing up of that tender which is now publicly advertised and is scheduled to close on the 20th, would you not Mr. Prime Minister agree with me that the port has run afoul of your position and this tender ought to be cancelled and allow the stakeholders of Tobago to be involved in that whole process before it is publicly advertised? I just want to get your views on that.

Dr. Rowley: Mr. Chairman, I did not want to interrupt my colleague but maybe I should have if I had known that question would have had such a tremendous length, because had I interrupted him in the first paragraph we could have saved some time.

We noticed a moment ago I used the word “iniquity” and how easily “iniquity” became “inequity” with tremendous difference of meaning. The entire premise of your question is wrong, because nowhere in the record of my presentation in Tobago would you see that I offered Tobagonians to take part in the tender arrangement. What I said is that when we put the evaluation team in place we would want Tobago to have an involvement in the evaluation. That was based on the fact that it was at the evaluation stage that some of the wrongdoing had gone on with respect to *Galicia* and we thought that the port when they found vessels—when they had a basket of vessels to look at—we would allow Tobagonians to help to get involved in the evaluation of what has been offered to

the country in that process and that is still alive and well.

My understanding is that the tender went out according to the specification approved by the Cabinet. There are a number of vessels that have been offered by persons and agencies and so on, wider than ever done before and that now we are in a position to add to the port's evaluation team some Tobagonians and that will be done. So your concern is a bit premature and your accusation that I am failing to have my expectation or my commitment carried out, that is not based on what I said in Tobago. Everything is on track as per the commitment given.

Tobagonians, only yesterday I was advised that the evaluation team, the port will now expect that some Tobagonians will be added. We will consult Tobago and the Minister will consult the THA and the private sector in Tobago and add maybe two more persons to the evaluation team because that is where the record will show that at least on one occasion we had mischief. If Tobagonians—if we have 10 boats to look at—some boats are blue, some boats are green—and Tobagonians decide which one they may or may not want and get involved in the process, that is what I offered. So a lot of what you said there was based on misrepresentation of what was said in Tobago.

Mr. Mark: I thank you for the correction. May I ask a final question? You had said in Tobago when a question was put to you that there was something crooked in this particular deal involving the *Cabo Star* and this *Ocean Flower 2* and your “yes” meant a lot when you were asked to further elaborate. Would you want to share with us what informed your thinking at that particular point in time as it relates to crookedness in this deal, hon. Prime Minister?

Dr. Rowley: Mr. Chairman, I think as Prime Minister I have done enough and I have taken steps to ensure that whatever elaboration should come, the documents

will elaborate what ought to come. I am not to stay here and pontificate any further on this matter.

I have made available a compendium of documents in the Mouttet Report. I have made myself available. I have outlined what has come to my attention and I think I have said enough to guide the process further. It will be a great tragedy indeed if after all of this we do not get to the point where we can identify what has happened, who is responsible, supported by the documentation, because all of these things ultimately may end up in a court of law. So my pontification has no place any further.

Dr. Francis: Hon. Prime Minister, good evening again. Three quick questions before I actually forget them. We have had two weeks of testimony which say that things have gone terrible awry at the port, some of it frightening, almost all of it very disturbing. Could you outline, at least the cliff notes, of what kind of intervention might be made in the short term to alleviate? That is one.

Where the passenger ferry is concerned, we have had testimony from the port officials stating that, as you have said, there is one ferry in the dry dock with a major overhaul, the other has continuing problems. The first one will not be back out before November—and that is a generous assessment—and the other one could go down at any time. What is the prescription in the short term? The third one is just for my curiosity. Why a single investigator to investigate the issue? Thank you.

Dr. Rowley: Let me answer the second question first. The single investigator, if one had paid attention to the terms of reference, it was to examine the documentation of the processes that were involved in the procurement and maintenance. It generated a lot of commentary, all of it I think or most of it not

paying attention that what was going to be done here is go down to the port, pull together the documentation, see what is there, read them, ask for what you need, get them and present to the Prime Minister who would pass on to the Cabinet this compendium of documents. It was clear that this was not going to be a report that was going to make recommendations and come to conclusions as to where fault lies. It was the documentation because these matters have to be dealt with by what the document say and show as compared to what is being said in the public domain by interested parties, conflicted parties and possible corrupt parties and that was the basis, and I thought that that could have been done by one competent individual and I dare say it has been done. So, that is that.

The second question is what sort of intervention. Well, the first intervention has already been made, which is to acknowledge that we are limping along on a service. I saw it said the other day, by an individual speaking from Tobago that Tobago is cut off from Trinidad and so on and so on. I “kinda” live in Tobago some times. I get there as often as I could, so I have an idea what is happening there. It is not that Tobago is cut off. We have three vessels on a good day going to Tobago, a cargo vessel, the *Express* and the smaller water taxi. On a bad weather day when the water taxi cannot go, we have two going and, of course, if the *Express* breaks down or it slows down, it is not an ideal situation and we want to get out of that situation as quickly as possible.

To treat with that, we have gone out to tender again to get a ferry, a passenger ferry. That process, the tender process ends—the tenders close in the next few days—and as soon as that tender is closed, we are going to the evaluation stage and I am hoping and we are all hoping that in the package of offerings from those who have boats, and especially now that we are coming to the end of the

summer season where boats that would have been working elsewhere for the northern hemisphere summer—a lot of the time a lot of these boats are engaged well before for the summer—and when we were going out in April and May it was a bad time to be going out, now is a much better time because you are heading towards winter, fall and winter, were many of those vessels are now out of their summer programme and should be available for charter in our waters. So, we are hoping, we are expecting that we will get more offerings and we can choose one that meet our needs.

We are keeping our fingers crossed that the *Express* does not break down before that process is concluded. It should be another three weeks, two to three weeks to complete the process. Once that is done and we have on the service a proper passenger ferry, then the question of the dry docking of the *Spirit* and the *Express* will recede as a threat to Tobago's connectivity. That will be the medium term because that contract would be a contract of two to three years. So for 36 months we will have no problem with a ferry once we get a good one in the bargain, and then in the next few months we are finalizing the specifications for the new ferry that the Government intends to order.

We are looking at the process of ordering. There are only two companies in the world, Incat and Austal. We are hoping to talk to our counterparts in Australia and so on and so on. That is being acted upon. The outcome, the long-term solution which should take about three years, because you would not get a new vessel built and delivered under 24 to 30 months. It is our expectation that we will have a new vessel built to our specification to replace the charters.

As a matter of fact, given the fact that we are focusing on expanding Tobago's contribution and involvement in tourism, we may very well have to

move beyond one ferry of the type that we are talking about. We may have to end up ordering two to be delivered over a period of time, because Tobago's contribution to the national economy may demand more than one of those ferries. So, we are going through a difficult period now, but we see the long term where we will have at least two ferries operating.

I also did mention—member Mark mentioned what I said in Tobago about Tobago being involved in the evaluation process—we did mention that maybe the operations of this or similar ferries should have a greater involvement out of the Scarborough Port as against relying entirely on the Port of Spain Port because the interest in the ferry coming and going is greater in Tobago, and it may very well be that we should operate—have the top operation of the ferry from Scarborough. So these are discussions we are having, but the immediate thing is to get an adequate service, reliable, clean and safe between Trinidad and Tobago.

6.40 p.m.

Dr. Francis: Mr. Prime Minister, the first question, issues of the port, for example, we heard testimony today and there was a line of questioning which suggested that for the practices that were discussed are normative everywhere, but I am a student of history, and I know from history that wherever those practices are put in place corruption, maleficence, and misfeasance is normally the end result. So that is the one I am most concerned right not, the issues on the port, what kind of an intervention in the short-term, that is a long answer, could you give us some cliff notes on that?

Dr. Rowley: Well, I think the port—Mr. Chairman, this is my winding up, I want to deal with that in the context of my winding up. I would like to ask you to make a winding up statement, so if there are other questions I will take them now, and I will respond to that question in my winding up. So if there are other questions I can take

them.

Mr. Chairman: Does the member agree to the deferral?

Dr. Francis: Yes, I will wait.

Mr. Dr. Freitas: Good evening, again, hon. Prime Minister, just a couple of statements on one question. As we have heard repeatedly throughout this proceedings this service is more essential to Tobago than is it to Trinidad, and I am wondering because in my experiences in my life where I have lived prior to being in Trinidad and Tobago when something is called an essential service, it has certain policies that go along with it. Just as an example are the TTC in Canada, which is the Toronto Transit Commission, is deemed an essential service there, and with that there are certain policies, meaning that the workers cannot strike because of exactly what would happen if they did. And so that being said, is there a possibility, based on your vast experience in Parliament, to when we say essential service for this particular service to legislate certain policies that would transcend governments and transcend boards in relation to that. So when we say essential service there is a legislative solution that can be put in place so it does not matter which board is there, or which Government is there, that the way we operate that service it operates in a particular manner. Secondary to that, one of the things that is going to happen in the future is that there is going to be a port in Toco, and we are seeing here throughout this entire process where the actual process by which we acquire vessels, coming from management straight up to Cabinet, I am wondering that when we put a port in Toco, if after we solve this problem if that is going to be copied where we have this port in Toco, because I am sure for Tobagonians one of their concern is a port in Toco is going to be beneficial, we have two ports, and, essentially, two bridges, and, therefore, a more robust service to Tobago. But if the problem in regard to maintenance, management and tendering occurs at Port of Spain to Scarborough,

and we copy that then the same thing will happen with the port of Toco to Scarborough. So, in other words, what assurances can be given to make sure that that does not happen when we beef up that service?

Dr. Rowley: Well, first thing, essential service in the legal sense has a meaning and it is covered by law already. So if we get to the point of designating the ferry service and essential service it automatically becomes covered by the existing legislation. Secondly, I do not know that there is much that is happening on the port now that can be copied for the better. In fact, the opposite is true, but designating an operation, an essential service, does not guarantee that the service would be there. You can designate the ferry service essential to Tobago, no argument with that if you get there, but if you get to the same situation where a boat breaks a contract or a boat breaks down, an engine breaks down, the designation of an essential service has no bearing on that. What you have to have is proper management and accountability of the asset fit for purpose to deliver the outcome that you want; that is what you want. And where we have fallen down, where we have fallen down is having the fit for purpose management, fit for purpose vessels, and fit for purpose service, and that has nothing to do with it being designated an essential service, if you get my drift.

Mr. Chairman: Witness, I think the member may have used the wrong term, because in our earlier deliberations the issue of special tendering, or even sole select came up, so that the description probably should have been emergency as opposed to essential service. Because the issue came up that CTB, whether they would concede that the situation in Tobago amounted to an emergency, an emergency then allowing for different tendering arrangements that is normally prescribed in the ordinance.

Dr. Rowley: Chairman, I am sure they would because I expect that the CTB would

be populated by people who understand what is going on, and this situation would be because it has been. The CTB was involved in this, in what I described here this afternoon, and did in fact give its approval, because if this is not an emergency then I do not know what is. I mean, the breaking of that contract and giving us no notice and no time, if it was something that we could have gone down to Massy Stores and buy one, or go to, you know, Southern Wholesale Stores and buy one, then of course, but getting a ferry vessel to fill in a slot in a matter of days is not something that you can do. It automatically puts you in a situation where there is a disruption, and once there is a disruption with the kinds of consequences that Tobago was facing, I have no doubt that any Central Tenders Board population management would see this as an emergency, and that is already covered by law, and in this situation they did in fact cooperate to have that done.

Mrs. Jennings-Smith: So, Mr. Chairman, Mr. Prime Minister, given all that we have heard today would you now say that there was a crisis situation on the port that required emergency?

Dr. Rowley: At the time when the left *Galicia* left, it left and created a crisis, and I must tell you, the threat of leaving was done in the full knowledge by the principals of that vessel that it will create that problem for the country. And the expectation was that the Government facing that situation would have had no choice but to give, without tender, a contract for five years' worth a quarter billion dollars. That is what we were facing, and that is what we decided was unacceptable from a procurement standpoint, and the Government of Trinidad and Tobago is not going to be blackmailed by any service provider, who sneak in through the backdoor as an agent in the first place, and then has the unmitigated gall to come to another government and say, if I do not get five years to buy the board to be here for the rest of my life I will disrupt the country.

We took the position that the Government understood that there was a contract in place being operated with about six months left in it, because it was going from April, May, June, July—six months to go, and that was ample time for the tender process to have taken place, and the supplier had the ability, or the opportunity to take part in the tender process. They took the position that they want no tendering on the port, and I tell you this because the way the port has conducted its business, it has given licence to people like that to determine that they will determine that there will be no tendering on the port. And I think we have gone out in this particular situation with that particular vessel, with those particular principals six times—or is it five times—five times. Under the last administration at least three times, under this admin—the intention was, there must be no and there will be no tendering for this contract. That is an untenable state of affairs.

I will tell you though—I think I apologized to Tobago earlier on since I came here. If I did not I want to do it again, as head of the Government, to apologize to the people of Tobago for the inconveniences and the hurt they felt, but sometimes a country has to do what a country has to do. And insofar as the bread van did not bring any bread to Tobago, I am sorry about that, but I am hoping that somebody takes the opportunity to build a bakery in Tobago so that Tobago could bake bread in Tobago, so when the bread van does not come, Tobago's economy, all right, is not damaged in that way. And I have grown up in Tobago where there were times after hurricane Flora we did not have water. There was no drinking water in Tobago, and we survived on water being brought for us to drink. We knew then it was only for a short while, and tough times do not damage tough people. Tobagonians are tough people and they will understand that no Government in this country could take that blackmail from a service provider who is telling the Government they need five years of contracting at \$50 million a year without tender so as to continue providing

a service to Tobago. And if there is any blame to be taken here, I as head of the Government accept it as part of my duty.

Mr. Paray: Thank you, Mr. Chairman. Good evening once again, Prime Minister. Thank you again for coming. I think that this is a welcome precedent that you have set for future Prime Ministers of this country, and I would like to thank you for that.

Dr. Rowley: Thank you very much.

Mr. Paray: Prime Minister, I listened to your opening statement, and I have a better understanding of what the Mouttet mandate was in terms of documentation, and I get the gist in your reading of that you became—not that you did not have concerns before but you were more concerned now than ever in terms of how we would have done business in the past in terms of contracts and how we got to where we are. With that in mind, Prime Minister, looking at—and I am sure you may have some of the same documents that we have—knowing that we are leaving this perceived bunch of madness that happened with reference to the *Galicia*, and so on, based on the assessments that would have been provided to you, going forward, knowing your Government's stand on corruption and procurement, and so on, one would have thought that attention should have been paid to the nitty-gritty going forward as we got on to the procurement of the four vessels to where we are today. And what I want to get at, Prime Minister, is we have documents which showed that charter party agreements for both vessels, the *Cabo Star* and the *Ocean Flower 2*, critical pieces of documentation, information was missing which goes against normal practice. And it is not any piece of information, Prime Minister, it was specific information as to the account holders, banking information, who gets the money, information as to the agents, their accounts, where is the funds going?

Now, I agree with you that you sit at the top of Cabinet, you have experts who are advising you, you have people who are vetting these documents, and I do not

expect you to run down every piece of document to view it, but, with that in mind, knowing that those documents, those critical contracts have missing information, only today in a package presented to us we demanded, at the last sitting, that the Port Authority provide us with copies of the charter party agreements for the *Atlantic Provider* and the *Trinity Transporter*, because none was presented before. At that point in time we were of the opinion that none was done. Today two documents turn up in the package, Prime Minister, and would you believe it is not signed by the public servants. It has the owner's signature but no signature is there, and then, Prime Minister, becoming aware of some of the proceedings over the last two weeks, taking note that Bridgemans had very little financial data, the Dun & Bradstreet report were extremely damning in terms of how solid this company is.

Now, Prime Minister, what I want to get at is how did we miss that? How did we get from this whole presumption about the *Galicia* having, you know, riddled with all kind of inefficiencies and, yet, under a Minister appointed by your administration, a Port Authority board appointed by your administration, are you disappointed that these are gross inefficiencies, or gaps in the bridge that should have been filled, coming out of what you now said that your documents have revealed concerning the *Galicia*? Are you disappointed that that is part of our proceedings knowing what you have said about your Government's stance on procurement and corruption, Prime Minister?

Dr. Rowley: I cannot take issue with much of what you have said, colleague, except to say that, you know, hindsight is great vision. Remember that the board at which that criticism might be directed, found itself in a situation where the bridge between Trinidad and Tobago had broken down, and the next step was to have a bridge put in place. The board took urgent steps—this is a new board, this board came in April. Remember the ferries broke down soon after the cargo vessel left, so this is April

going into May. So here it was, we are facing a situation where the board is on tenterhooks with respect to the ferry bridge, not the cargo; I am talking about ferry here now, right, the passenger, the board firstly dealt with the cargo by getting the best of what was available around, right, the barge they talk about today and the *Transporter*, the documentation for that would have been done in an environment where there was nothing to take cargo to Tobago. So the board had to, I mean, it was beggars not choosing, what is available, whatever was available. At one point, I must tell you, we got as far as discussing using the Coast Guard supply vessel. It was as serious as that, to take the supply vessel out of the Coast Guard because we could not countenance having a situation where there was no traffic between Trinidad and Tobago that could take light cargo.

So the documents you have seen today, I have not seen those documents because I rely at the level of the Cabinet on the structures below to do things like that. I do not know, I cannot speak to those documents, and I am sure because of the nature of this Committee you would have spoken to the people who would have handle those things, and I am sure they could explain themselves. However, the situation was one that required urgency. Get to Bridgeman—when the port went out to tender I was happy.

In fact, let me back up a bit to answer your question, whether I am happy, I am not happy the way things turned out. I thought the process would have worked, we go out to tender, we find a boat, a cargo boat, we hire it, problem solved. We find a passenger ferry, we hire it, problem solved; I am unhappy that that did not happen for reasons known and given. However, I still am of the view that we could shorten and let this be behind us by just putting the vessels in place to do the work that is supposed to be done. But when the port went out for tender, which is the process that you expect it to follow, and the tender process threw up one vessel which

was wholly unsuitable, according to their analysis, because that is their job to analyse it and see if it is okay. So they went from tendering, one vessel was turned up, so the tender process number five would have failed. The board could not say, well, sorry, Trinidad and Tobago, there is no boat to be had because the tender process threw up one boat and the boat “ent” good. The port now was down in emergency mode dealing with looking for vessels that were not part of the tender process, unsolicited vessels now became available to be considered by the port. Whether that was accidental or deliberate, or just happenstance, but that is what it was.

So, when the Bridge man, whoever Bridgeman is, whoever Bridgemans is or “Bridgelady” said, “We have a vessel here which you could use”, it is reasonable to assume that the focus there would be who are you, but what are you offering me; focus on the what and not the who, and had the press not gone in-depth of the who, the what might have been satisfactory and the what might have succeeded, but the port at that time was focusing on the what because the port was out there in the world looking for a vessel to fill a need where there was an emergency, and they focused on the what and not the who. I am told that the documents I have seen, they got the Lloyd’s clearance on the cargo vessel, and that is a reasonable assumption to be made that if it is on the Lloyd’s registry and it is available, and on inspection my team says that it is suitable, then I think you are solving a problem in a crisis, and that is what happened. It may not fit every description but that is what happened.

Mr. Paray: Prime Minister, if I may just ask one additional question, and it comes back out from the conversations that came out of Tobago, and when we sat in Tobago last week, the common trend was that for whatever would have caused the *Galicia* to be the vessel on the bridge whether it was corrupt practices or not—

Dr. Rowley: You are dealing here with the cargo ferry?

Mr. Paray: Yes, the cargo ferry.

Dr. Rowley:—and not referring to the passenger ferry?

Mr. Paray: That is correct, with the *Galicia*.

Dr. Rowley: Good.

Mr. Paray: The fact that the operational component of the arrangement was servicing Tobago well—this is from what they said, all right, because in retrospect, when we asked about the *Cabo Star*, the issues that came up on the *Galicia*, which was cost, the size of the draft of the vessel, those two areas, it was not solved with the *Cabo Star*, and the people of Tobago maintain the view that the Government really should have done a bit more in exhausting all other possibilities. You know, is either we go back to the drawing board—

Dr. Rowley: Other possibilities with which vessel?

Mr. Paray: With respect to the *Galicia*, holding on to it in the interim based on the critical nature of the situation, knowing that there were no other vessels on the horizon, and perhaps we have already committed so much to it, perhaps it may have made sense, listen, let us hold on for a couple of months again until we get to the point where we would not have to rush, as we clearly did with the *Ocean Flower*, because up to now that vessel has not arrived here as yet, and to my understanding from the documents that were provided, contracts was signed for this vessel, charter party agreements were signed for this vessel, an inspection, a physical inspection for this vessel was not done at its home port. It was only done in Panama here when the vessel travelled halfway around the world, and those things are not normal, Prime Minister, in the world of the maritime industry. So my point is that, you know, perhaps as you said, in hindsight, perhaps it may have been, according to the people in Tobago, that a little more due care could have been done in terms of trying to hold on as long as we could to the existing vessel before we ran straight into what we ended up with the *Cabo Star*.

Dr. Rowley: Chairman, let me go over again, because, I think, maybe my colleague missed the gist of what I said when I opened this presentation, and I implore you to read all the documents in the Mouttet Report and whatever other documents you may have. What I said earlier on is not a question of that the Port could have hold on so as not create this crisis, the documentation will show that the interest that provided the *Galicia* had a condition which they could not discharge, and they went to the Minister and said, listen, the *Galicia* is only available until February, if you want it beyond February you have to give me a five-year contract to buy it, and the simple question to the population is, should we have done that? That is what the document says. And to say that we did not give ourselves time is not correct, because the Government was contracted to have the *Galicia* until October. It was only when the supplier of the *Galicia* decided to pursue this five-year contract without interest in the 18-month contract, that a crisis occurred when the *Galicia* was pulled by the principals and left the Government without a vessel in April, when in fact that said vessel was contracted to be there until October. And the principals were telling the Government, for us to continue beyond—remember Good Friday? They were pulling the vessel on Good Friday, and then there was an uproar and they kept it, they get a little, I think it was a two-week addition for us to continue making the vessel available. In other words, I have to buy the vessel, and to buy the vessel without tender, you have to give me five years of contracting at \$50 million a year; those were conditions that we could not accept.

Mr. Paray: Prime Minister, I hear what you say, but that is not the information that we have in our bundles here—

Dr. Rowley: Well, I do not know what information you have, the information I have is what I just told you.

Mr. Paray: Well, so if I could just share, I would not be too long again, Sir. The

owners of the *Galicia*, there is the view that there was in existence an 18-month charter party agreement, a contract, where it is of the view of the Ministry of Works and Transport that there was an offer and acceptance, and that constitutes a contract, but, Prime Minister, this is not a taxi, where you jump in a taxi and say, look, I am paying \$6 to go to San Fernando, and when I reach I am bound by contract to pay. In the maritime industry, there is no contract without a BIMCO agreement, and I am speaking specifically from what in the correspondence between Mr. Powell and the Ministry and the Port Authority was that, where is this contract that you have referred to. We have been patient, we are waiting for it, and nothing is happening, and in one of the letters they refer that, listen, in the industry, because it is such a close-knit industry, they are saying, well, look, the Government is going out looking for vessels all over the place, and the owners are saying, where is our contract, if we do not have a charter party agreement well then something is wrong. So I am just putting forward, Prime Minister, that, you know, there may be a deep-seated reason, rather than just out of pure victimization of the people of this country that the *Galicia* was moved, because of that breakdown in the relationship going forward between the owners and the Ministry.

Dr. Rowley: With all due respect, colleague, we are now entering into the realms of speculation, and I would not accompany you there. And I would leave the legal interpretation of the law of contract to the legal advisors to the Government, two of whom are Senior Counsels and have advised the Government that there was a contract in place, and had it not been so, when the contract was broken in April by the leaving of the *Galicia*, the *Galicia* principal sought to insert a substitute vessel. I do not think that is the action of a person who did not have a contract and thought that they were just walking away from business that was had. So, you see, let us not get beyond ourselves, and confine ourselves to the document and leave the law to

the lawyers.

Mr. Paray: Thank you, Prime Minister.

Mr. Khan: Prime Minister, let me once again thank you and congratulate you for—

Dr. Rowley: I thought you are inviting me to make my final submission, but you are not the Chairman, right?

Mr. Khan: No. No. No. No, I am not the Chairman. I am the chairman of another organization.

7.10 p.m.

Just to add a little humour to the settings here, because you mentioned you could not go to Southern Wholesale Store and buy a ferry, but if the ferry was made out of good wood, you probably would have gotten one.

Dr. Rowley: I know you all want good wood, eh. [*Laughter*]

Mr. Khan: Seriously, in your introductory remarks you dealt at length with the procurement of the *Super Fast Galicia* and the role that Nyree Alphonso played in the whole procurement process, and by extension the role of Intercontinental, I just want to go on record to say that this Committee has been very much seized of that matter and we did in fact grill Ms. Nyree Alphonso extensively in that regard, and I am sure what came out of those questioning will form a significant part of this Committee's report.

Dr. Rowley: Let me say, Chairman, if you would permit me. I raised that not to be labour the point, but to shift the conversation to what could happen at the port, and what happened at the port, and what is happening at the port. That is why I raised it, in that element of an effort of clarity. So, I just want to put that on record.

Mr. Chairman: Just that you should know, earlier today in our meeting, closed meeting, we read into our own record a letter written to the Ministry of Labour and Small Micro Enterprise Development, and in that letter representations were made

on behalf of the Seamen and Waterfront Workers Trade Union with regard to an ongoing grievance with a subsidiary of that company. And the author of that letter was the legal representative of—or the person who contended to be the legal representative of the Seamen and Waterfront Workers Trade Union, and the letter was signed by one N.D. Alphonso. So, I just think that that should be entered into the record given the subject we are on.

Mr. Khan: And just to let the public know, and the Chairman would announce it shortly, but I think I am linking the two points, is that we received correspondence today from Mr. Powell of Intercontinental, that he will not be appearing before this enquiry, and I want to express my regrets on that matter. And finally, Sir, again I want to thank you for making the Mouttet documentation and report available to this Committee. We had Mr. Leon Grant and other members of the port's management before us. At that point in time we were not aware of the correspondence from Baja Ferries out of Mexico in that regard. So, I guess we would want to probably ask him to reappear to account for what we will see in the documentations that you have provided and any other matter that we see fit to so do. But I just want to say, I think this enquiry is going well, and I think it is setting a new precedent to the nation.

Mr. Mark: I would not detain you much longer, Sir.

Dr. Rowley: [*Inaudible*]

Mr. Mark: Hon. Prime Minister, we were advised by correspondence and Minutes of the board of commissioners meeting dated February the 4th 2017, that the seven-member board, headed by Christine Sahadeo approved a document submitted by the management of the port recommending a three, plus one, plus one contract for the *Galicia*, which was written—well, the board did not approve the Minutes because the chairman resigned on the 22nd. But in the Minutes that we have before us, of that meeting on the 4th of February, it was not a correspondence that dropped out of the

sky. It was a decision of the board lead by Christine Sahadeo and the six other commissioners, and they agreed to the three, plus one, plus one, and on that basis one of the technocrats at the port wrote to Minister Sinanan the decision of the board.

So, I just wanted to let you know what we have been provided, in writing, as opposed to what you have said, and others. So, I just thought—because we have documentation that would contradict a lot of your submission, and there is where at the end of the day we will probably have to call you back for clarification. But this is just a statement. But I want to ask you whether that report that you have made available to Parliament, because of the serious nature of that report, would you be sending that to the police, to the Director of Public Prosecutions, and to the Integrity Commission? And the reason why I am saying this, we are talking about public moneys, and if a name that you mentioned today is involved in activities contrary to the public interest, it warrants a criminal investigation. And therefore, I am asking you apart from referring that document to the Attorney General, whether it is your intention as Prime Minister, because of the serious nature of the allegations made whether you would be referring that to the police, the DPP and the Integrity Commission?

Dr. Rowley: Mr. Chairman, I am very steadied in the statements I make and the actions I take, and if I have said that I was to send it to the Attorney General's office and send it to the Parliament to form part of this discussion, part of this enquiry, it is my understanding that this effort that this Committee is making will use its authority to summon persons and papers, and drill down into these issues. And I trust that when you do make your findings, rather than contradict me, you will make your findings based on the evidence.

Because I will tell you one thing, Chairman, the soundbite of what has just been said by my colleague, member Mark, that he has documentation to contradict

a lot of what I have said, sounds good, and I could not prevent that from being said. But the bottom line is this, I also have documents to support what I have said, and if he is relying on the fact that the management of the port took a position which was advanced to the board, which was advanced to the Minister, and that the Cabinet should have acted with it, all I will say to him today, it would not have been the first time that a board would have—that a management would have mislead a board, a board mislead a Minister, and a Minister mislead the Cabinet.

Because, it is the same management that supported the removal of Baja Ferries from the passenger ferries, and passed that position up through the board to the Cabinet, and the Cabinet rigorously resisted agreeing with it, asking questions to which we got answers, answers turned out to have no merit, and the next thing we know the Cabinet agreed to go along with it, and a bad situation was made worse, in the interest of whom we do not really know. But it was not in the interest of the people of Trinidad and Tobago. So your absolute belief in what the management passed on to the Minister is not shared at this time by me.

Mr. Mark: Well, it is not belief, Sir. I am just dealing with facts. And you know as said by Gradgrind in Charles Dickens' *Hard Times*: "Facts are very stubborn things", so I would proceed by asking—

Dr. Rowley: If you want to discuss Dickens, [*Laughter*] we could spend a few hours doing that.

Mr. Mark: We will spend some time. I just wanted to ask you hon. Prime Minister, procurement, as you are here. I know that you had given commitments, and I know that the Minister of Finance had also given a commitment by March of 2017, the procurement legislation would have been operationalized. Because, I believe the problems that we are confronting now, the source of it lies in the absence of procurement legislation. I just want to ask you, what action you intend to take as

Prime Minister to operationalize procurement legislation to avoid the debacle that we are now facing as a nation, that you have described earlier on in your contribution?

Dr. Rowley: Let me, and I have two answers to give you. One, is that, yes, I did say in the Parliament, in session, that we are taking steps, and we set March as the deadline. What has happened is that, what we found is that when we tried to mobilize the public service to receive the procurement legislation, the public service was not prepared. They were not ready. Because what the law calls for are procurement units in every procuring department. And to just proclaim the law and let loose that law on a public service that was not ready to do that would have created chaos.

So, we spent some time preparing the public service. The first cut on that March deadline, after all the preparations, when the public service came to us, what they did, was to expand the public service by creating a new department called procurement, requiring hiring procurement staff in every department in the Government of Trinidad and Tobago. That was an unacceptable arrangement. We had to go back to the drawing board and retool the public service thinking, that what you do is designate people within the system as procurement officers, and only where you do not have enough bodies or qualified bodies you then hire into. And we think we fixed that now, and we are ready to proclaim, but we cannot proclaim until the direct—what is it called?

Mr. Stuart: The regulator.

Dr. Rowley: The regulator is in place. And that regulator is appointed by His Excellency, The President. His Excellency, The President has gone out, they advertisement has been put in place, he is sourcing that person, and we in the Cabinet we are waiting for as soon as the appointment of a regulator, we will then be in a

position to proclaim the procurement legislation. So, that is where we are at.

So, even though I had said March, because of these difficulties that I have just mentioned, we are ready now to go as soon as a procurement regulator is appointed. The second point I want to make it this, this procurement legislation—and I am speaking here now for myself, from the top. I was in the Committee, as you know, I served on the Committee, I voted to bring it into law and so on. I do not want anybody in this country to believe, as is being advanced by some people, that the existence of procurement legislation is a panacea for corruption in Trinidad and Tobago. What it will do, is to legislate how Government business should be conducted. If persons run afoul of those statutes and regulations then they can be held accountable and against those components of the law. But persons who set out to be corrupt and to twist the things in their favour to bring about the corrupt practice, some may be deterred by the existence of the law, because the law now criminalizes that action, like for example, bid rigging. Bid rigging is not a criminal offence, but in that law it will become an offence, and then public servants will have to cooperate and do certain things in a particular way. And if they do not do it then you can say, here it is you have done this wrong, so it will help. But it is not a panacea.

Because, I hold out to all views, and the national community, there is a book on corruption in Kenya. I think it is written by a woman called Michela Wrong. I think the name of the book is *Your Turn to Eat*, or *My Turn to Eat*, something like that.

Mr. Mark: *It's Your Turn to Eat.*

Dr. Rowley: You know the text. That book is an object lesson in how corruption is operationalized in a country that is inherently corrupt. It starts with conceiving the project that you might not even need. It starts with costing the project, sourcing the money, sharing information that should be kept secret, allowing contractors to

have ideas. The law would not prevent people from trying to use that to get their advantage. It is vigilance and enforcement of the law that will give us a chance under the new law. And what the new law does, eh, while it brings the benefits that we expect it to bring, it also brings some potential challenges. Because before, you had a Central Tenders Board at one time, and all the country's procurement legislation went through that Central Tenders Board. I have no doubt that there might have been instances of wrong doing, but it was not the wash and the rush.

Then we grew a public sector state enterprise sector, and a lot of Government procurement is being spent away from a Central Tenders Board arrangement. And then, of course, we suddenly had a lot of money to spend. Like at the port where a lot of money is being spent, as I said earlier on. These are all opportunities to have greed prevail. And, of course, now that the procurement legislation will put a procurement unit in every single department, heaven forbid that it does not multiply the possibilities for corrupt practice rather than solving it, and that is my concern.

Mr. Mark: Two final questions. One, hon. Prime Minister, would you not agree with me that it is highly irregular for a government and its agencies to sign off on a party charter agreement—

Mrs. Jennings-Smith: Charter party.

Mr. Mark:—or a charter party agreement without having sight of the vessels that they are going to actually hire on behalf of the people, involving—I mean to say—millions of the citizens hard earned tax dollars? Would you not agree with me, that is a highly irregular situation? And we were told by Mr. Purdey, who was here, that they had an agreement that once they won the tender, that they could then go and search for the vessel. That is what he put here in evidence.

Dr. Rowley: Mr. Chairman, I do not know that I could assist the Committee on that particular question. I am sure that there are other people who ought to have been

able to do that. Because, you see, as I said earlier on, if the circumstances warranted that kind of action where you had two vessels and you lost them because you did not move with alacrity, and on the third occasion you did that to ensure that you were locked into the vessel and not lose it—and this is 2017, this is not 1917, it is possible to inspect a vessel thoroughly without going to the port and seeing it in today's world, you know. And, of course, if you rely on an examination by the authorities that sign off on vessels, then I think it is a reasonable arrangement.

I think I read in documents where the port had Lloyds and other expressions of concern. And somebody raised a question and I did not address, and I think I must address it, that you sign a charter party and you did not inspect the vessel until so and so. A vessel is leaving Korea, coming to Trinidad and Tobago, the charter party I think would have said that you accept it on arrival. Now, if a vessel is going to sail half way around the world, do you want to have it certified in Korea, and it travelled around the world, and it break down and it mash down, and then it comes to Trinidad and Tobago? Or do you want them to bring it from Korea to Panama and you enter into an arrangement to inspect it in Panama, so whatever happens between Korea and Panama is for your account, and the condition that we are going to take the vessel from you is when it passes an inspection in Panama and not in Seoul in Korea. Is that not reasonable? And that is what happened.

You found a vessel located in Korea, and under the circumstances, even though you urgently wanted a vessel, you said you bring your vessel all the way around, get it to Alaska, get it down, get it to Panama, we will send our people to inspect it, and see what condition it is in in Panama. The *Ocean Flower 2* was inspected in Panama. It was found not to be satisfactory, and what did the port do? The port terminated its contractual arrangement. And what that tells you is that whatever arrangement you are taking issue with in this charter party, the port was

able to terminate it, because the vessel in Panama did not meet the port's condition, and I think that is reasonable.

Mr. Mark: If the *Ocean Flower 2* was to sail into the Port of Port of Spain, hon. Prime Minister, in the next couple of weeks, what would be the Government's position on this matter?

Dr. Rowley: Mr. Chairman, to the best of my knowledge, the port authorities that handled this matter had terminated this vessel for cause, and I am not in a position to address that question. I think the port had made it quite clear that they had terminated our arrangements, and I say no more for the moment.

Mr. Mark: I have one final question.

Dr. Rowley: You have a number of final questions, you know. [*Laughter*]

Mr. Mark: I have one final question. If you could probably clear the air for this Committee. It has been brought to our attention—as you brought into question this sole investigator Christian Mouttet—that this same Mr. Christian Mouttet was planning to take legal action against the State, because his company called Agostini was owed some \$140 million by the Government of the Republic of T&T. And it has been brought to our attention that that money, because he was threatening legal action, was eventually paid by the Government of T&T. Now all this would have taken place before he was appointed sole investigator. Would you want to clarify, deny, dismiss, this matter that has been brought to our attention? Because, we need to clear that matter.

Dr. Rowley: Mr. Chairman, I have absolutely no knowledge of what my colleague has just raised. Absolutely none whatsoever. I know of no such development. I know of no such claim. I know of no such payment. When I asked Mr. Mouttet to do this assignment it was purely in my selection of a member of the business community, and I virtually had to twist his arm to get him to undertake the

assignment. I know of his competence and his efficiency, and I also know that the complaint from Tobago. Why I chose Mr. Mouttet? One of the reasons besides his competence, was that the complaint coming from Tobago was largely coming from the business community who were every day complaining how business was being affected by the port's conduct or misconduct of its business. And therefore, to ask a former head of the Chamber of Commerce of Trinidad and Tobago to go down to the port and report back as to what is going on there, I thought that was a reasonable action. I know nothing of which the member speaks.

And I want to thank him. And I want to say, that while we are in a free country, and free to say what we want about anybody, when we take the kinds of positions of fabricating conspiracies and demonizing members of public who get involved in public business, all we end up doing is ensuring that people of quality stay very far from public business. Because I cannot for the life of me understand where this came from, where someone is simply going down to the port, in their own time, using their own time pro bono, to do what he has done, and instead of getting thanks, which I will give now to him. I thank Mr. Mouttet for undertaking this very thankless job, and to have done a very effective job in putting together a compendium of the documents that was made available to him and to port, which I can now make available to the public and to the Parliament. I think he did a good job. And I think he is a citizen in whom we are all proud. And I do not think when this kind of thing happens that it does us any good in advancing our own agendas, whatever they might be, to demonize people who decide to volunteer in Trinidad and Tobago.

Mr. Chairman: Mr. Prime Minister, something I would like to draw to your attention and get your response to. Both the previous port authority board and the current appeared before us, and in the case of the former board they admitted, and it

was obvious, even at this point in time, and they are out of office, that they never got beyond the storming stage. You know the management concept of forming, storming and norming. It was obvious that they had not advanced beyond that, and that whatever Minister had oversight over them, was unable to take them through that phase with the speed with which it was necessary. What I observed of the replacement board, is that when asked whether they had a strategic plan, when asked whether they had a business plan, the answer was no. So I found that in both cases the kind of governance, and one expects the kinds of norms and philosophies that govern modern management, it was just absent, and I wondered whether this had been brought to your attention before.

Dr. Rowley: Chairman, in all fairness to the board that is there now that is led by a very distinguished former permanent secretary in the Ministry of Finance, a person in whom I have tremendous confidence, they came in at a time when they were operating like a fire brigade. They came in in April of 2017 when this kind of development attracted all of the attention. So, they have been there, what, four months now? So, one can understand why they could tell you that we have not come up with a strategic plan reflecting the arrival as a new board in a very difficult.

The port is not an easy place. There are established norms in there. There are serious conflicts. There are management factions. I mean, when I got reports of how certain arrangements—even seating arrangements were what came out of the port. I understand that the new board had a serious challenge. And even before they could deal with the challenge, we had this situation. I have every confidence that once we put a passenger ferry system in place that is acceptable, a cargo ferry system in place that is acceptable, then this board will be able to sit down and now take part in what has to be done, which is treating with the chronic “unacceptabilities” that the port—and I say all along, that today I am Prime Minister, I lead a Government.

We take responsibility for what has gone on there in our tenure, and what is going on there now. But I have confidence that we are going to address it. And that is why I have confidence, and I am hoping that my confidence is not misplaced, that this enquiry would not go with preconceive notions about, you know, who was in conspiracy with who, and who get contract paid. Look at what is in front of you, the evidence, and assist in rectifying one of many areas in this country, where this kind of environment exists and is pretty much being deemed to be the norm in Trinidad and Tobago. I hope that we are turning a corner here with this enquiry, and with this intention of this Government to hold people accountable where they are located.

Mr. Chairman: I now invite you to make your closing comments.

Dr. Rowley: Thank you very much, Chairman. Chairman, I just want to say that the state of the Port of Port of Spain ought not to be news to any citizen. There is a lot happening there which makes the news from time to time, and some it has far-reaching consequences beyond the ferry. The ferry issue has brought us to where we are now, and out of this evil should come some good. Because, you see, the Port of Port of Spain, if one looks at the where things have been going, where it is going wrong, you would find that what we are dealing with now did not start yesterday, but we cannot allow it to continue.

And there is another issue on the port where they have serious issues with the cranes that could put us, not with a ferry bridge being broken, but the inability of the port to take cargo or vessels, and that would create another kind of crisis. But then you will see that procurement, which were questionable, resulted in the port now paying for 25 trucks, tractor trucks, at a million dollars apiece, and that was done without Cabinet approval. You hear a lot today about 16 versus 17, and a Prime Ministerial approval. But the port is in the process now of buying 25 tractor trucks at a time when the port's business is contracting into oblivion, but the port is

contracted to buy 25 trucks at a million dollars apiece. I think they got five already. And the question is, should you be buying 25 tractor trucks in a contract or should you be maintaining the cranes?

7.40 p.m.

But somebody got a nice business in the tractor truck business, but the cranes, the money to maintain the cranes is committed to tractor trucks. So what we dealt with earlier on with the ferries is only a part of the overall problem. And of course I heard the union this morning and, I mean, a lot was said this morning and the public could come to their own conclusion there, but the bottom line is the Port of Port of Spain is in great danger, because it is being obliterated by business that used to come to Port of Spain, that should be coming to Port of Spain, is now going to Jamaica, is now going to Santo Domingo, and Port of Spain is being deemed irrelevant for a number of reasons, not the least of which, what we are dealing with here in terms of the unacceptability of conflicts and corruption on the port.

But its efficiencies, if we do not intervene and look at the competition which is driving us out of business—of course, we are going to have a port to give us entry into Trinidad and Tobago, but we have Point Lisas, we have other ports, but the Port of Port of Spain is losing its premier status in this part of the geographical location in the world. And Jamaica has gone past us. And, of course, Santo Domingo. And if we do not do something to earn back that space, we would be made irrelevant. A handful of people could be prospering on the current arrangement but the Port of Port of Spain, for the people of Trinidad and Tobago, is spinning off into oblivion and we have to intervene there, and that is why the Government has to intervene in this way.

And, of course, you have the whole question of the Panamax cargo. The Port of Port of Spain has done nothing. We, as a people, have done nothing to

prepare ourselves to be a part of that. The Chinese are moving around the world building these all-purpose ports. If they grow in Jamaica or if they grow in Santo Domingo, what is our question? We have to get serious about our business and therefore where it is clear a drunken man on a galloping horse could see that there are serious problems at the port, problems that are of management, of maybe weak board because it is a state board, of a Cabinet that could be misled by the port and the board and the management, none of those put us in a good position, and I hope that we come out of this better off and better able to address one of the challenges of this country, which is, whither goest the Port of Port of Spain where hundreds of millions of dollars are being spent and we are getting less and less economic strength and regional and international competitiveness for it.

I thank you, Mr. Chairman.

Mr. Chairman: The witness is excused and I thank you for your time this afternoon. This hearing is suspended for 15 minutes.

7.44 p.m.: *Meeting suspended.*

8.07 p.m.: *Meeting resumed.*

MAGELLAN MARITIME SERVICES LIMITED

Mr. Alfred McMillan Owner, Maritime Services

Mrs. Terri McMillan Lawyer, Maritime Services

Mr. Chairman: Good evening. The resumption of the 19th meeting is hereby declared. My name is Stephen Creese. I am Chairman of this Committee.

[Introductions made]

The purpose of this inquiry is to review the Trinidad and Tobago Inter-Island Ferry Service with specific focus on the procurement and maintenance of the ferries with the following objectives in mind:

- to understand the current state of the ferry service in Trinidad and

Tobago;

- to examine the policies and procedures used to acquire ferries and to ensure that value for money is obtained;
- to determine whether due diligence governed the conduct of all aspects of the maintenance and management of the provision of the sea bridge service; and
- to determine the changes and challenges with respect to the maintenance of ferries.

Members are reminded to either turn off their cell phones or place it on silent. This hearing is being broadcast live on Parliament Channel 11, parliamentary radio 105.5 FM and the Parliament's YouTube channel, *ParlView*. Members of the viewing and listening public may send comments via email at Parl101@ttparliament.org or on our Facebook page at facebook.com/ttparliament, or on Twitter at [ttparliament](https://twitter.com/ttparliament).

I now invite our witnesses to introduce themselves.

[Introductions made]

Do you wish to make any opening statements?

Mr. McMillan: Yes, I wish. Well, first let me thank you again for inviting me to this hearing. Most of what I had wished to open with I saw the Prime Minister dealt with in a very, very succinct manner. His comments reflect most of my general opinion of what has transpired. I would like to step back a little bit to say I did a prepared-list report for the Port Authority in 2015 under the previous government and then I did a subsequent one under this Government for the board of the Port Authority in 2016, around the same time. The first one was dated—they received it on February 12, 2015. This set the tone for a number of, basically what we saw as what was necessary to do a transition from Bay Ferries to Port Authority. So based

on my report to them, both boards under successive governments decided to act on it and asked me to develop the transition plan and execute it.

It was shelved under the first government and then it was eventually allowed to continue under the second. However, I am willing and able to answer any questions you may have as to the relevance of any aspect of the four areas of your inquiry.

Mr. Chairman: Members?

Mr. Mark: May I? Captain Alfred McMillan.

Mr. McMillan: That is correct.

Mr. Mark: And Mrs.—

Mrs. McMillan: Terri McMillan.

Mr. Mark: Right. Welcome.

Mrs. McMillan: Thank you.

Mr. Mark: I have a copy of your submission, your report, which you made reference to a short while ago. I wanted to ask, having regard to the report which was dated the 29th of March, 2016, did you make a copy of that report? Do we have a copy of that report?

Mr. McMillan: I do not have a copy of that one with me, but I have a copy of the 2015 one here.

Mr. Mark: But could you make a copy available to the Committee?

Mr. McMillan: I should be able to, yes.

Mr. Mark: The 29th of March, 2016.

Mr. McMillan: Yes, Sir.

Mr. Mark: You were asked by the then port chairman, Mrs. Christine Sahadeo, to provide your views on the suitability of the current vessel the *Super Fast Galicia*.

Mr. McMillan: Wait. That is another report. I was talking about the transition

report initially. If you are talking about the *Galicia*—

Mr. Mark: Yes.

Mr. McMillan: Okay. Our remit was to do a transition from Bay Ferries to Port Authority. That was our main business at the port. I was asked separately to do pro bono work to give the port advice as to—well, dedicate to the chairman really—as to the suitability of the *Galicia*. If that is the report you are talking about, I do have a copy of that, yes.

Mr. Mark: Right. Because we were advised by Mr. Ferdie Ferreira when he was last here, and that is evidence before us, that that was never a decision of the board of commissioners. It was a decision taken by the chairman unilaterally and individually. Are you aware that when you were conducting this report on behalf of the chairman, it did not have the sanction of the board of the authority?

Mr. McMillan: I was not aware.

Mr. Mark: Hello?

Mr. McMillan: I was not aware that it did not have the sanction. I was not a board member.

Mr. Mark: Well, we were advised by Mr. Ferdie Ferreira that the commissioners were not aware of this decision taken by the then chairman. Now, I drew to the attention of the Prime Minister when he was here, that there is a letter signed by Mrs. Pamela Ford dated the 15th of December and sent to the Minister of Works and Transport at that time, the hon. Fitzgerald Hinds, in which the secretary was saying in that report, or that correspondence, that a decision was taken by the board of commissioners on the 15th of December, or before, to terminate the services of the *Super Fast Galicia*, and here it is we are being told by your report that you were asked sometime in early 2016 to do a report or to have a report generated on the utility of that vessel.

Could we conclude, or is it reasonable to conclude that the then port commissioners had taken a decision to do away with the *Super Fast Galicia* and you, Captain McMillan, would have been asked to give a report to address this particular decision, and at the same time to search for alternative vessels during that particular period that I am referring to? Could you elaborate or clear for us whether there is a link between that letter, your mission or task by the chair, without the authorization of the board itself?

Mr. McMillan: Well, let me state categorically, there can be no link. One, I deal with facts and specifications. I did not recommend a termination or anything to the board or anything. I dealt with straight business sense. If you have a copy of the report I can go through it with you to show that there was nothing in it that said—all it said was Trinidad was wasting money; wasting plenty money for no reason at all. And I dealt with the facts: the length of the ship; the breadth of the ship; the draught; the displacement, et cetera, and then I went on to the size. As a matter of fact, I was at my daughter's graduation when the Port Authority called me to tell me the anchor too short for this vessel they now charter. What you mean by that? I am in Malta seeing to my daughter's graduation; you calling me to tell me the anchor too short? Nobody makes a ship with the anchor too short.

So it was nonsense from the start. So I came back to Trinidad only to realize—I did not want to get involved with the port. As you well know, I was manager there for a period of time and I left because of the inefficiencies of the port. I went to the Trinidad and Tobago Pilots Association, like most of the other people. So consequently, most of the nonsense that continued after, I was not party to.

I saw the ship. I went and checked the size of the ship. First of all, it was berthing at a berth that it was not suitable for. Secondly, a whole deck of the ship was under-utilized. It was a prison. The fuel cost for a large vessel like that for the

cargo it is carrying is just a waste of money. That larger the vessel, the more fuel it is burning to carry just dead freight up and down. And with the dead freight comes the daily charter rate. If you have a bigger ship, it is a bigger charter rate. Simple. So I dealt with basic facts pertaining to the ship. I dealt with nothing about any decision-making one way or the other as to suitability for continuing charter or anything like that.

Mr. Mark: So your task or mandate that was given to you by the then chairman was to go out there and search for vessels that would be able to replace the *Super Fast Galicia*? Could you clear for us whether that was part of your mandate that led you to submit a report outlining several options in terms of vessels?

Mr. McMillan: I did submit a report with various vessels that—I was asked to do a market survey as to what is on the market. Nobody in the Port Authority had any background knowledge of chartering. I am not a broker but I worked as assistant manager chartering for the Iron and Steel Company way back when I was a young man. So I was trained in chartering and I was trained at Pointe-a-Pierre, Texaco in chartering as well, as well as ISCOTT. So that is part of my qualifications, my basic qualifications as Master.

So I went out and I did look for vessels. I spent my Easter vacation, which I normally spend in the Grenadines, looking for vessels for the Port Authority, to see what is on the market, because they were up a gum tree at that point in time, and that is Easter of 2016. All fell apart Easter of 2017. But as I say, it was not my remit. I charged nothing for it. I just did it out of the goodness of my heart. I am a retired person, by the way, and I just did it because it was asked of me.

Mr. Mark: Your report to the chairman on this matter is dated when, Mr. McMillan?

Mr. McMillan: The 29th of March, 2016.

Mr. Mark: But the fiasco with Easter and involving the *Super Fast*—

Mr. McMillan: That was the following year.

Mr. Mark:—that was in 2017.

Mr. McMillan: Yes.

Mr. Mark: Okay. Now, clear the air for us and elaborate on your mandate because we got the impression that—is it Magellan?

Mr. McMillan: Magellan.

Mr. Mark: Magellan Maritime Services Limited was engaged without tender. You were selected by the Port Authority’s chairman, or I do not know if it was the board because I think Mr. Ferdie Ferreira—I cannot recall if they had said it was done through tender, but I do recall that you had been hired to replace Bay Ferries. Now, was it a maintenance contract, a management contract, or as you said, a transitional contract? And therefore, whatever it was, could you explain to this Committee what this contract entailed; what were the elements of this contract?

Mr. McMillan: Okay. I have to step back again to give some history to this whole thing. The Port Authority had Bay Ferries running the entire show for quite a number of years. Clive Spencer, who was then general manager or chairman, chairman of the board of Port Authority, I had worked with him as manager of the marine division earlier on when he did downsizing of the port and brought it back to profitability, and he called me and asked me—because there was nobody within the port who could manage a dry docking at that time. So he called me: “I am in trouble. Can you help? Can you go to North Carolina and manage this dry docking for me because they are just charging me money, left, right and centre and I cannot account for it.”

So I went; I did the job for him and I came back. That was the first time they called me to help. I went and helped. They were in trouble again for the subsequent

dry docking of the *Express*, it was. They called me to help because it was the first time the *Express* was going into dry dock in Trinidad and they called me to manage that dry docking for them again. I went and I did that.

Based on that, they called me again when they were in trouble: “We need to get rid of Bay Ferries.” And that is when Magellan Maritime—I could have done it when I was a younger fellow, but at this stage I needed help and we formed a company of three mariners and a lawyer to do a transition.

We never at any time were hired to replace Bay Ferries. And that must go down as public record. We were hired to develop Port Authority management and staff who can now understudy Bay Ferries for a period of time and then take over. And I would just fast-forward things a little bit because of time.

This never happened. Well, I was glad to hear the Prime Minister come out and talk about a number of things here today. Those things I knew but I kept under wraps for quite some time. How I dealt with it, or how our company dealt with it, we had to excise the fast ferries from the regular ferries because no way were we going to operate under a CEO that we thought may have not been wholly on board. So they excised the fast ferries from the slow ferries so we were only involved in the fast ferry operation, to train up, to hire first of all, get the requisite staff, train them up as quickly as possible into managerial positions and get them to actually take over from Bay Ferries.

It was originally estimated that it would take two years but the Port Authority did not have the luxury of that time. They asked us for the shortest possible time. We told them 10 months was the shortest possible time we could do it. Ten months was far too short, but it was even shortened more by agents of the Port Authority not cooperating with us. Basic information we could not get. You cannot continue something that you do not have. So basic information as the dry docking records,

maintenance records, we just could not get out of Port Authority, so we had to scratch around and find ourselves, culminating to August 15th, when the Minister called and said: “We are having a problem here. Bay Ferries say they going at the end of September. What are we to do? Can you handle it?”

Well, we could not handle it alone. We had to find maintenance; we had to fast forward everything and we did not have anything. Recruitment was non-existent. People telling us we need six months just to recruit one person. We had to go physically and head-hunt throughout the world where we had Trinidadian nationals working abroad and try and grab them and bring them back. So this whole head-hunting and recruitment exercise was a sham from the start. So it put us in a very awkward light, trying to get people there on time and it was not happening. So we eventually got a number of people hired and we set about to do a sort of transition.

Come September 30th, Bay Ferries just walked off. We had asked for them to stay until at least March. That did not happen. They walked off, taking all the records, everything; scrapped everything and we had to just take it and run from there. So at that point in time, we took over and although we were not paid for that, but we took over and ran the ferry system. That is as straight and basic as it is.

Mr. Mark: Could you indicate what—so your company would have taken over that transitional role for just under a year, Captain McMillan?

Mr. McMillan: Ten months.

Mr. Mark: And what would have been the value of that arrangement with the Port Authority in terms of dollars and cents?

Mr. McMillan: That is irrelevant. I do not think I can answer that.

Mr. Mark: You what?

Mr. McMillan: I do not think I can answer that. Well, I see people bandying about all sorts of figures on the newspaper, everywhere, up and down the place, and it is

not true. I could tell you how much we work for. We can provide copies of that to the Committee, but I do not think that is public knowledge for the whole of Trinidad and Tobago.

Mr. Mark: All right. So you could circulate that to the Secretary.

Mr. McMillan: Of course.

Mr. Mark: Right, okay. I will pause for now, Mr. Chairman.

Mr. De Freitas: Good night, I should say. In our proceedings before in dealing with the transition from Bay Ferries to Port Authority, it was indicated that it was a five-month period and I remember asking—

Mr. McMillan: Six-month period.

Mr. De Freitas: Yeah, it was five/six months. And I remember asking if that was a long enough period—

Mr. McMillan: It was not long enough.

Mr. De Freitas:—to transfer such an important aspect.

Mr. McMillan: No. We asked for a hand-hold period for what we had done up to that point in time. Now this is where egos flair. And I felt pretty upset about it, even to today, because here we had set up a structure—now I must go back. Nothing in the maritime world works without a proper structure. A ship is a ship, is a ship. A ship has a structure, a hierarchy that cannot be changed. You have to have certification at all levels to prove that you are competent to hold those positions.

8.30 p.m.

So a chief mate on one ship can walk off and go on a ship of a similar type anywhere else in the world. They can fly one from here and he will know what he has to do. When you are trying to take a system that was made defunct, people ran it down to nothing. Every Trinidadian was emasculated and not made to partake in the maintenance of the ferries. And here you are taking a whole new bunch of people

to bring them in and take over from people who definitely did not want to leave—there was conflict, serious conflict—and the time permitted was not enough, but that is what we got and that is what we worked with.

When our contract came to an end the board also demitted and we waited for the new board to come in. The new board never called us until they called and asked for an exit report which we gave, but everything that we had done was just left there hanging in the air and consequently we will see the results of that.

Mr. De Freitas: I remember asking the old board, or I remember mentioning, not asking, that the transition was successful, in your opinion was the transition successful?

Mr. McMillan: Up to the time we left, yes. We needed some more time to make sure that the people who were put in place were well entrenched enough, and to me we did not get that. So, yes, most of the people were in place, but they were not well entrenched enough. When you leave a child that just learnt to walk, go and touch a hot oven, you will get burnt and that is what happened.

Mr. Paray: Good evening, Mr. McMillan and Ms. McMillan. Mr. McMillan, we have heard testimonies over the last two weeks on a number of varied issues and in reading your report I have a couple questions, and the first one, in your view or if you wish to proffer a reason, why did Chairman Sahadeo think it necessary for a survey to be conducted on the suitability of the *Galicía* at the point in time that she requested that you take some action on her behalf?

Mr. McMillan: I did not take any action. I was at a meeting and the question of the *Super Fast Galícia* damaging the Hyatt was brought up and all the attendant problems that they had. So I was then asked to detail what relevance there is for the vessel to stay here, if this vessel is really suited for the purpose, and when I looked at it—as I said, it was not our remit, but I went and I looked at it and that is what I

saw. What I saw is what I put.

Mr. Paray: So it was basically based on that issue at the Hyatt that a conversation had happened.

Mr. McMillan: That is where it was initiated.

Mr. Paray: Okay. In terms of your, or the perceived transition—because I got the impression that Bay Ferries left and you took up the slack.

Mr. McMillan: Well, that is what been conveyed, but that is not the case.

Mr. Paray: And I understand because there was a big hoorah about the cost of the Bay Ferries contract versus what you were charging.

Mr. McMillan: Yeah.

Mr. Paray: And my understanding was that while Bay Ferries had a suite of services that they were providing for the port, your remit was basically management transition, that sort of thing, which would have been limited—

Mr. McMillan: That is correct.

Mr. Paray:—not inclusive of the maintenance of the ferry, the actual maintenance of the ferry, is that correct?

Mr. Mc Millan: All right. Let me just step back with that again. Now, you have to take this thing in context. Bay Ferries had a management contract for the ferries. This was a complete contract where they had full autonomy.

Mr. Paray: Manage service, like everything.

Mr. McMillan: They were paid for a service, they were paid upfront and they had complete control of everything. We were asked to present a business model what we think was best. We could have opted to—and I heard it mentioned a couple times in the submissions to the Committee that people come on the port and stay.

We are retired—except for my thought—but we were willing to come. The other two members said they are not really interested. They worked in the oil most

of the time. They are not really interested in helping out the Port Authority, but I worked there and I was willing to step in and help them. So they were both protégés of mine so they came. If you are going out we will help you. I say, “Okay, fine”. Next thing, we all came on board and they decided to help, and we were stuck with a situation where, you know, everything is on your shoulders. There was nobody there equipped to handle anything. Everything was just thrust onto us. The whole port considered “all yuh running the ferry now”. And that was not the basis of our being there. Our being there was to do a transition which obviously needed more time.

Mr. Paray: Mr. McMillan, in a managed service arrangement, and I have some familiarity with it having worked in the energy business, where we manage a suite of service and I know in those contractual arrangements it is governed by heading and line by line of responsibility, and these responsibilities are governed by key performance indices, it is governed by service level arrangements. At any time in your contract—if you allow me to call it that—were these line items specified as to what would have been your remit on this particular arrangement?

Mr. McMillan: Yes. We had a list of deliverables that we worked with and we can provide the Committee with it.

Mr. Paray: We will be grateful for that.

Mr. McMillan: We saw what Bay Ferries had done, and that is one thing that they had done pretty well. They listed the deliverables that they would have delivered in two years. Three years had passed and nothing was done, and they came and asked us to do this thing in 10 months which was just an almost impossible task, but yet we agreed to do it and we came through and we delivered just about everything. So, yes, there were key indicators, loads of deliverables starting from—well, I can go through them with you, but we will supply you with them. We went into everything

in detail, timelines, everything.

Mr. Paray: What I want to point at is that in that key deliverables, at any point in time did any of those areas specify the maintenance or the day-to-day maintenance of these vessels? And if so, if yes or no, was the Port Authority aware, the people who are going to be managing you, were they aware that these items were not there or they were there? You have any—

Mr. McMillan: I can answer you that quite clearly. There was nothing there for the day-to-day management of the vessels. This was a transition. I said there was transfer of technical management. We were going to show the technical people how to do, when are the services due, that, that, that, what type of product they use. The technical management was there as a deliverable. We got technical people. I think Ms. Scipio-Hosang was there. We got her on loan from NEC to head that area—well, to turn it over to and she consequently hired other engineers to beef up that area.

Mr. Paray: Lastly, Mr. McMillan. Then why would the Port Authority assume that those responsibilities ought to have fell in your lap while they were not identified in your deliverables?

Mr. McMillan: Okay. I do not know if the Port Authority would say that, but let me say this thing, is that it was the custom. The Prime Minister said it very well that the norm has become—I wrote down here. The only word to add to what he said about the norm on the port is “malaise” as well. Everybody sits there—as Ferdie Ferreira said, 47 managers, doing what. It has become the norm to just sit back. There is a malaise, a malaise throughout the place. There is nobody accountable for doing anything.

Mr. Paray: Last question from me, Mr. McMillan. At the end of your report, after you gave your six limitations that you would have observed on the vessel, and if you

allow me just to read the last line.

Added insurance, dedicated berth, added operational cost because of berth relocation are some reasons to discontinue the extravagance of chartering this vessel. Astute management is needed to adequately utilize the available resources.

Mr. McMillan: That is correct.

Mr. Paray: Now, that to me is your real—this is your key point to the board, but to whoever was reading this document that astute management was required. Knowing what we know now of the decisions that the board would have taken and we have landed with the *Cabo Star* which based on our information here has not delivered basically even in dealing with a couple of the recommendations you had here, and the fact the *Ocean Flower* is still in the ocean somewhere, does that deliver on your suggestion to the port that astute management needs to take precedence when dealing with matters on the port?

Mr. McMillan: You see, when you are dealing in—shipping is a specialized area and you need specialized people to deal with it. Chartering is a specialized area; actual operation of ship, specialized area. Let us just take chartering for instance. If a man who is a good broker sees he could get plenty money easy, he would take it. Simple and basic as that. Now, there were so many wide open gaps where you could just take, on the Port Authority. It was my red flag to the Mrs. Sahadeo, look, this thing needs people to be serious about. This thing is a drain on the economy and really, take it for what it is worth. You need people to really know what they are doing and do what is supposed to be done.

Mr. Paray: Thank you, Captain.

Mr. Mark: Captain McMillan, did you at any point in time feel that you were being used—

Mr. McMillan: Used?

Mr. Mark:—in order to accomplish an objective? Because the reason why I am asking this is because your report is titled “Interim Report Securing a Row Pact Vessel”. And then I want to point out to you the opening sentence, “The purpose of this report is to provide an interim update on the search for a replacement of the *Super Fast Galicia*”. So in other words, a decision was taken by the Port Authority board on the 15th of December, or before, which was communicated to the Minister on the 15th in which it was stated that a decision was taken by the board of commissioners to terminate the charter party agreement involving the *Super Fast Galicia*, and then within a couple of weeks after you are instructed by the said chairman to look for a replacement for the *Super Fast Galicia*, and that is why I am asking you whether you felt—

Mr. McMillan: As a matter of fact, my first conversation with the chairman was—and this is going back in January or February early—that they were in trouble with the ferries. The *Warrior Spirit* had its own problems with the engine and the *Galicia* had its problems with berthing and barge. They had built a new berth they could not use because the dredging and all sorts. So they needed a vessel more suited for the trade. That decision whether to replace, that is theirs, but I went and I looked. She asked me to look for vessels to see what is on the market, which I did and I presented it.

Mr. Mark: Yes, but what I am saying, you were very specific. You stated in this report that you went in search for a replacement for the *Super Fast*. So it is very specific.

Mr. McMillan: Yeah.

Mr. Mark: So whatever you were instructed to do, it was to replace the *Super Fast Galicia*, however we want to dress it, and it is here in black and white. Now what I

have also observed is that your report is not dated, could you tell us: what was the date of this report that you submitted?

Mr. McMillan: Well, the Port Authority usually dates their documents—

Mr. Mark: No, I am talking about the report we have in our possession, you have no date.

Mr. McMillan: No.

Mr. Mark: I see you signed Captain Alfred Mc Millan, but there is no date on the document I have in my file. Could you tell us what is the date of this report?

Mr. McMillan: I will have to go back in my computer and find out exact what date is that.

Mr. Mark: So you have no recollection?

Mr. McMillan: I have it on my computer what date I did it.

Mr. Mark: Okay. Could you supply that to us?

Mr. McMillan: Yes, I could surely do that.

Mr. Mark: Because I also want to ask—

Mr. McMillan: Remembering that that is not my remit eh. That was not my remit. I was looking after ferries mainly, the fast ferry.

Mr. Mark: Al right, fast ferries. Could you tell us, Captain McMillan, whether these two matters that you addressed, the report as well as the contract to transit from Bay Ferries to a group of locals to maintain these ferries, could you tell us if you received a written contract for these two very important undertakings? Were you given contracts that you had to agree to and sign off on?

Mr. McMillan: Of course.

Mr. Mark: Well, could you make available to the Chairman copies of those contracts?

Mr. McMillan: Certainly.

Mr. Mark: We will appreciate that very much.

Mr. McMillan: There is only one contract eh.

Mr. Mark: Only one. Which was that for?

Mr. McMillan: The contract for the transition from Bay Ferries to Port Authority.

Mr. Mark: Now, what about this assignment, how was this given to you by—

Mr. McMillan: Which assignment?

Mr. Mark: The report.

Mr. McMillan: I did that for free.

Mr. Mark: No, no, I am not asking whether you did it for free or not. That is great. What I am asking you, how was this communicated to you? Did the chairman just whisper in your ears that she wanted this to be done?

Mr. McMillan: No, no, no.

Mr. Mark: Did she write a letter to you?

Mr. McMillan: No, no, no.

Mr. Mark: How was this done?

Mr. McMillan: At a meeting with the Port Authority she mentioned it and asked me to do it.

Mr. Mark: No. You said that at a meeting of the Port Authority. Mr. Ferdie Ferreira has said that the Port Authority had no—

Mr. McMillan: Knowledge.

Mr. Mark:—input into this decision. So when you say it was the Port Authority, would you want to share with this Committee who were the members of the Port Authority at the time when you were asked to conduct?

Mr. McMillan: It would have been two members of the board of the Port Authority.

Mr. Mark: Who were these two members?

Mr. McMillan: Mrs. Sahadeo and Mr. Wilson.

Mr. Mark: Two members of the Port Authority. Could you tell us on what day and time? Could you provide that?

Mr. McMillan: I cannot remember.

Mr. Mark: Okay. Mr. Chairman, these are all the points I would like to rise at this time.

Mr. Khan: Mr. McMillan, I want to go back to the maintenance of the vessels. This Committee was led to believe that you were replacing the role of Bay Ferries. Now, you have clearly articulated your position and I think your position has substance because when you look at the numbers it would have been physically and operationally impossible to replace a \$7 million contract to a \$700,000 brief. But having said that, during this enquiry it is very clear, past, previous, predecessor, however you want to call it, that one of the fundamental issues of the port is the lack of a proper maintenance programme or a properly effected maintenance programme for its vessels. So here you have highly expensive equipment because the only thing more expensive than a plane is a boat—

Mr. McMillan: And old.

Mr. Khan: Good—and old, but there are vessels that we own. So we had systems in place that were obviously not operating efficiently so you were asked to study it, make recommendations as to the way forward, but would you not say—two questions I have. When Bay Ferries was terminated what system was in place to replace the actual maintenance of the vehicles?

Mr. McMillan: Right. I always like to step back because when people ask questions, they ask at the point in time without any history. Before Bay Ferries left they were supposed to partner with us in transitioning from Bay Ferries to the Port Authority. That was the contract. I wrote the board of the Port Authority very early telling them we were getting no cooperation from Bay Ferries and the senior

management of the port.

Mr. Khan: The senior management of the port?

Mr. McMillan: Yes.

Mr. Khan: So what you are saying is that you were legitimately contracted by the Port Authority to work on a transition from Bay Ferries to a new system?

Mr. McMillan: Yeah.

Mr. Khan: You had legal tenure in doing that job?

Mr. McMillan: Yes.

Mr. Khan: The job was given to you by the management of the port and what you are saying is that the management of the port was not supporting the transition?

Mr. McMillan: Yes. TTIT did not support the transition. We got real opposition.

Mr. Khan: But having said that, there came a time—because the records will show and I was led to believe that maintenance was not being done in the most efficient manner even under Bay Ferries.

Mr. McMillan: That is correct.

Mr. Khan: When Bay Ferries left, a bad situation got worse.

Mr. McMillan: Okay, let me tell you the situation when Bay Ferries left.

Mr. Khan: What happened after Bay Ferries left; what role did you play; and do you consider it irresponsible by the port to terminate Bay Ferries and not have a replacement system even close to fruition?

Mr. McMillan: Okay, I would not consider it irresponsible of the Port Authority. The Port Authority had a clear contract with Bay Ferries to do a transition from Bay Ferries to the Port Authority. So they took the initiative to do—there is one other factor. There was bickering within the Port Authority as you clearly have seen from the proceedings here. There was one faction that wanted the transition and one faction that did not. The faction that wanted the transition gave every cooperation

that was necessary. The faction that did not, gave none.

Mr. Khan: Let me just ask a question. In your opinion their factions were based on what? Based on difference of opinion—

Mr. McMillan: Egos. Egos.

Mr. Khan: Egos?

Mr. McMillan: Yeah. Simple egos.

Mr. Khan: Or vested interests?

Mr. McMillan: “I ain’t going there.” Egos, I will leave it at that. Now, Port Authority asked Bay Ferries to stay on till March, till the end of our tenure with the Port Authority. They said they may stay on till the end of December, but they cannot. Now, when I listened to what was happening to the *Super Fast Galicia* and they walking off, they did the same thing. “If I can’t get meh way I gone.” So we had two meetings with Bay Ferries and both meetings that we had with them turned out pretty awkward. They just point-blank refused to cooperate in any way. How could we find out what inventory was there? How could we find out what the state of anything was there? We had to go and dig around ourselves. Literally go and dig around ourselves. They were packing stuff to go away in containers. Were they entitled to them, were they not entitled to them, were they special tools, were they what? We had to hunt and find instead of being facilitated by, this is what you have; I am passing it over to you. There was nothing like that.

So you asked about irresponsibility. We asked that as many people from Bay Ferries be retained as possible so that at least we have some past knowledge of what was going on to be passed on to the local people here. Not even a permission to put an advert on the ship to the men was permitted. They were discouraged in every way of even applying for a job. Two people applied, one chief engineer and one, a junior night maintenance guy. Everybody else withdrew their labour and say they

are going home with Bay Ferries.

So, come August 15th, there was a real crisis at hand. Do we just stop and look for people all over the world? What do we do? Can we continue running the ferry? The ferry was in such an awful state, one turbocharger was feeding two engines, sorry, a V engine. One turbocharger feeding the other side of the V engine, and that was the type of improvisation they were doing. They did not have turbochargers. The turbochargers were stuck in ABB in the States not being repaired, a lot of problems. A lot, lot of problems that we inherited that we just had to step up and get it done. So, yes, we got it done but at what cost. It took a lot of sleepless nights, a lot of worry, a lot of 24-hour days to get it done, but it was done.

So we had hoped at the end of that time a strong managerial presence would have persisted so that the people would continue to do what they were supposed to do, but dropping us off the grid and leaving the new people there any number would play. You may think I say this very flippantly, but from one day to another we found 14 per cent of the fuel tanks had salt water. That could not come there overnight. Emptied all, cleaned them out, no leak in the tank, so where it come from? Evaporation. It does not evaporate salt water. But where the salt water come from? They had to dump \$64,000 worth of fuel, and I can go on and on and on.

Mr. Khan: What you are saying then? Is sabotage you are saying then?

Mr. McMillan: Well, I did not want to introduce that then, but there was that.

Mr. De Freitas: Hold on. The salt water in the tanks, that is from Bay Ferries or from—

Mr. McMillan: Well, local people.

Mr. De Freitas: When you say local, who was managing the maintenance at that point?

Mr. McMillan: Local people and one Bay Ferries person.

Mr. De Freitas: Oh, so the transition had already occurred. Bay Ferries had already left?

Mr. McMillan: It was not a transition. It was a hostile takeover. Bay Ferries just walked off. So we had to just, at midnight on September 30th we just had to take over and make magic.

Mr. De Freitas: Right. So I am trying to figure out the timeline here. So Bay Ferries would have walked off as you said and when you took over the maintenance you would have found in your checks on accepting the maintenance at that point salt water in the tanks.

Mr. McMillan: That is correct.

Mr. De Freitas: Okay, I just wanted to make that timeline clear who you took it over from.

Mr. McMillan: Right after they left.

Mr. Khan: I just have one final question. I just want to get some summary here. Would you say that under Bay Ferries tenure, as an expert witness here, that the maintenance service to the ferries was satisfactory?

Mr. McMillan: Poor.

Mr. Khan: Okay. Would you say that when Bay Ferries left what was replaced, was equal to, better than, or worse than Bay Ferries?

Mr. McMillan: It was equal to in academia, but not in experience.

Mr. Khan: No, no. The performance of the service maintenance service, equal to, better than or worse.

Mr. McMillan: Well, you have young bright people taking over, but without the experience of working on those engines. Now, these are engines of 20 cylinders each, four engines by 20, that is 80 cylinders, but all the cylinders are similar. So one cylinder is like the other, like the other, but it is just a lot of continuous

maintenance. You have got to do heads hunt. Number four head on starboard inner engine—

Mr. Khan: Forget the head. You said the Bay Ferries service was not satisfactory—

Mr. McMillan: That is correct.

Mr. Khan:—I just asked you in your own experience what was put in place after was it equal to, worse than or better than the Bay Ferries era.

Mr. McMillan: It was equal to, to worse than.

Mr. Khan: Equal to, to worse than. Now you are no longer engaged in the port?

Mr. McMillan: No.

Mr. Khan: From your intelligence here, what is the current situation there: equal to when you were there, worse than, or better than?

Mr. McMillan: You want me to answer for a situation that I am not responsible for. I can only go by what I read in the papers. I try not to involve myself in any activities. I mind chickens now.

Mr. Khan: All right. I accept that.

Mr. Paray: Mr. McMillan, I just have one question before you move on. Sen. Khan described you shortly a little while ago as an expert witness. I want to ask you a question. Do you know of any agent or owner of a maritime vessel anywhere in the world who would operate a vessel or let a vessel be operated without a charter party agreement?

Mr. McMillan: Okay, you have different types of vessels and different purposes.

9.00 p.m.

A vessel that is being—I worked in a liner company where it was a family who owned the company, that is what I grew up in from 16. They took care of you from the time you came in as an apprentice or a cadet until the time you became a captain. Now, they did not charter their vessels to anybody. If they did, it would

just be a spot charter but they preferred to work on a liner service. They serviced people in the Caribbean, Africa, or wheresoever, on a regular basis. There are charter vessels that—there are different types of charter: bareboat charter, time charter. You are specifically dealing with time charter. A person who has his vessel for time charter will not operate his vessel without a time charter. You must have this charter party sign.

Mr. Paray: Just following that, that they will not do it, there is the view that a verbal arrangement, an offer and an acceptance in the maritime industry: I tell you, Captain McMillan, that “Look, I am leasing your vessel, I will lease for 18 months”, do up some paperwork—not a charter party agreement, a letter or so on.

Mr. McMillan: A gentleman’s handshake.

Mr. Paray: A gentleman’s handshake. Is that equivalent—that word of mouth, gentleman’s handshake in the maritime industry equivalent to the charter agreement or the BIMCO agreement? Does it carry the same weight?

Mr. McMillan: Let me just clarify that. No ship commercially—if it is a small ship that is not commercially driven, a gentleman’s handshake agreement is fine, but if it is a commercial agreement, you must enter into a charter party.

Mr. Paray: Thank you.

Mr. Mark: Mr. Chairman, if you allow me one final question again? Captain McMillan, would you or should I say, are you aware that the *Cabo Star*, we have been advised, is larger than the *Super Fast Galicia* and are you aware that the *Cabo Star* in terms of cost to the taxpayers is more expensive than the *Super Fast Galicia*? Have you come across the figures as well as studied the size of that vessel?

Mr. McMillan: Well, I will tell you one thing. Apparently it is not larger because she is berthing stern-to to the dock and the *Super Fast Galicia* could not do that. As I told you in my opening statement, they called me in Malta and told me the anchor

too short. The anchor “ent” too short on the *Cabo Star* so she is berthing properly stern-to on the dock, hence reducing the cost of the barge. The second part of the question.

Mr. Mark: Is it more expensive?

Mr. McMillan: Well, I will answer that. Now, this is where it hurts me. After I put out so much time and energy with the Port Authority, for them to go and just throw money away like that, I could have—it could have been better in my pocket, I did not mind. But you are paying nearly twice the price for a vessel of lesser capacity, that “doh” make sense. “Who do that?” “I eh know but ah telling yuh”, that is not my remit, I have kept out of their business. But to me, I heard the figure \$26,500 bandied about here, somebody “ha more money than sense”. That is my take.

But may I, Chair? I would like to address what I felt I came here for. I came here to offer my advice as to the fast ferries because that is a real problem. The question of maintenance, maintenance cannot happen unless you have a reasonable amount of autonomy. There is no autonomy in the purchasing, people do not know the difference in the time hours between Trinidad and Australia and you have those people purchasing things for you. They do not know that they have to up in the middle of the night calling various places. The whole system is dysfunctional.

You have accounts that do not separate—the ferry is supposed to have their own money put aside for the maintenance and operation of the ferry and I can go on and on. That is where the whole problem lies and nobody is addressing the problems that actually face the fast ferries. Engines will mash up if you do not have the right oil, they do not do the service on time, “yuh” do not have the right electronic cards. All sorts of reasons. “Yuh” do not change parts in a particular order and those are simple, simple matters that any high school boy could do and yet senior people in

Trinidad waste “dey” time and talk, talk, talk, talk and do nothing. A lot of talk and no work is being done and that is where the problem lies. People have to get off “dey butt”, get out of the offices and get the work done. Get cracking and maintain the vessels properly.

Mr. Mark: Mr. McMillan, would you want to share with us from your professional experience, given the age of this vessel, the *Cabo Star* where it is about 28 years old or thereabout, and given the fact that we are paying US \$26,500 a day for this vessel, from your professional experience, what would you advise as a reasonable cost?

Mr. McMillan: About US \$15,000 max.

Mr. Mark: Max? Fifteen thousand US. Thank you very much.

Mr. De Freitas: I just want to in terms of conclusion, in relation to the ferries, would you say the biggest problem that caused that issue with the ferries is maintenance?

Mr. McMillan: You are saying maintenance but maintenance has to be taken in its full—yes, the answer straight off is yes. If you do not have—or, a simple thing. You have to be in personal contact with suppliers. It takes time to develop all that—it takes experience first, a lot of experience to know what to do, when to do it and one of the main things is being intimate with your suppliers. You cannot want a part and have to wait two months for it. You have to be able to call a person anywhere and say I need a part tomorrow, fly it in for me immediately. Unless you could do that and the suppliers do not want to know you, “yuh not gonna get anything done”. There is no part made for those ferries in the Western Hemisphere.

Mr. De Freitas: Well, to my understanding when Bay Ferries was brought on, they were supposed to be doing this kind of training so that at some point, the port would have been able to handle the managing—

Mr. McMillan: I will smile.

Mr. De Freitas:—and it has been put forward that that is the ideal situation. So what would it take now to get that experience? I guess it sounds as though we are starting from scratch by way of maintenance.

Mr. McMillan: We are starting from scratch. What it will take is a good team. You need a team—you have some nationals abroad, you have some nationals here, you get a good team. I heard a lot of theories bandied about of “geh ah maintenance firm from Australia and they will handle ah old ship for five years with three, four, five years, and then yuh get rid of it”. You have to develop a team here who can go where the engines are made and get the type of training and make sure that they stay within the—it stays in Trinidad at least where you can get hold of the expertise and they do the job that is necessary.

Developing a team is not a difficult problem. That is what I sought to do. We got quite a few people but some people—with us leaving, some people left. People are not going to base their careers on an “if” and a “maybe”. So you need to get a proper team set up, that proper team trained up properly and effectively get the organization so where you can get them to sort out any engine problems. It is not a difficult proposition, we have been running ships for years. That is one part.

The next part is the autonomy to have money put aside specifically for the ferry operations. You cannot have money put aside for the ferry operations and it is being used left, right: wages, salaries and the rest. It cannot be. You need also—it is all in the information I provided from 2015. I have said it over and over. Said it in 2015, 2016, 2017 and it is up to the people that count to take the advice and put it in place. It is all here.

Mr. Chairman: Something I want to get clarification on. You would have interacted with management, senior management, and the board itself. Did you have any interaction with the board itself at that time?

Mr. McMillan: Of course, yes.

Mr. Chairman: Okay. So what was your assessment of the alignment between the then board and the then senior management in terms of whether they were working together as a team to effect the results you were looking for?

Mr. McMillan: I must say that the CO and CEO and the Chairman agreed on one basic point. They agreed that the transition must happen so I got cooperation from both of them so far as the transition is concerned and I was very grateful for it. But I told the entire board, not once but many times, that the board must support the new management we put in place. They must put their arms out and reach out and help mould these people. They needed to help them.

Because a simple thing as discipline, there is no discipline. People do not get fired on the port. We were asked to work on the policies, we reviewed all the policies and showed them what was lacking. I heard talk about marine contract, we developed a marine contract and most of the people now employed are now working under that marine contract. We did all those things for the port and unless they put them in place and implement them as quickly as possible, it is all going to fall back. The culture is poor, poor, poor, poor. The culture of just “gimme, gimme, gimme”, it is there and it is not going to stop unless somebody stops it.

Mr. Chairman: In terms of your assessment of the management, in other words, if you are made Chairman of the board or if, in fact, this was a private enterprise or it is a private entity that was managing our port on behalf of the State, what would you have done with the management that is there?

Mr. McMillan: Well—[*Laughter*] Sorry for laughing.

Mr. Chairman: You cannot go to jail for your opinion, “yuh” know.

Mr. McMillan: No, no, no, no.

Mr. Chairman: And you have parliamentary privilege.

Mr. McMillan: You have some managers there who are carrying the whole load and it just cannot continue. You have some not carrying any load at all and they just do not care. They know “they gonna get pay” and “they gonna” get extra too so they do not care. But you cannot have a few carrying the load of all and that is what is going on there. And if I were to be the Chairman of the port and—they do not like me to start with—I would cut and slash so bad it would not be funny. It needs a rude awakening. The ones who work have to be segregated completely and the ones who do not work, get rid of them, but it cannot continue.

Mr. Chairman: Do you care to make a closing statement?

Mr. McMillan: Yes. I would just like to say that, one, I wish people would read our recommendations and try to develop an organization structure that we recommended, especially for the fast ferries. It is important that you must have a structure that can work. After you have got the structure that can work, you must put the other pieces in place that will make that system work, like the procurement, the finance, the inventory.

Up to now, we do not know what is in the warehouse in Tobago. You have people going to Tobago, doing inventory, time and time, what is there yesterday would not be there today because they are taking parts all the time, new stores coming in, one on top of another so—you cannot run a business like that. You have to do all and you have to get committed people to do the work in all areas. And as I said, you will read our list of deliverables. All our list of deliverables are there and what is needed to rectify each area. But the areas of most concern: inventory, procurement, finance, HR. HR needs complete overhaul.

So those are my submissions and I am here for any help that I can give but I say right now, “meh heart eh so good so ah prefer tuh mind chicken. [Laughter] Geh plenty joy from it.”

Mr. Chairman: I hear you, Sir, and I thank you for being frank and open with us.

Mr. McMillan: Okay, thank you very much. Just a matter of interest, it is just the scope of work and the copy of the contract that you all require? Okay, okay. You asked me for some date too.

Mr. Mark: Yeah, the date of the report I had asked for.

Mr. McMillan: A date of the report. Okay.

CCN TV6

Mr. Mark Bassant

Senior Investigative Reporter

Mr. Chairman: Good evening, I am Stephen Creese, Chairman of this Committee and on my left is—

[Introductions made]

Mr. Chairman: Do you care to introduce yourselves?

Mr. Bassant: Sure. I am Mark Bassant, Senior Multimedia Investigative Journalist and Producer at CCN TV6 News.

Mr. Hosein: Good evening, Chairman, members. I am Faarees Hosein, I am retained counsel on behalf of the CCN group and in particular with respect to CCN Television Limited for which Mr. Bassant is currently engaged.

Mr. Chairman: Just for the record, I wish to remind you that as a witness, you have cover of parliamentary privilege and the purpose of this enquiry is to investigate the procurement and maintenance issues pertaining to the management of the ferry service. The particular objectives that we are pursuing relate to—and I will read them out just for the record:

- to understand the current state of the ferry service in Trinidad and Tobago;
- to examine the policies and procedures used to acquire ferries and to ensure value for money is obtained;
- to determine whether due diligence governed the conduct of all aspects of

the maintenance and management in the provision of the sea bridge service; and

- to determine the changes and challenges with respect to the maintenance of ferries.

We would afford you the opportunity to make an opening statement before the question section begins.

Mr. Bassant: Again, I want to say thank you for having me, Mr. Chairman and members of the JSC Committee and I am usually the one asking questions but today, I am in the receiving end of that. Let me just state for the record that I hold very highly the tenets of journalism: objectivity, fairness, accuracy and the truth and in every story that I do, I try to always remember those are the cornerstones of whatever I do in terms of coverage of stories.

This story came to me very early—like around late June and I started to do some digging which led me to my first piece on July 11th, if memory serves me right, and it led to a 13-part series on CCN TV6 over July into August period taking me to Canada as well at times. I understand that Mr. Mouttet had asked my company for a copy of that 13-part series which I hope was also made available to you. If not, we can have it made available to you.

The first thing that I looked at, I was being told had to deal with the *Ocean Flower 2* and very early on, after I had written the first story, it was about a seven-minute piece, I was criticized immensely. My company, we came under fire because they were saying that the *Ocean Flower 2* was in perfect working condition.

And you fast-forward to, I believe, it is in August when Mr. Purdey spoke with the *Guardian* newspapers and what I had been saying all along, he proved that to be correct, because he spoke about, ever since it had left Korea, there were problems associated with the *Ocean Flower 2*, and he spoke about catastrophic

engine failure, just to name one. And that, of course, when it got to Panama, laboured of course, they discovered that there were a number of problems associated with that vessel leading, of course, to the fact that they had to cancel the contract on that vessel.

Now, having said that, people were telling me about the company, Bridgemans Services Group LP so I went onto their website, just looking at the website; at the commencement of it, there was a lot to be desired by the website. They were very opaque. The website was like four and five lines for a service they offered. Nowhere there did I see anything about ferry services. So I started to do some digging. I called Bridgemans. They were very evasive, even dodgy at times. I left numerous messages to get in contact with the President, Mr. Brian Grange. Never returned my calls over a two-to-three-week period. I left many voicemail messages. I got on to him once in the earliest and he said he was boarding a plane and he could not speak.

After what the Prime Minister revealed earlier today about the charter party agreement and the fact that there were spaces or gaps left within the document and we see that the *Cabo Star* was—we do not know who purchased the *Cabo Star* or the *Ocean Flower 2* based on who are the real owners. But the *Cabo Star* was registered in Panama in July which meant, at some point after May, somebody purchased the vessels which I alluded to in one of my reports in early June. And we had formation of a second company in Canada called Bridgemans Trinidad LP that no one seems to know who owns it, although Bridgemans claims that they set up this subsidiary company, which is not federally registered so they do not state, according to the law there, who are the shareholders. So I started to do some more digging.

Effectually, it brought me to the fact that I started to question a number of things as it relates to Bridgemans. So I started on point at the addresses that they

provided which I had some sources in Vancouver do some digging and one of the addresses that they had effectually was at 1100 Melville Street. So one of my sources went there looking and outside of the building, they would usually have a listing of the offices that are located there. They claimed it is—on the website, it is on the sixth floor. But on the sixth floor, actually, was a company called Allnorth Consultants Limited. My contact said he asked the people there if they knew about Bridgemans. They said they have been here, there is no Bridgemans here. Okay, fair enough.

So then, we went to the other address—I had somebody go to the other address to see if Bridgemans exists there and it says on the 30th floor, it says: 3043 Bridgemans Services Group LP. So they went to the 30th floor at 3043 and this is what they met. [*Holds up a picture*] A door that was changed and boarded up. They spoke to the people next door which indicated that the company allegedly had been owing some six months' rent and the landlord had been forced to change the doors and the locks.

Now, when you look at the track record of Bridgemans, they have no experience in ferry services. There is a listing on their website which they only put up about six weeks after the fact, advertising that they have the *Cabo Star* and the *Ocean Flower 2* as vessels and they have ferry services on their web page, like six lines. So I started to do more digging and decided to call their Estonia office because I was getting a lot of problems getting in contact with somebody to give me the answers that I needed.

So when I called the Estonia office, I got on to the guy there—I cannot remember his name right now—and I asked him, “So, are you all engaged in ferry services in Europe?”; and he said, “No”. He said we have now just started to get our feet wet and we actually now bought two—well he did not say buy, we now got two

vessels that are on their way to Trinidad for ferry services. So I asked him, this is the first time and he said yes. And I quoted him in my report. So there and then, a lot of questions started to pop up. Who is this company? Who are the real owners of the vessels? And that is an answer we still have not been able to fully get from anyone.

Now, Ms. Allison Lewis had indicated to me in one of my reports that as part of due diligence they asked—she said they asked for a Dun & Bradstreet report. Whether that report was given or not in the consideration of contract, they never alluded to even though we kept asking questions. So I flew to Canada and I was able to get the—there is a number you need to get for Bridgemans so that Dun & Bradstreet can give you the report on that company, which I was able to get with the assistance of two of my Canadian journalist friends in Toronto. Having studied and lived in Toronto for more than eight years, I “kinda” know the place inside out. So I called the number and Dun & Bradstreet told me—I gave them the number and they said I had to pay a fee which I did with my own credit card of US \$175 to get the financial report on this company.

Now, bearing in mind that Ms. Lewis, when she came here, said that they only pulled the Dun & Bradstreet report to find out if this company had any legal claims outstanding with other companies. But my understanding of if you are doing business with a company and you need a contract or something, you need to find out the financial standing of that company. So to my consternation, when I opened the report, I saw that the report was actually done, I think, on the 29th—checked on the 29th of June or thereabout. Now, the 30th would have been when this contract was given, an announcement was made by the Port Authority to give this contract to Bridgemans.

Essentially, the Dun & Bradstreet report said that it was incomplete. They

were unable to get on to a number of people. I imagine you would have a copy by now of the report. The last full revision, June 29, 2017, most recent update, June 29th, Bridgemans Services Group partnership, 595 Burrard Street, Suite—that is the one. That is the address that they found a boarded door, a changed door. Record incomplete. Six to 10 employees.

So, there were a number of things that were going through my mind as to how was it that they were able to give a contract of this nature, a rather huge contract, a million-dollar contract to a company that, one, has no background in ferry services; and two, does not have—has an incomplete financial record. As it states, outside sources confirmed ownership and the general information on subject but could not provide further details.

This is a Fortune 500 company, well respected in the world, that does checks like these for hundreds of companies across the world. So I mean, if the Port Authority is delving into a contract of this nature, it is essential that they at least make sure they dot their i's and cross their t's in giving a company that quite frankly does not have any track record in ferry services but at least to see that they have some kind of financial standing. Whether or not they did actually purchase those vessels or somebody did for them, it is still up for question. And you know, that in itself effectually is where I would want to leave it for you all in a nutshell.

9.30 p.m.

I am sure you would have been aware of a number of the things that would have been written about or broadcast on the media, especially on our station, in relation to this matter. So then I leave it there for you all.

Mr. Chairman: Mr. Bassant, I want to be straight and get to the point. If you were the owner of a company who had won the contract to manage that ferry service privately for the State, let us say the State had put, you know, that up for a contract,

and your company won the bid and that was the way how they operated, would that board be there in the morning?

Mr. Bassant: Could you repeat the question again, in terms of clarity?

Mr. Chairman: If the Port Authority were a private company, in other words you are assuming that the State put the management of the ferry service, privatized it, okay, so they put it up for contract and people bid to run such a company to manage the ferry service, and you won the bid and this is what happened, would that board be there in the morning? In other words, if you had the power to fire the board, would you?

Mr. Bassant: I would say that I cannot really say if everybody was responsible, but there were people in that organization on that board that knew certain things. I would give you, I forgot to just add to this, is that quite coincidentally when I did make the first call I could not get on to Ms. Lewis so I called the next best person, which was the Deputy Chairman, Mr. Adrian Beharry. Lo and behold, Mr. Beharry was in Japan, which was coincidental because the ship was on its way to Japan and there are questions that Mr. Beharry, I believe, must answer, in relation to what he was doing there. The ship was on its way to Japan. Why was he overseeing this? Was this something that was allowed by the board? Was he given instructions to go there and look over the ship? Those are the things that I would like answered. He has been very flippant with the media, not myself but others after me, in saying ask X, ask Y. But he himself—because, my understanding, based on speaking to at least 11 different sources for this story over the last two and a half months, and I am still digging, is that Miss Lewis might not have been as versed in terms of the maritime industry as Mr. Beharry is. And so, there were a number of things that she would have asked his advice on and then, of course, he would have articulated what he thought. But there is more to it than meets the eye to this arrangement than we are

being told.

Mr. Chairman: Mr. Beharry, I believe, was the one who said that he handled the negotiations.

Mr. Bassant: Fair enough.

Mr. Chairman: So you still do not care to comment if this were your private firm, whether you would find yourself a new board? You have 1.5 million people to choose from.

Mr. Bassant: My short answer to that would be yes, because if I am thinking about the public interest at hand and so many businesses and people affected by this fiasco I would say yes, because what I do is ensure that the public is aware of things happening when taxpayers' money is involved and all of us are affected, I would say yes.

Mr. Chairman: Are you satisfied that there was sufficient oversight of the board itself? You did a 13-part series.

Mr. Bassant: I did. I think there was some oversight by the board and I think there were people that could have done a better job than they did in making the decisions and in taking due diligence more seriously when it came to such a huge contract. So, yes I would say there was some oversight by the board, based on what I was being told from the inside, based on what I was being told from other maritime sources. So my short answer is yes.

Mr. De Freitas: Good night, again. In your opening remarks, it seems as though a lot of the story or the reporting was centered around Bridgemans and its existence. We had the VP here, did you take the opportunity to interview him at that point, to sort of clear up for yourself a lot of the questions that you would have had? Because, I mean, you would have gone as far as to find boarded doors and whatnot. I just wanted to know if you took that opportunity to question him about some of these

things because he seemed, in front of us, very willing to clear up any issues in relation to the company. Even after he would have appeared before the Committee he kept saying he wanted more opportunities to speak about the company. Given that it was so difficult for you to engage Bridgemans in the beginning of this, and then having the VP here, did you have an opportunity to interview him?

Mr. Bassant: Well, as Shakespeare once said in *The Merchant of Venice*: All that glitters is not gold. And, if you had listened to what I said previously, I said I started off doing a piece on the *Ocean Flower* and, you know, was this vessel suitable?

So my first part, a seven-minute piece, focused immensely on the vessel and the problems it was experiencing, and so on. And then I started to dig deeper, as mid-July arrived. Now, they never made themselves available to me. Even when they got to Trinidad, I tried to speak to Mr. Kenny as well and they blew me off. Right.

I called Mr. Purdey just recently, because I got back from Panama because I was checking on something there, and for about 15 minutes of the conversation, for 10 of it he called me names, for 10 of the 15 minutes. But I am the bigger man, so. As I said before, I had made numerous attempts before Mr. Purdey came on the scene to speak with his President, Mr. Grange over a six to seven-week period.

And what I also found very interesting in the earlies was that, when Bridgemans did respond to me, via press release, it came through the TTIT. That is peculiar to me because the TTIT would resend a release from a company. I do not think that is keeping in practice. If you are a company that I am giving, I am criticizing or making an allegation about, then the press release should come directly from your email or from your company to my company and not through the TTIT, which sends the attachment of that email. So those are things I am still questioning in my mind and trying to register as to why would Bridgemans go through the TTIT

to send me and other media houses releases for the first two or three weeks or four weeks of the series that I did.

They were rather evasive, as I said before, in terms of getting a comment. Even when they got here to Trinidad they know where I am located. They spoke to the *Express* reporter downstairs but they made no attempt, even though I had reached out on numerous times. Mr. Grange had my number. I even sent my email to Mr. Purdey who said: “Why do you not come to Canada? Let us sit down and speak.” I said: “Sure, I will show you X, Y and Z” and I sent him an email because he wanted to send me something. That was about two weeks ago. I have not heard back from him yet.

Mr. Mark: Good night, Mr. Mark Bassant and the attorney Mr. Fareed Hosein. You did say in your opening remarks that you and your company came under fire for your various pieces on “A Gap in the Bridge” investigative pieces that you had done. But you did not elaborate on that, and I wanted to ask you if you could elaborate on that. When you said you and the company came under fire, what do you mean by that? Could you share with this Committee what was meant by that and who was directing the fire at your company and at yourself?

Mr. Bassant: Sure. Following the broadcast of the first piece, essentially, there was talk for quite a while by armchair journalists who sit at the radio and do nothing, by financiers of the PNM Government calling up my CEO. I got threats from people. I got offer of inducements. I have people who witnessed where somebody came up to me at a function and said: “Let’s make this all go away. I will write you a cheque tomorrow” and she was dead serious. I took umbrage to that. I was very offended and I told the person that she was with, who I happened to know, that I am not about that ever. And I had police officers call me and say: “Be very careful. You are treading on, you know, grounds that people are not very happy with you because this

is a lot of money.” And other people would—

There was even a Facebook page called “TT Sea Bridge Facts, the real facts”, where they would spend their time, I do not know, just trying to dissect, you know, all the stories, and then they were asking people to send in money to them so they can keep the page alive. Those are things that I deal with on a very daily/monthly basis. It is part of the job. I do not engage in social media at all. Everybody is entitled to their opinion and good criticism I take in hand and I help to improve myself and, I mean that is the nature of the job. But if there are facts before us here, factual information, that shows that something has gone awry, that shows that something is crooked, as I asked the Prime Minister, then by all means, as they say, where there is smoke, there is fire.

So I continue to do this job without fear or favour, and I would not change anything I did yesterday, today.

Mr. Mark: Could you elaborate on this inducement? Was it, could you inform this Committee. You said you were offered inducements, was it financial inducement and if it was financial, could you share with this Committee what was the value of this inducement? Could you inform this Committee?

Mr. Bassant: Well, yes it was a financial inducement. It was a six figure financial inducement and they promised to write the cheque the next day. I would not want to say the figure. I was just very taken aback by it because they said that they were a very close friend of one of the Government officials. I would not like to call the person’s name either, because I do not have any proof of that. But she claimed that she is a very good friend of him and I did talk to a few people who said that she is. But I left it at that. There are things that, I guess, sometimes the public does not need to know when you are pursuing a story, when you are just seeking the truth and you are looking to ensure that everything that you do, in terms of finding the truth

for the story, the facts and being objective and accurate and truthful, is more paramount than somebody, you know, in most cases trying to offer you a bribe or something of the sort.

Mr. Mark: Mr. Bassant, could you tell us, in one of your pieces, “A Gap in the Bridge”, you mentioned about SeaJets and you talked about *Tera Jet* and I think you were trying to indicate to the population that the *Tera Jet* arrangement was a better arrangement than what we ended up carrying, that is the *Cabo Star* and the *Ocean Flower*, which has collapsed in the waters and there has been a cancellation of that arrangement. Would you want to elaborate on that particular matter, particularly involving Mr. Elias Bezas, I think, who had warned in an email sent to one Charmaine Lewis, which was published in the newspapers about this particular group called Bridgemans, that was all over the world searching in May? In fact, since May, we understand, that they were searching for vessels for the sea bridge. You care to elaborate for us on that story, in terms of that investigative piece, the *Tera Jet*?

Mr. Bassant: Mr. Mark, first of all I am not an expert as to what vessel is good or not. That would be something better left for the experts, the maritime experts or who they have contracted to say that. But having said that, yes I do remember having seen the emails, which I have before me here. Essentially on May 25th, there was a correspondence that went for about two to three days where Mr. Bezas from *Tera Jet* from Greece, *Tera Jet* potential charter indicated that, you know, he sent the *Tera Jet* and so on and so forth for their viewing, pictures of it, and so on, and they were finalizing arrangements to have it, a surveyor look at the boat and I think that is what Charmaine Lewis had indicated in one of her responses to him via email. He responded saying that the surveyor has already contacted us and we have offered him full—you now, to look at the vessel on your behalf on Monday, 29th May.

The time frame here really confuffles me because we have the Port Authority here on the verge of making a pronouncement on a vessel to fill this gap in the bridge, so to speak. And then there is an about turn a few days later, which I cannot comprehend and I think the authorities, they would be in a better position to give that answer.

Dr. Francis: Good night again, Mr. Bassant. To follow up on the question, well not follow up, restate. Did you—because you never really answered the question asked by my colleague—attempt to interview the VP of Bridgemans while he was here last week? One. I understand what investigative journalism is and one understands that one would get a lot of second-hand information, do you have anything first hand that might help us with our mandate?

Mr. Bassant: When you say first hand?

Dr. Francis: Any primary source material, anything that we can verify that will assist us?

Mr. Bassant: Sure. I have information I can make available to you all.

Secondly, I do not think he was here last week. I think it would have been the week before, but I was actually in Canada. But I did make attempts to reach out to them over a period of time. As I said, if Mr. Grange could not answer me, if Mr. Purdey was the spokesperson, then he could have handed my number to Mr. Purdey to get in contact with me. I did have a conversation with Mr. Purdey, as I said, on the phone. He was in Curaçao. He told me he was on his way back to Canada and he was willing to speak with me, et cetera, et cetera. He said: “I want to send you some information via email.” That is when I texted my email address to him. I am still awaiting the information and I told him yes I would speak with him and I am still awaiting that correspondence to confirm that he has received my email and whatever he has decided to send for me to peruse. And I am all about giving

everybody a fair chance to respond.

Mr. Paray: Thank you, Mr. Chairman. Good evening, Mr. Bassant.

Mr. Bassant: Good evening.

Mr. Paray: It is very interesting that Sen. Mark raised the issue on the *Tera Jet*, because during the testimony provided by the Port Authority, I raised the matter with one of the commissioners who sat on the tenders evaluation committee and I also raised a question to him as to why, in terms of that evaluation breakdown, I noticed the *Tera Jet* was awarded zero for their delivery time.

Now, I viewed the episode with respect to the *Tera Jet* and I distinctively recalled, whether it was on that video or in writing, that *Tera Jet* would have been able to provide a vessel to the Port Authority within about 30 days from signing a charter party agreement, may have been in the emails. In your investigations, in terms of looking at the *Tera Jet* as a suitable alternative to the Port Authority here, at any time did you find out about the ability of that company to deliver a vessel for us here within 30 to 45 days? Did you pick up any of that information?

Mr. Bassant: Well, seeing that during the summer period in that area in the Mediterranean it is pretty busy, yes, I have the email here where they indicated that:

An earlier delivery of *Tera Jet* i.e. June 2017, we would be able to consider such a request.

Based on what he said in the email. I just did a comparative of the *Tera Jet* based on its passenger capacity, et cetera, and I did a comparable with the *Ocean Flower 2* and I would just like to answer your question by saying I would prefer the public to decide. I just did a comparative and I left it for the public to decide which is better. I cannot make that determination.

Mr. Paray: The reason for the question, it was primarily to understand why would the Port Authority have given zero, in terms of the delivery, knowing full well, and

I understand that email would have went to Ms. Lewis, Charmaine Lewis.

Mr. Bassant: Correct.

Mr. Paray:—knowing full well that the vessel would have made the 30-day requirement, whereas when you look in the evaluation document under both Bridgeman vessels, both of them were awarded 10 points because they could have done the 30-day delivery. So based on what I saw on the evaluation document and what you are saying here in the email from Mr. Bezas to Charmaine Lewis, then I may need definitely to find out where the breakdown in the communication went. Because, in looking at the evaluation report, if *Tera Jet* was given the 10 points that it ought to have been given, because of the 30-day delivery time, it would have moved ahead of the ranking, in terms of the evaluation documents, than the *Ocean Flower 2*. So it is very interesting that you say that the delivery would have been sometime at the end of June somewhere.

Any other, in terms of issues that may have glanced out at you, in terms of those email communication, Mr. Bezas?

Mr. Bassant: Well, I mean, I am not privy to the document that you have in your possession, so I cannot make a proper determination unless I have the document before me. But it seemed from the back and forth of the exchange of emails here that Charmaine Lewis, they were really eager to get the *Tera Jet* on board. It would seem so. But I do not know what happened between May 25th and May 29th, after the correspondence. I do not know what caused the about turn. I do not want to speculate at this juncture or mislead you.

Mr. Paray: Just coming back to the Dun & Bradstreet Report, it was a matter that I raised during the testimony with the Port Authority, in terms of the assessment, in terms of the weight in the evaluation. Because I too found that the Dun & Bradstreet Report would have left me wanting in reading. Now, as far as the records go and

from what I read, in terms of the Port Authority Act, the Dun & Bradstreet requirement was primarily to decide whether there is litigation against the company which is all and well in their tendering process.

But looking at the fact that there were so many holes in that Dun & Bradstreet Report, lack of financial data, cannot find people. You know, it begs the question whether something as important and critical as a Dun & Bradstreet Report for the financial strength of a company, you are going to engage a company that is expending millions of taxpayers' dollars. You have to make sure that this company could last the term of the contract. And in your view, Mr. Bassant, do you think as an organization like the Port Authority and, in terms of that it is part of our legislation in how it is run, do you think more emphasis, in terms of in the tendering process, the evaluation process, evaluations such as Dun & Bradstreet Reports, ought to weigh a heavy or play a bigger role outside of just the liens? Do you think, based on our research, your understanding of the power of this report in the global market, should it play a bigger and more important role in the decision-making process for our tenders, especially with international companies?

Mr. Bassant: Most definitely, it should. But I think, as the Prime Minister also alluded to when he spoke earlier, the fact that those are things that the Port Authority and the board need to look at. They are in charge of due diligence, and when something is sent up the chain for sign-off, then the Prime Minister would have expected the board and, by extension, those responsible for due diligence to have made those checks, those thorough checks, you know, when he signs off on it or whoever needs to sign off on the document.

So, yes, when you are looking at a contract of this nature and you are looking at an international company, you want to see if they are viable. You want to see if they are reliable. You want to see if they are financially sound. You want to see if

they have litigation and maybe matters in court for fraud or anything else. So it is definitely something that we need to look at as we go forward in the tendering process, not just for this but for other contracts when we are looking at possibly hiring an international company to do something of the sort.

Mr. Paray: Last question, Mr. Bassant. Being an investigative journalist and I know by nature you ought to be very thorough in your research, taking into account that between the tenders evaluation and the fact that zero marks was awarded to this *Tera Jet*, does that feel more of incompetence on the part of the people who had the responsibility for due diligence? According to the Prime Minister, it seems like something crooked.

Mr. Bassant: Well, in all appearances it would seem that way. And obviously there are members on that board that will have to answer at some point.

Mr. Paray: Thank you.

Mr. Mark: May I, Mr. Bassant, revert to an earlier question. You made a very serious statement earlier. I wanted to ask, as a follow-up, whether you would like to meet in camera to share with this Committee the names of the financiers of the PNM who called your employers and literally told them back off from this story? You may not want to tell us that in the open, but you do have the opportunity, if you are so minded, to provide us with the names of those financiers. This is a very serious enquiry and you are covered by parliamentary privilege and we would want as a Committee to get to the truth of this matter. And, therefore, I wanted to ask whether you would, through the Chair, want to avail yourself of that opportunity, or you would not want to avail yourself of that opportunity?

10.00 p.m.

Mr. Bassant: I do not really feel it is relevant at this juncture to do such, not out of fear or anything else, but I do not see it being, you know, we should just deal with

the matter here at hand and what has occurred or transpired over the last two months.

Mr. Mark: Would you want to share with us how many financiers would have called the office and told your employer to back off?

Mr. Bassant: I rather not.

Mr. Mark: Okay. Could you share with us, based on your investigations, when was the *Ocean Flower 2* and the *Cabo Star* purchased and from who based on your investigation?

Mr. Bassant: Well, my understanding—I do not have that document with me. I might have left it at the office—they were purchased based on the information I had transmitted in one of the broadcast in early June—in early June, I think between the 1st to the 5th somewhere thereabouts quite close together.

Mr. Mark: Okay. But you said that the Port Authority had contracted the *Ocean Flower 2* the 30th of June?

Mr. Bassant: Correct. In terms of chronology to help jog your memory was that we had the Tera Jet people speaking to the Port Authority in late May and then there was an about turn. Vessels were supposedly purchased in early June. A company called Bridgemans Trinidad Limited was set up on June 15th in Canada. Right. A Dun & Bradstreet search was done June 29th, June 28th and then on the 30th there was the granting of that contract to Bridgemans Services Group LP for the vessels.

Mr. Mark: Do you have any documentary evidence to support what you are saying that the vessels would have been purchased at around that time or is it—?

Mr. Bassant: I am supposed to have some of that documentation. There was a correspondence of a couple of people speaking about the purchase and the costing of it. I would have to look for it.

Mr. Mark: The reason why I am saying this is because you may not be aware, but we have evidence before us that the charter party agreement for the two vessels was

signed on the 17th of June and in evidence proffered here by Mr. Purdey, he indicated there was an agreement that after they had won the contracts they had an agreement to purchase the boat. So the 17th, according to evidence, the charter party agreement was signed. They had no vessels on the 17th and we were told in evidence that there was an agreement to have the vessels purchased thereafter. So I am saying that is why I asked you if you have documents because we have evidence to show that it is a little different from what you are telling us.

Mr. Bassant: Fair enough.

Mr. Mark: That is why I was asking you if you had written documentation on it.

Mr. Bassant: I would look and see whatever I find and I would make it available to you all.

Mr. Khan: Mr. Bassant, good night.

Mr. Bassant: Good night, Sir.

Mr. Khan: Just for my own edification, you said you were offered six digit numbers. Just for clarification, six digits or six zeroes to the digit?

Mr. Bassant: Six zeroes.

Mr. Khan: Six zeroes, okay. As an investigative reporter, I compliment you. I think you did a good series. I mean, you were trying to uncover things that the population obviously was interested in and needed to know.

Mr. Bassant: Thank you.

Mr. Khan: But having said, it is just two points I want to clarify. My information is that the Tera Jet's delivery time as quoted was between 80 to 120 days and not the 30 days as was being implied in previous discussion. Are you aware of that?

Mr. Bassant: Well, I only based on what I saw in the emails and Mr. Bezas saying we can get it to you all in 30 days. I did not see anything saying 80 to 120 days. So I am guided by what was before me.

Mr. Khan: Okay. To me, my understanding is that was the basis that they were scored zero on the tender. But I just want to make one general statement. As an investigative reporter you are tracing leads, you are tracing comments and you are trying to build a story out of it because you feel something untoward was taking place and that is good, but as I think one of my colleagues here indicated, a lot of your information is second hand, third hand and not sourced information, some of which will be sourced information.

You were here for the Prime Minister's testimony and I think he was open enough to make public and to make available to the Parliament and to this Joint Select Committee the Mouttet Report which he claims to be—I have not seen it as yet—documentation because a lot of these things is hearsay, them say, who say and what say—documentary evidence—because at the end of the day that is all that matters.

So, I want to suggest that you restrain from coming to conclusions until you study all these documents. We will be studying all these documents because they are now available so that we can bring clarity to this entire situation because the role of the JSC is to get to the root of what transpired and clarity of the information is what is important and the Prime Minister has now gone on the public record to say that the report will now be available to the Parliament. That is my comment to you, but I do not want to take away from the good work you have done in your reports.

Mr. Bassant: And Mr. Khan, if you had looked at my series, you would see I supported a lot of what I said with documents. I mean, I have a couple of them here with me, I have a lot of them saved on my computer so, certainly, it was not my guesswork. I mean, I have when they registered the ships in Panama, et cetera. So, if you looked at the series, if you saw the entire series you would know that 95 or 90 per cent of the series I would not base it on hearsay, but on documented evidence,

emails, documents, et cetera, that would have been sent to me over a period of time.

Mr. Mark: Mr. Bassant, through the Chair, would you be willing to make available to this Committee whatever documentary evidence that you will have available so that the Committee could have access to the basis and foundation of several of your pieces called the “A Gap in the Bridge”.

Mr. Bassant: Sure, I indicated that already. I said that I would try to get all the information, all the documents that I have together and make them available to the Committee.

Mr. Chairman: Do you care to make any closing statement?

Mr. Bassant: Just to say that, you know, being the fourth estate is pretty important for all of us. We are all taxpayers and just to take a page out of the Prime Minister’s book is that we all want the same thing. We want accountability and, at the same time, we want to find the truth, we also want to find out for the public—you know, there is always a lot of talk. We have a lot of talk about things that happened and the media is there to highlight certain things. There are other things that come to fore via the Parliament, et cetera, and at the end of the day we are all working towards the same thing to find the truth, to find out what really happened and to get accountability.

Mr. Chairman: Again, I want to thank you for your frankness and your candour and for the many attempts you made to appear before this Committee. Okay? This hearing now stands adjourned.

10.10 p.m.: *Meeting adjourned.*