

HOUSE OF REPRESENTATIVES*Friday, January 15, 1993*

The House met at 1.35 p.m.

PRAYERS[MADAM SPEAKER *in the Chair*]**PAPERS LAID**

1. Report of the Auditor General on the accounts of the Trinidad and Tobago Bureau of Standards for the year ended December 31, 1982. [*The Minister of Finance (Hon. Wendell Mottley)*]
2. Report of the Auditor General on the accounts of the Trinidad and Tobago Bureau of Standards for the year ended December 31, 1983. [*Hon. W. Mottley*]
3. Report of the Auditor General on the accounts of the Trinidad and Tobago Bureau of Standards for the year ended December 31, 1984. [*Hon. W. Mottley*]
4. Report of the Auditor General on the accounts of the Trinidad and Tobago Bureau of Standards for the year ended December 31, 1985. [*Hon. W. Mottley*]

Papers 1 to 4 to be referred to the Public Accounts Committee.

5. Report of the Auditor General on the Accounts of the Trinidad and Tobago Mortgage Agency Company Limited for the year ended December 31, 1991. [*Hon. W. Mottley*]

To be referred to the Public Accounts (Enterprises) Committee.

6. Report to the Prime Minister by Mr. Justice George Collymore on the circumstances surrounding the decision of the Trinidad and Tobago Airports Authority to award to the Pegasus Group a contract for the financing, development and operation on a Joint Venture basis of phase one of the Piarco Rainbow International (Airport) Development Project, in order to satisfy the Government that all proper procedures have been followed and that there has been no irregularity, procedurally or otherwise, in that decision. [*The Minister of Public Administration in the Office of the Prime Minister and Minister of Public Information (Hon. Gordon Draper)*]

MAINGOT VILLAGE SUMATEE SABHA (INC'N) BILL**Presentation**

Dr. Rupert Griffith (*Arima*): Madam Speaker, I wish to present the following report:

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill for the incorporation of the Maingot Village Sumatee Sabha and matters incidental thereto.

ORAL ANSWERS TO QUESTIONS**Sangre Grande Police Station
(Rebuilding of)**

66. Mr. Krish P. Jurai (*Nariva*) asked the hon. Minister of National Security:

In the light of the statement made by the hon. Minister of National Security in Parliament on Friday, October 16, 1992, "that he has funds available for rebuilding the Sangre Police Station but he cannot find a suitable site," would the Minister state the following:

- (a) Whether the existing site is unsuitable for rebuilding the said Police Station?
- (b) If the said site is not suitable, would he give reasons as to why it is not a proper site?
- (c) Whether he has plans for renting any private premises for housing the Police Station whilst rebuilding is taking place?
- (d) If the answer to (c) is in the affirmative, would the Minister state what would be the length of the rent contractual period and what would be the rent per month?
- (e) Whether any cost would be incurred in the preparation of any private property for housing the temporary police station?

The Minister of National Security (Sen. The Hon. Russell Huggins): Much obliged, Madam Speaker. The original intention was to rebuild a grade A police station on the site of the present police station in Sangre Grande. However, consideration is now being given to the location of the Eastern Divisional Headquarters in Sangre Grande. This is in the planning stage.

If the decision is taken to locate the Eastern Divisional Headquarters of the Police Service in Sangre Grande, then the operations of the Sangre Grande Police Station will be located on that compound.

Should this decision not be taken, then a new police station will be constructed on the existing site of the Sangre Grande Police Station.

In the interim, the Ministry of National Security and the Property Management Unit in the Office of the Prime Minister are conducting a search for premises suitable for temporarily relocating the Sangre Grande Police Station.

Thank you, Madam Speaker.

**Oropouche Constituency
(Farmers' Problems)**

92. Mr. Trevor Sudama (*Oropouche*) asked the Minister of Agriculture, Land and Marine Resources:

- (a) Could the Minister state why he refuses to respond to my request to tour the constituency of Oropouche in order to have an on-site appreciation of the several problems affecting farmers in this constituency?
- (b) Could the Minister indicate which access roads his Ministry intends to upgrade/construct in 1993 in the Oropouche constituency from funds due to be received under an IADB loan as stated in the 1993 Budget?
- (c) Could the Minister state whether his Ministry has any programme for the development of the Oropouche Lagoon for the purposes of enhancing agricultural production and, if so, when it is intended to implement this programme?

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, in response to part (a) of question No. 92, wherein the Minister is asked why he refuses to respond to requests, the Minister, in the normal course of his duties, conducted several visits to agricultural areas throughout this country, including areas within the Oropouche constituency.

During the latter visit, which was made on July 15, 1992, the Minister was accompanied by the following officers:

- Acting Director, Regional Administration (South)

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- Agricultural Officers I,
- Agricultural Assistants I and II, and
- two representatives of the Trinidad Island-Wide Rice Growers' Association and the Chief Technical Officer.

In response to part (b) of the question, in the Oropouche area, the roads earmarked to be upgraded and/or constructed under the IADB loan are as follows:

- (1) Puzzle Island, 2.5 kilometres,
- (2) Gaya Trace, 1 kilometre,
- (3) Moochan Lands, 1 kilometre.

Of these roads, Puzzle Island falls under Phase I development, due to commence early in 1993. The other two roads are included in the Phase II development and are scheduled to commence after implementation of the Phase I road rehabilitation.

Additionally, three other roads in the Oropouche area stand to benefit from the access road maintenance programme due to start in 1993. These roads are:

- Naranjit Trace, 2.5 kilometres;
- Cemetery Trace, 1.2 kilometres;
- Rahamut Trace, 1.5 kilometres.

In answer to part (c), the Government has not yet agreed on a programme for the development of the Oropouche Lagoon. The lagoon has always been subject to flooding and salt-water intrusion. Efforts have been made in the past to curtail these problems with the construction of the St. John's and Trinidad sluices, the Trinidad Bank and the central drain.

The problems have worsened in recent years as the maintenance of the principal protective and drainage structures decline. In an effort to alleviate the problems of the lagoon, Government in September 1991 commissioned the study with London Mills and Associates of the United Kingdom through the Caribbean Development Bank.

The Ministry of Agriculture, Land and Marine Resources is at present reviewing the recommendations in the report of the consultants with a view to making final recommendations with respect to implementation.

Thank you, Madam Speaker.

Mr. Sudama: Supplementary question to the Minister: In his tour of the Oropouche constituency with his officials, could he state whether the Member of Parliament was advised that such a tour was taking place, or whether, in fact, it was thought necessary to invite him to indicate some of the problems which came to his attention through his constituents?

Dr. The Hon. K. Rowley: Madam Speaker, on a day-to-day basis, and a weekly basis, the Minister travels all over Trinidad and Tobago on a variety of missions. I do not consider it a matter of course to invite a Member of Parliament for every area that I go to. *[Interruption]*

Madam Speaker, the programme of the Minister—*[Interruption]* Madam Speaker, the programme with respect to the discharge of the portfolio requires that the Minister work with the staff on the problems in his portfolio. To the extent that there are situations where the involvement of Members of Parliament is required or if Members of Parliament indicate that they would like to come along, we would be so advised.

In many cases, Madam Speaker, many of these visits are made without much advance planning. They are made in response to the work within the Ministry, in response to day-to-day activities and, therefore, it may not be feasible to advise Members of Parliament on each and every occasion.

Thank you, Madam Speaker.

Mr. Sudama: Supplementary question, Madam Speaker. The Minister has really not responded to the question. There was a specific request from the Member for Oropouche to the Minister to visit the Oropouche constituency to look at certain problems there. He has not responded to that request. Would he tell this House why he has not responded to that request?

Dr. The Hon. K. Rowley: Madam Speaker, by the time this request came from the Member for Oropouche, the Minister had already conducted a comprehensive tour of the Oropouche area. As I mentioned, in July, as part of the normal discharge of his responsibilities, the Minister had done much work in the Oropouche area.

In fact, Madam Speaker, much of what goes on in Oropouche, which is rice-growing, by the time the request came from the Member, the Minister had already toured the area with the Rice Growers' Association and, in fact, had also toured the area in response to the flooding which had taken place in Oropouche. *[Interruption]*.

Mr. Sudama: Madam Speaker, a supplementary question: If that is the case, why did he refuse to respond in such terms to my letter of October 19, 1992? Does the Member want to answer that?

Dr. The Hon. K. Rowley: Madam Speaker, I thought the Member was simply being mischievous, as he has been on numerous occasions. *[Interruption]* The tours to Oropouche were widely publicized and I am sure that the Member was aware that the Minister had conducted many of these.

Mr. Sudama: Madam Speaker, a supplementary question: With respect to the identification of access roads to be upgraded in the Oropouche constituency, did the Minister or his Ministry contact the Member for Oropouche, to get his opinion as to what are the priorities, according to the wishes of the people of Oropouche?

Madama Speaker: I am afraid that is not a question on the Order Paper.

Mr. Sudama: That is a question, Madam Speaker.

Madam Speaker: Question (b) was answered by the Minister.

Mr. Sudama: It relates to question (b) on the Order Paper.

Madam Speaker: That is what I am saying.

"(b) Could the Minister indicate which access roads his Ministry intends to upgrade."

The question was already answered.

Mr. Sudama: Madam Speaker, I am asking a supplementary question. In identifying those access roads which he just stated, did he have the courtesy to get the advice of the Member for Oropouche?

Dr. The Hon. K. Rowley: Madam Speaker, the Minister does not conduct the Ministry's business on a constituency basis. *[Interruption]*

Longdenville Presbyterian School

96. Mr. Raymond Palackdharrysingh (*Caroni Central*) asked the Minister of Education:

- (a) Is the Minister aware that there is no enrolment of "five-year-old children" at the Longdenville Presbyterian School because of the shortage of staff in the reception classes?

- (b) Would the Minister state whether or not there is a shortage of teachers for reception classes?
- (c) If there is no shortage of such teachers would the Minister state why no appointments were made to the Longdenville Presbyterian School?
- (d) Would the Minister state what steps he intends to take to correct this situation?

Madam Speaker: The Minister is about to answer the question. Order, please.

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, the Longdenville Presbyterian School appears to have developed a pattern of intake at entry level classes different from the pattern of most schools.

In September 1991, 25 students from the first-year class were promoted to second year. In January 1992, 20 students were enrolled in the first year and during February and May, five more were enrolled. There was no intake in first year, September 1992. The student intake in January of 1992 continued in first year in December, 1992. *[Interruption]* Madam Speaker, I will continue when we have some order.

Madam Speaker: Order, please. This is in breach of Standing Order No. 40. Will the Member for Oropouche *[Interruption]* Gentlemen, will you please maintain the dignity of this House and obey Standing Order 40.

Mr. Sudama: The Member for Diego Martin West has said he will cuff me in my mouth.

Madam Speaker: Please maintain the dignity of this House.

Mr. Sudama: I am drawing the Speaker's attention to what the Minister said. You are talking about the dignity of this House and the man is undermining the dignity of this House all the time.

Madam Speaker: Will the Minister of Education proceed, please, with the answer to question No. 96.

Hon. A. Ramrekersingh: Indications are, Madam Speaker, that this group will be promoted to second year by the end of January 1993. Arrangements are being put in place to enroll students for the new first year class and to regularize the anomalies that have arisen.

While the Minister of Education may be aware, therefore, that there are no five-year-olds enrolled at the Longdenville Presbyterian School, the Minister is of the view that this is not because of any shortage of staff in the reception classes. The concept of shortage of staff in the reception classes is operationally not valid. A primary school is assigned staffing in accordance with its numbers enrolled and its design capacity. The target ratio is one teacher per 25 students in the normal course and this can vary temporarily between 1:20 and 1:30.

The principal of the school is required to deploy these teachers to meet the requirements of the school. No teacher is ever employed with the designation "teacher for reception classes", and there is no such category of teacher. Any teacher can be required to teach entry level classes. The staffing of the Longdenville Presbyterian School, 11 teachers and one principal, is adequate for a school of this enrolment.

In summary, Madam Speaker, the Minister is not aware that there is no enrolment of five-year-old children at the Longdenville Presbyterian School because of the shortage of staff in the reception classes.

With regard to part (b), no such shortage exists, either at this school or nationally. As has already been indicated, this question does not take into account the way in which teachers are trained, employed or deployed.

In light of the response to part (b), the question in part (c) is not applicable. Primary schoolteachers are appointed by the Teaching Service Commission to a particular school, not to a particular class.

In view of the foregoing, part (d) is not applicable.

Mr. Mohammed: Madam Speaker, a supplemental question, may it please you. The hon. Minister, in response to my colleague, has said that a ratio of 1:25 and 1:20 exist. Is the hon. Minister aware that there are several schools in this country where there are several classes far beyond 25 and far beyond 20; in other words, that the ratio that he has enunciated to this House is not being effectively implemented in the teaching service in Trinidad and Tobago?

Hon. A. Ramrekersingh: Madam Speaker, the target ratio is 1:25. In some cases, as I said, it may be 1:20, it may be 1:31. One needs, in looking at this—the ratio is based on aggregate, the number of students in the school. There is a problem that sometimes arises that while you may have relatively small numbers, students are in different classes and you may have a class of 15, but you cannot have less than one teacher in that.

So that while the target ratio is 1:25, there are variations and you must also see it in the context of the number of classes in the school, but 1:25 is the desirable ratio.

**COLLYMORE REPORT
(PROJECT PRIDE)**

The Minister of Public Administration in the Office of the Prime Minister and Minister of Public Information (Sen. The Hon. Gordon Draper): Madam Speaker, you will recall that Mr. Justice Collymore was appointed on November 13, 1992 by the Prime Minister to investigate the circumstances surrounding the decision of the Trinidad and Tobago Airports Authority to award a contract for the financing, development and operation on a Joint Venture basis of Phase I of the Piarco Rainbow International (Airport) Development Project (PRIDE) in order to satisfy the Government that all proper procedures have been followed and there has been no irregularity, procedural or otherwise, in that decision.

Mr. Justice Collymore was required to report within two weeks, but had indicated his inability to do so because there had been a greater response to the invitation to persons to testify than had been anticipated. In fact, the last testimony was taken on December 16, 1992. The final report was presented to the hon. Prime Minister on December 30, 1992.

Through a request for proposals, 11 developers were invited to respond to proposals for the financing, development and operation on a joint venture basis of Phase I of project PRIDE. Five such developers responded, namely:

- the International Airport Development Corporation, IADC;
- Consorzio AIRO;
- Maritime BHA;
- Pegasus Aviation Properties; and
- Trinidad and Tobago Airports Associates.

The fifth developer, Trinidad and Tobago Airports Associates, was eliminated in a preliminary evaluation.

In his report, Mr. Justice Collymore reviewed the issue of ministerial intervention in the tender procedure and concluded that no ground for impugning the integrity of either the Minister of Works and Transport or of any of the officers of the Airports Authority has been shown.

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Madam Speaker, the genesis of concern with ministerial interference seems to be a report sent to the Minister of Works and Transport which was returned to the Airports Authority. This report had contained a ranking of the tenders, although the ministerial committee, through the Minister of Works and Transport, had specifically instructed that no such ranking should be presented in any documents submitted for transmission to the inter-ministerial committee.

It should be made clear, Madam Speaker, that the transmission of such documents was simply for the information of the ministerial committee and did not form any part of the evaluation process.

On March 5, 1992, Madam Speaker, Cabinet agreed that:

- (a) a ministerial committee, supported by a technical committee, be established to review Phase I of the PRIDE project and to recommend to Cabinet a course of action for the implementation of the said project on a joint venture basis; and
- (b) that the ministerial committee should comprise:
 - the Minister of Planning and Development, as convenor;
 - the Minister of Finance; and
 - the Minister of Works and Transport.

The Minister of Works and Transport, acting on behalf of that ministerial committee had advised the Airports Authority that no documents were to be forwarded for transmission to the ministerial committee unless approved by the finance and tenders committee and the board of the Authority and that those documents should contain no rankings of proposals, since the committee had stated that it did not wish to be drawn into the selection of a proposer.

Notwithstanding this, Madam Speaker, a report dated September 29, 1992, prepared independently by members of the management of the Airports Authority was sent directly to the Minister without first being vetted or approved by the finance and tenders committee or the board of the Authority.

The report contained rankings, contrary to instructions.

A submission to Mr. Justice Collymore from the Chairman of the Airports Authority reported as follows on the issue, and I quote from that letter, Madam Speaker:

"Further to my recent meeting with you I am writing to confirm the circumstances in which the report of the Authority's management, dated 29th September 1992, was withdrawn as is recorded in the minutes of the Board meeting held on that day.

The management of the Authority had been asked to prepare a report on the proposals received for Phase I of the Project PRIDE for submission to the Inter-ministerial Committee. The Minister had instructed that no rankings were to be placed before the Inter-ministerial Committee as the Committee had stated that they were not to be drawn into the selection of the proposer. On 29th September moments before the Authority's Board meeting scheduled for that day and too late for the meeting of the Finance and Tenders Committee which preceded the Board meeting the management report was submitted.

Neither the Finance and Tenders Committee nor the Board was able to consider the management report on 29th September owing to its late arrival. The report was withdrawn from the Board. When it was later learnt the report contained rankings contrary to management instructions and substantial changes from the draft report discussed with Finance and Tenders Committee on 25th September, 1992, management was requested to re-submit the report without rankings."

This statement clearly indicates the recognition and understanding of the Airports Authority of the procedure established by the ministerial committee. This, among other evidence, led Justice Collymore to conclude that there was, and I quote from page 4:

"...no ground for impugning the integrity of either the Minister or any other officer of the Airports Authority."

The Government notes, however, the following statement in Justice Collymore's report, and I quote the last paragraph on page 4, Madam Speaker.

"I am of the opinion, nonetheless that it would have been preferable if the persons charged with making the assessment had been able to carry out their duty without ministerial interference, as this has served only to cast suspicion upon the exercise."

Madam Speaker, it has been the approach of this Government to utilize ministerial teams to monitor matters of a critical or sensitive nature. We see this as a mechanism to enforce accountability and ensure the integrity of activity in

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Government. We note from Justice Collymore's statement that such a management practice could, in addition to its salutary and intended consequences, also have unintended consequences.

While these unintended consequences may have served to cast a shadow over the exercise, Justice Collymore's conclusion is that there was no impropriety or irregularity.

Mr. Justice Collymore, in examining the issue of ranking the proposals, quoted the minutes of the Airports Authority No.10 of 1992, which states, and I quote:

"The Maritime proposal offers the highest participation to the Airports Authority of Trinidad and Tobago (87%) with a 13% permanent stake for Maritime, subject to a buy out and is otherwise sound and acceptable. The Pegasus proposal offers a high percentage of holdings (82.5%) to the Airports Authority for a period between 13 years and 20 years after which the Pegasus holdings of 17.5% in this option would revert wholly to the Airports Authority of Trinidad and Tobago. From a purely financial and business assessment and financial returns to the Airports Authority of Trinidad and Tobago and the Government, the Pegasus proposal offers the best alternative, followed by Maritime. IADC would be ranked behind Maritime, while AIRO's offer should only be considered if no alternative financing arrangement is possible."

This, Madam Speaker, from page 4 of the Collymore report.

Mr. Justice Collymore further stated, and I quote also from page 4:

"Mr. Seeterram has confirmed to me that the deciding factor in the final rating was the improved financial package offered by Pegasus reducing their shareholding to 17 1/2 per cent, with a reversal of their shareholding to Government at the end of 15 years."

2.05 p.m.

Mr. Justice Collymore also noted that the request for proposals went out to a body entitled, "Pegasus Financing/AMR Services/Fliteline Equipment" and the response came from a company entitled, "Pegasus associates Inc." On these grounds, he noted that the proposal from Pegasus could have been rejected. He asserted, however, and I quote from page 8:

"I consider that the prime duty of the Airports Authority was to seek to obtain the best deal for the Government, but, nonetheless, it should strive to

keep within the confines of the regulations which it has made and, above all, must at all times act fairly between the parties.

Minor shortcomings in the proposal should not, in my view, vitiate it, and the Authority was acting within its right when it sought further proposals of all the developers since it was shown that all the proposals were not *ad idem* as to the subject matter of the project.”

Mr. Justice Collymore concluded that, and I quote again, Madam Speaker:

“The request for proposal document is not one which has the authority of regulations made by the Minister under the Airports Authority Act nor does it fall within the provisions of the tenders regulations which bind the Authority. It is a unique undertaking applicable to a joint venture situation and a proper reading of it would suggest that there is a certain elasticity which may be exercised under its provisions which would differentiate it from a formal tender procedure, so that I am not in agreement with the Maritime proposal that it should be strictly so construed.”

Mr. Justice Collymore does raise some concerns about the structure of Pegasus Associates Inc. and recommends as follows, and I quote:

“The most satisfactory arrangement from the Trinidad and Tobago point of view would be if;

- (a) there were to be a realistic increase of the share capital of this company relative to the size of the project rather than its present insignificant capital structure;
- (b) all the proposed partners were to take up shareholding in the company so structured; and
- (c) the company were to have an established place of business in this country as provided for at Parts III of the Companies Ordinance Ch. 31 No.1 and be subject to the provisions of Sections 297 to 307 thereof.

In this event, Pegasus Associates Inc. would be the only party to any agreement with the Airports Authority of Trinidad and Tobago, which would then be quite satisfactory.”

Madam Speaker, we need to observe that it is not unusual in projects of this nature to have companies and individuals come together in joint venture arrangements to bid and subsequently carry out the task. In this particular case the project calls for the investment by the proposer of US \$75 million. Mr. Justice

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Collymore notes that Mr. Alderson, the leader of the Pegasus Group—I quote from page 10—“has the experience of an entrepreneur in the management of projects of this nature, but will rely on his associates for the execution of the project.” In short, the project is being funded not by the Government but by the investors.

Mr. Justice Collymore went on to comment on the test applied upon judicial review as follows, and I quote from pages 12 to 14 of that report, Madam Speaker:

“...the test that would be applied upon a Judicial Review is not that the letter of the law has been shown to have been breached, but whether any such changes in the rules have been made to redound to the disadvantage of any of the proposers. I therefore deal with the Maritime objections to the Pegasus bid as follows:

Identity of the Invitee/Tenderer/Proposer:

While the Airports Authority could have validly exercised its right to reject the Pegasus bid it did not do so, but continued to treat with them. It follows now that the Authority must be estopped from raising any objection on this score, since they must be presumed to have become aware of these deficiencies and yet continued to treat the Pegasus, who would have gone to the expense of preparing further submissions for the contract, and so was allowed to have altered their position to their disadvantage by having had to undergo such further expense. In any event, the admission of Pegasus as a contender can hardly be said in these circumstances to have been unfair to any of the other contenders.

Failure to satisfy request for proposals:

Minimum requirements:

Having regard to the opinion of Dr. Singh that the Pegasus offer was in the first place no more than an ‘expression of interest’, it seems also that on this ground also it could have been excluded from further consideration; but again I would apply the same reasoning to say that the Authority would not be estopped from raising an objection at this stage on that score.”

Changes permitted after closing date for tenders:

Mr. Justice Collymore concluded that there was no legal ground which prevents omission of Pegasus with respect to the concern for the changes permitted after closing of tenders and states as follows:

“I have serious doubts as to whether this is any breach of the rules at all since what took place after the initial submission of documents was a review of the entire concept of Phase I of the project, which necessarily entailed some adjustment of all the proposals.”

If, however, it could be construed as a breach where, as in the case of Pegasus, there took place some considerable shift in their financial proposals (which it has been suggested was the main reason for their preferment), then it must be pointed out that if all the proposers were given a like opportunity of making their bid more attractive, then none of the proposers could have any valid ground for complaining. It is clear from the evidence that Maritime was allowed a similar opportunity to change their bid, but stuck fast to their proposal.”

May I repeat that, Madam Speaker:

“...must be pointed out that if all the proposers were given a like opportunity of making their bid more attractive, then none of the proposers could have any valid ground of complaint. It is clear from the evidence that Maritime was allowed a similar opportunity to change their bid, but stuck fast to their proposal.”

Mr. Justice Collymore concluded that, and I quote:

“In my view, there could be no ground for legal intervention on the ground of there having been a breach of the rules where the rules were changed for everybody and the Authority was seeking to obtain the most favourable deal for its project.”

Indeed, Justice Collymore noted, and I quote:

“One of the strong arguments of Mr. Procope for Maritime was that the rules of the game were changed for Pegasus in that they were allowed to change their financial proposals so as to be able to outbid Maritime, who were not given a similar opportunity. It would be more accurate to say that all the parties were given the opportunity to improve their offers, and it was Pegasus that came up with the package that found the greatest favour with the Authority.”

Documentation submitted after closing date:

A similar reasoning must apply where documents in support of the further proposals were admitted.

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The Evaluation:

With respect to the evaluation of the proposals, Mr. Justice Collymore states as follows, and I quote:

“I would point out that the decision in this matter rests solely with the authority, and that a Judicial Review, even though the court may be minded to come to a different decision from that reached by the Authority, it cannot substitute its decision for that of the Authority, unless it can point to any failure on the part of the Authority to act fairly as between the rival proposers.

In my opinion, a court would be overstepping the mark if it chose to substitute its opinion for the Authority’s, for the request for proposals itself lays down the provision that it would:

- accept the proposal which in its sole judgment, offers the greatest overall benefit to the Airports of Trinidad and Tobago.”

We would wish also to point the national community to an issue relating to leaks of confidential documents. Justice Collymore pointed to a statement by Mr. Bruce Procope to the effect that a local newspaper had furnished his firm with confidential documents—and that is on page 16, Madam Speaker. Justice Collymore expressed concern about this development.

2.15 p.m.

In summary, Madam Speaker, the investigation by Mr. Justice Collymore concludes that:

- (i) there was no impropriety or irregularity in procedures or otherwise in the decision of the Airports Authority of Trinidad and Tobago to award a contract to Pegasus Associates Inc. for the financing, development and operation on a joint venture basis of Phase I of the Piarco Rainbow International (Airport) Development Project;
- (ii) in his opinion, on judicial review, a court could not substitute its opinion for that of the Authority;
- (iii) there should be some restructuring of Pegasus Associates Inc. to provide a more satisfactory arrangement for Trinidad and Tobago.

Madam Speaker, the Government of Trinidad and Tobago accepts the findings of Mr. Justice Collymore. Accordingly, a copy of the report has been submitted today to the Airports Authority of Trinidad and Tobago for their guidance.

Thank you, Madam Speaker.

Mr. Basdeo Panday (*Couva North*): Madam Speaker, permit me to thank the hon. Minister for eventually laying on the Table this Report dated December 21, and permit me also to take this opportunity to ask whether he would be equally forthright in laying on the Table the transcript of the evidence taken by Mr. Collymore upon which this report is based?

Mr. Draper: Madam Speaker, may I first begin by advising the hon. Member that the date of transmission is December 30, 1992 which I indicated. May I also indicate that there has been no decision about laying the other documents to which we referred in this House.

Mr. Maharaj: Madam Speaker,

- (1) Would the hon. Minister tell this House whether it is true that the proposal evaluation report, which consisted of the Management Finance and Tenders Committee, rated Maritime as first and Pegasus as last before the alleged ministerial intervention?
- (2) Could the hon. Minister state whether Justice Collymore gave one report or two reports?
- (3) Could the hon. Minister state what is the financial status of Pegasus at the present time?

Mr. Draper: Madam Speaker, questions (1) and (3) seem to me to have to await other information which I do not now have. As far as we are aware we have come here with a report of Justice Collymore which was presented to the Prime Minister and discussed in the Cabinet.

Mr. Maharaj: I have in my possession documents which show grave irregularities, and I am sure the government has them, and we are asking the Minister—he can consult if he wants with the Prime Minister—is it not true that Maritime was rated first and Pegasus was rated last, before the alleged ministerial intervention? It is a very simple question.

Mr. Mohammed: It is either you know, or you do not know.

Mr. B. Panday: He has to get instructions before he answers.

Mr. Draper: Madam Speaker, the Report does indicate some of the elements which the hon. Member is raising, and I am sure that when he goes through that, he will find some of the answers he now seeks.

**PORT AUTHORITY
(AWARD OF CONTRACT)**

The Prime Minister (Hon. Patrick Manning): Madam Speaker, at the last sitting of this honourable House, the hon. Leader of the Opposition, in making his contribution in a debate on the amendments to the Central Tenders board Ordinance quoted extensively from an anonymous letter—

Mr. B. Panday: It is an abuse of power!

Mr. Maharaj: On a point of order. The hon. Member is not permitted to use the machinery of a ministerial statement to answer to a debate which is in progress. A ministerial statement is made on a matter of policy or some event which has happened, and the hon. Minister cannot use the protection of a ministerial statement for which there can be no debate to make such a statement.

Mr. B. Panday: They are hiding.

Mr. Maharaj: Madam Speaker, I refer to *Erskine May*, 21st Edition, the Ministerial Statement at page 297—

Mr. B. Panday: They do not want to debate it!

Mr. Maharaj: Ministerial statement, Madam Speaker, is circumscribed, and so we are objecting because under a ministerial statement, it states quite clearly there can be no debate. As no question is before the House, debate on such statement is irregular. So, therefore, on a ministerial statement there can be no debate and all that will happen is that the Minister will make a statement. Obviously, the state-owned television has been asked to come here, or decided to come here, to carry the statement. On a point of order, the Prime Minister has to make that statement in the debate so it can be debated.

Mr. B. Panday: Further, Madam Speaker—

Madam Speaker: May I inform the hon. Members of this House that the Speaker has actually given permission to the press to be here. They have sought my approval to carry the debate live and—

Mr. Maharaj: Madam Speaker, I am not on the permission to the press. What I am on, and I would like, Madam Speaker, for you to understand what I am saying—

Madam Speaker: I understand very clearly what the hon. Member is saying. You raised the question that the press is here to report and I said I gave permission for that.

Mr. Maharaj: Madam Speaker, that is not the point I raised. The point I raised was that the Government-owned station was probably asked by the Government to come here, or decided to come. I am not questioning the right of the press to be here.

Madam Speaker: The Government-owned station asked the permission of the Speaker and the Speaker gave the permission to the press to be here.

Mr. Maharaj: I am not on that. They are entitled to be here; they do not have to get the permission of the Speaker. I do not agree with that.

Madam Speaker: They do, hon. Member, they do.

Mr. B. Panday: I am on another point, Madam Speaker. As I understand the rules, a statement made by a Minister is not supposed to be controversial. If it is in answer to a point that I have made during a debate, it must be presumed that it is going to be controversial.

Mr. Valley: Madam Speaker, the Members opposite are raising points of order which are governed by the Standing Orders. If they can refer to the Standing Order under which they are making their claim, we would very well consider it, Madam Speaker. Failing that, I ask that the hon. Prime Minister proceed with the ministerial statement.

Madam Speaker: Leave is granted to the hon. Prime Minister to continue. The debate on the Central Tenders Board will continue after the statement.

Hon. P. Manning: Thank you very much, Madam Speaker, and let me assure you and hon. Members, that I am dealing with issues raised in an anonymous letter. I also want to assure you, Madam Speaker, that Members on this side will enter the debate that is in progress in the House on the very issues that I will now speak as Prime Minister of Trinidad and Tobago.

Mr. B. Panday: You are answering something in a debate?

Hon. P. Manning: Madam Speaker, it is not normal for the Prime Minister of pay much cognizance to letters forwarded under the cloak of anonymity. But because of the allegations made in this letter, referring as they do, to a Minister of the government, of which I am a part and which I head, the Prime Minister thought it necessary to investigate.

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Allegation No. 1 at paragraph 3 of the letter.

“The Minister summoned the General Manager of the Port totally bypassing the Board and verbally instructed him to hire M&M Insurance Services and informed the General manager that he would be fired if he did not follow his directives.”

Madam Speaker, I have a copy of a letter dated January 13, written by the former General Manager of the Port—he is no longer General Manager of the Port and no longer associated with the Port—to the hon. Minister of Works and Transport, in which he comments on that particular paragraph. In fact, I quote from the letter—

“On the third paragraph of this letter is charged inter alia that totally bypassing the Board and verbally instructed him to hire M&M Insurance Services and informed the G.M. that he would be fired if he did not follow his directives.’ ”

The letter continues, Madam Speaker—

“I wish to confirm that you gave me no such instructions nor did you threaten to fire me at any stage of these proceedings.”

Mr. B. Panday: That is part of a debate! Join in the debate.

Hon. P. Manning: The letter is signed “Charles Bobb-Semple”.

Allegation No. 2, Madam Speaker, Paragraph 4 of the letter—“The G.M. Resisted the moves and responded in writing to the Minister on March 4, 1992...”

The letter of the General Manager negates that aspect of the allegation.

“...requesting formal approval and further indicated that he was in breach of the tender procedure established by Cabinet.”

Madam Speaker, quite apart from the fact that the General Manager has already dealt with a part of that, I have in my possession the Cabinet-approved tenders procedures; and the procedures call for re-inviting bids in circumstances where either one or more than one of four criteria have been met.

2.25 p.m.

In the instant case, two of the criteria were used as the basis on which new arrangements were entered into.

Mr. B. Panday: What is the date of the letter?

Hon. P. Manning: I will lay the letter into the records, Madam Speaker.

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Allegation 3, at paragraph 5 of the letter:

“In spite of the advice of the Permanent Secretary that the action he was undertaking was wrong, the Minister further instructed his Permanent Secretary to write to the General Manager.”

The Permanent Secretary, to which reference has been made by letter dated January 12, 1993, wrote the Minister of Works in the following terms: Statement 2:

“In spite of the advice of the Permanent Secretary that the action he was undertaking was wrong, the Minister further instructed his Permanent Secretary to write to the General Manager.”

Comment: I continue to quote from the letter of the Permanent Secretary:

“I do not recall any discussion between the hon. Minister and myself, wherein he instructed me to take action to which I was opposed as implied in the above statement.”

He goes on to say:

“Please note that my letter to the Port Authority gave general guidelines and not instructions.”

Allegation 4 is to be found in paragraph 6 of the anonymous letter addressed to the Permanent secretary to the Prime Minister, dated December 21, 1992:

“This action of the Minister is no different from his behaviour over the Licensing Authority affair. The Permanent Secretary advised the Minister that he did not have the authority to act in the manner that he did. In spite of this the Minister proceeded”.

This is what the letter says. By letter dated January 12, 1993, the Permanent Secretary in the Ministry of Works, Joseph Allard, wrote the Minister of Works in the following terms:

“I am however able to comment on paragraph (6) which I shall reproduce hereunder for ease of reference”:

He is quoting from the anonymous letter:

“ ‘This action of the Minister is no different from his behaviour over the Licensing Authority affair. The Permanent Secretary advised the Minister that he did not have the authority to act in the manner he did. In spite of this the Minister proceeded.’

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In connection with the above, I am to state categorically that I am not aware of any matter involving the Licensing Authority (Transport Division of the Ministry of Works and Transport) in which you as Minister acted contrary to my advice.”

Mr. Robinson: Madam Speaker, may I ask whether it was the Prime Minister who carried out this investigation or the Minister who was accused who carried out the investigation?

Hon. P. Manning: Madam Speaker, the investigation was carried out by the Prime Minister.

Parliamentary practice dictates that when—

Mr. Robinson: May I ask the Prime Minister, if the investigation was carried out by the Prime Minister, why are those letters written to the Minister?

Hon. P. Manning: Madam Speaker, the letters were written to the Minister because the Permanent Secretaries were reporting to their Minister.

Parliamentary practice, Madam Speaker, demands that when Members—

Mr. Robinson: On a point of order, Madam Speaker. This purports to be an investigation, but it patently is not. The prime Minister is not giving the results of any investigation by him. It purports to be, but it is not.

Hon. P. Manning: Madam Speaker, parliamentary practice demands that when persons speaking in Parliament quote from any document, that the authority is also quoted at the same time. The practice has not developed whereby anonymous letters are used as a basis for parliamentary contributions because it is understood by those who have set the traditions on which this Parliament is now conducted, that persons can make all kinds of spurious allegations, defaming the characters of individuals, hiding behind the cloak of anonymity.

Mr. Robinson: Madam Speaker, I rise on a point of order. My point of order is that the Prime Minister has sought leave to make a statement arising from an investigation of a specific matter which was raised in this House. What he is regaling this House with cannot be regarded as being the results of any investigation by the Prime Minister.

Hon. P. Manning: Madam Speaker, all I can ask is that hon. Members, in seeking to make contributions in this honourable House, seek to do so in accordance with the highest traditions of Westminster.

May I say also, that I am now completely satisfied that the anonymous letter of December 21, 1992, had an objective which was less than honourable. I thank you.

Mr. Maharaj: Madam Speaker, may I be permitted to ask the Prime Minister a question?

Madam Speaker, the hon. Prime Minister has stated about an anonymous letter. Since there was no debate, may I, sort of, preface my question with a statement?

Is it not correct that although the letter was anonymous, there were supporting documents signed, which supported the facts in the anonymous letter?

Hon. P. Manning: In fact, Madam Speaker—and I am very glad that the hon. Member would have given me the opportunity—I also want to advise this honourable House that the attachments to the anonymous letter, in no way substantiated the allegations that were made in the letter.

Mr. Robinson: Madam Speaker, with the greatest of respect—

Madam Speaker: The debate on the Central Tenders Board Bill will continue.

Mr. B. Panday: Madam Speaker, is the Prime Minister saying that the letter of March 12, signed by the General Manager of the Port Authority, Mr. Bobb-Semple is false?

Madam Speaker: Continue with the Order Paper, please.

Mr. Robinson: Madam Speaker, this is a very, very important matter for the conduct of the business of Parliament. It also involves very important issues relating to the public service, its relationship to the political directorate and, consequently, I raised the matter that I raised on a point of order. The Prime Minister sought leave to make a statement relating to this matter arising from his investigation. There is obviously nothing in that statement which suggests an investigation by the Prime Minister. In fact, what it suggests, is that the person against whom allegations were made, was himself making investigations. It is a total travesty of justice, whatever the merits of the matter may be. I am not concerned with the merits of the matter, I am convened with the principle—principles that we apply in this House.

Madam Speaker: The hon. Prime Minister has said to this honourable House that he instituted an investigation into the matter. Unless there is evidence

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showing otherwise, that he has not conducted an investigation, I am prepared to accept the Prime Minister's word. The mode of the conduct of such investigation, I am not here to question and I do not think that anybody has questioned the mode. The Prime Minister has, in fact, stated he conducted an investigation. The method and the mode of the investigation is within the Prime Minister's knowledge.

Mr. Robinson: I regret very much to press this matter—

Madam Speaker: Could we continue with the Order Paper, please?

Mr. Robinson: I bow to your ruling. [*Interruption*]

Madam Speaker: Hon. Members, I have ruled that the method and mode of investigation is within the Prime Minister's authority. Please continue with the Order Paper.

ORDER OF BUSINESS

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I would like to move that under "Private Business" on the Order Paper, item 11 be taken before we deal with the motion. As a matter of fact, I ask that the second reading of the Bill be taken after the private Bill, after which we will deal with the motion. So we shall take item 11, then the Central Tenders Board (Amdt.) Bill.

Assent indicated.

2.35 p.m.

MAINGOT VILLAGE SUMATEE SABHA (INC'N) BILL

Adoption

Dr. Rupert Griffith (Arima): Madam Speaker, I beg to move,

That the House of Representatives adopt the report of the Special Select Committee appointed to consider and report on the private Bill for the incorporation of the Maingot Village Sumatee Sabha and matters incidental thereto.

Question proposed.

Question put and agreed to.

Report adopted.

Question put and agreed to, That the bill be now read the third time.

Bill accordingly read the third time and passed.

CENTRAL TENDERS BOARD (AMDT.) BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [January 08, 1993]:

That the Bill be now read a second time.

Question again proposed.

Mr. Trevor Sudama (*Oropouche*): Madam, Speaker, it is really unfortunate that Members on the other side are not prepared to join this debate, since there was a contribution from this side; and in the highest tradition of parliamentary democracy, when there is a statement from one side, the other side responds. Since they are here not to uphold the highest traditions of parliamentary democracy, then it behoves the Opposition to carry on this role by itself, and independently.

Madam Speaker, what is the purpose of this Bill before us? The purpose of this Bill, first of all, is to draw attention to the reasons why the Central Tenders Board has been established in the first place. Secondly to give reasons why you must have exceptions to the authority of the Central Tenders Board.

The Central Tenders Board was originally devised as a centralized independent system for the award of contracts in the Government of Trinidad and Tobago. First of all, where one had various other authorities responsible for the award of contracts, those contracts all came under the purview of the Central Tenders Board. Secondly, that it would be an independent body with the highest levels of expertise attached to it. The purpose of that is that if one had such a system in place, then one would minimize the incidents of corruption associated with the award of contracts. That was the whole rationale behind the establishment of the Central Tenders Board. The whole issue has to do with what is to be done to minimize the incidents of corruption through the award of contracts, and much has been said in this House pertaining to that subject of corruption.

Madam Speaker, I want to spend a few minutes to place this debate in a little perspective, and to indicate to the House that the inclination to corruption is rooted in temptation. One might be forced to go back to the roots of this and to find out whether, in fact, it all started with Eve succumbing to the temptation by eating the forbidden fruit, if we go far back with the issue of dealing with the question of succumbing to the temptation and the incidents of corruption in this society.

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Now, having said that, I could well see the PNM waving this as a defence, stating that the tendency to corruption and corrupt acts on the part of themselves is all the legacy of original sin, for which the PNM is really not to blame. What I am arguing today, is that the PNM took this thing a little further. PNM made corruption the *raison d'être* of its very existence. They took this issue of corruption to its very limit and made it the very reason for their existence.

Madam Speaker, there are levels of corruption in all societies and I do not think, so far, there is a corruption-free society. So, what we are arguing today is not the total elimination of corruption, but the reduction of corruption to the very basic minimal levels. On the other hand, it can be argued that the PNM has gone to the other extreme and has permitted and condoned corruption in this society to the maximum level permissible. One of the key issues in all this is the manner and procedure, to whom and through the intervention of parties, contracts are awarded to foreigners or to local people in Trinidad and Tobago.

What I want to state, at this point in time, is that the question of corruption has to do with the attitude of men and women in the society, systems, structures and procedures which have been developed, through which governments and organizations will operate. So, on the one hand you have men and women and their attitudes and, on the other hand, systems, practices, procedures and so on, and there is an ongoing dialectic between the attitude of people and the systems and procedures which have been put in place to minimize corruption.

I want to emphasize in this House, that one can have the strongest structures and procedures laid down and established, but if there are people in the society with the wrong attitudes, then they are going to circumvent those structures and procedures. On the other hand, I wish to point out that if you have people of integrity and honesty, then there is little need to have very elaborate systems and procedures to check corruption. So, it is this ongoing dialectic that most societies have tried to focus upon in terms of dealing with corruption. It is in that vein that the Central Tenders Board was established as a system which, through its procedures and transparency of operation, would have put decisions of the Central Tenders Board above question. I dare say that the situation in which we find ourselves today, is that Trinidad and Tobago has an unenviable reputation for corruption internationally.

2.45 p.m.

There was an article in the *Economist* newspaper in the United Kingdom which spoke of the levels of corruption that prevail in Trinidad and Tobago. That

attitude and that perception has not been assisted by attitudes cultivated from 30 years of PNM rule in this country, nor has it been assisted by what has been pervaded in the media in Trinidad and Tobago. The media operates at two levels where, at one level everybody is assumed to be corrupt and, therefore, you have to prove your innocence. All public officials are assumed to be corrupt. In other words, they make no allowance for people of integrity and honesty in public life. You are deemed corrupt and, therefore, you have to prove your innocence.

On the other hand, there are other sections of the media like the *Guardian* example, that presume there is no corruption on the part of the Government at all. And those who raise issues of corruption are mischievous, are people who are trying to create conflict in the society and who are trying to undermine the basis of this society. That is the attitude of certain other sections of the media and the people who inhibit the media. So that part of the problem we face in Trinidad and Tobago in dealing with the issue of corruption is the type of media in this country and the quality of its personnel. That is a fact that I have to advert to.

Madam Speaker, let me, therefore, having prefaced my remarks, speak first of all about the operations of the Central Tenders Board as it currently exists. There are certain issues with respect to the operations of the Central Tenders Board which are questionable. One of the issues we have to bring to the attention of the public is a statement in the advertisement of most of these awards for contracts that the Board does not bind itself to accept the lowest of any of the tenders. But the very fact of making a public advertisement for tender is to get, by and large, the lowest price by a tenderer. So you minimize the expenditure of public resources in getting something done.

If for any reason the Central Tenders Board cannot accept the lowest tender in the advertisement of an award in inviting tenders, then it is the duty of the Central Tenders board to tell the public why it is not able to accept the lowest tender. It requires transparency in the operation of Government and, therefore, it would in a sense obviate the need for the kind of purported investigations that the Member for San Fernando East has made, if in fact, the operations of the Central Tenders Board are made more transparent. Why is it whenever you have public tender, you have it open, you have the lowest tender; but whenever you are not giving the award to the lowest tenderer, you do not make your reasons available to the public? Because in the very act of not making reasons available to the public you are dealing in secretive government, you are dealing in government where there is an assumption and a perception that acts of corruption have been perpetrated.

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If we are not able to deal with the irregularities in the award of contracts and if we cannot have investigations into those purported irregularities, then the whole system does not serve its purpose because the award of contracts becomes a very mysterious affair as in the case of the award to the Pegasus group with respect to the Airports Authority contract, with respect to the award to M&M, and with respect to the Port Authority contract. It becomes a very mysterious affair. If we are to enhance the traditions of parliamentary democracy, investigations must be public and must be carried out by the Parliament of Trinidad and Tobago, and not in-house investigations carried out by the Prime Minister or the Member for Diego Martin East, if the whole system has to be given any credibility whatsoever. This is why we on this side of the House have been insisting that there must be parliamentary mechanisms instituted so that all these matters could come before the Parliament and be investigated by a Joint Select Committee of Parliament which is not under any obligation to hide the issues, which is not under any obligations to protect any minister and the Government of Trinidad and Tobago. It is only by establishing such mechanisms that we are going to deal with this matter in a manner which creates credibility in government, and gives the public of Trinidad and Tobago a sense that matters of state are being conducted in a fair and a just manner.

I recall there was a former Senator of this Parliament, who on two or three occasions—he was associated with the Opposition. He was also a contractor who on two or three occasions, had his lowest bid rejected. The issue then arose whether it was a matter of political discrimination against the Senator.

In order for him to get redress he had to take the issue to court. Not everybody has the resources to take a matter to court where they feel they have been wronged and, therefore, the need for parliamentary mechanism and scrutiny is all the more important.

I raise this issue to tell the Government that the present system of rules and regulations under which the Central Tenders Board operates must be improved. There must be greater transparency and in the end we trust that it is the image of Government and of politics in Trinidad and Tobago that will benefit as a result of this greater transparency in government or parliamentary affairs.

2.55 p.m.

I make those brief remarks with respect to the current operations of the Central Tenders Board. But I come to the more critical issue and that relates, as in the present bill before us, to the rationale why certain organizations and their

tendering are removed from the purview of the Central Tenders Board. In the instant case, we are looking at a proposal where the National Insurance Property Development Company Limited will be one of those organizations which will be removed from the purview of the Central Tenders Board, and the Government can interact with NIPDEC without having to go through tendering procedures, as prescribed by the Central Tenders Board.

What has been the rationale all along? Apparently, there is no rationale. These exceptions have come on the basis of whim and fancy. It has been an *ad hoc* arrangement where if you have a Minister who is sufficiently powerful in the Cabinet, then he can recommend that such and such a ministry, or such and such an agency be removed from the purview of the Central Tenders Board, with respect to the invitation and award of contracts.

In the present instance, first of all, I want to talk about the award of contracts for insurance by the Port Authority because this is the matter of current interest, and to indicate to this House that it is not the first time we are having problems with respect to the award of insurance contracts by the Port Authority. This first happened in 1987, or perhaps even before, but a public inquiry was instituted—not the hush-hush inquiry instituted by the Member for San Fernando East—and its results were made available to the public which I have before me, now. It does point out certain things in its conclusion.

You will recall at a certain point the Port Authority was exempted from the purview of the Central Tenders Board. This is one of the organizations which did not have to go through the Central Tenders Board in making awards of contracts. Some of the problems which arise when you have authorities awarding their contracts by themselves without in fact adhering to the rules and regulations prescribed by the Central Tenders Board. Let me inform this House of some of the conclusions when the Port Authority had established a Port Authority Tenders Committee which has asked an evaluation committee, which had no expertise in the matter, to come up with an evaluation of the various tenders on the basis of which the Port Authority Tenders Committee acted. It is not as if the Government does not know that there are problems in this manner of operation.

In that instance, the Port Authority could have availed itself of the advice of the Director of Contracts. It did not. Some of the conclusions which came out of that investigation were and I quote:

“On the basis of the evidence gathered the team came to the following conclusions. The acceptance of a tender from Insurance Risk Consultants

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when it had not paid for a tender brief as required in the tender notice was irregular.”

So, somebody was exercising influence—

“Secondly, a change from one year to two years for the period of the contract at the time of the award was unfair to those firms which had paid for and collected tender brief, but had not tendered.”

Mr. Valley: Madam Speaker, I wonder if the Member could inform us about the document from which he is reading and the date.

Mr. T. Sudama: The Report of the Team Appointed To Investigate All Matters Concerning the Award of a Contract By the Port Authority of Trinidad and Tobago For The Provision of Insurance Broking and Risk Management Services to Industrial Risk Consultants, dated June 23, 1988.

Mr. Valley: I wonder if the hon. Member would consider laying that document or making it available to Members. I would really like to get a copy of that document.

Mr. T. Sudama: This document has already been laid in Parliament. Maybe he should get his research department to find out what are the contents of this document. I do not have to lay the document in Parliament, I am not the Government of Trinidad and Tobago.

It further went on to say:

“The procedure adopted by the evaluation committee in evaluating the tenders was unsatisfactory and permitted the possibility of an unfair assessment.”

All this has happened at the port in 1987 and the government of the day thought it wise to institute a public inquiry to deal with this matter and these are the results.

The point I am trying to emphasize to this House is, that occurred because that was an authority where procedures for invitation and award of tenders did not go through the Central Tenders Board. Therefore, the possibility of irregularities occurring and the influence on members of the Tenders Committee, the Port Authority Board and, possibly, its influence on the General Manager of the Board was there. The possibility existed very high, as indeed, there is the possibility that a minister may have exercised undue influence in the current situation with respect to the award of an insurance contract by the Port Authority of Trinidad and Tobago.

Then we come to the question of the infamous government-to-government award of contracts. One of the primary reasons for this is that it was then alleged

in 1979, in the heyday of PNM rule, when money was no object—I see the Member for Arouca South is taking his leave. He was a government Minister, I do not know if it was at the time—one of the reasons advanced was that when you tender through the Central Tenders Board, there was a lengthy delay involved and this meant that projects were not expeditiously executed.

As you look at this document and the rationale you will come to the conclusion that somebody felt that money in Trinidad and Tobago was no problem. The only problem was how fast you could spend. That seemed to be the only problem. When a committee was set up to report on the entire programme of government-to-government contracts, I want to read to you from this document what was said in the very beginning.

3.05 p.m.

"While for the five years prior to 1973, total current receipts were \$1,833 million, or an average of \$366 million a year for the five years 1974 to 1978, total current receipts were \$10,661 million, or an average of \$2,132 million a year."

The receipts in the second five-year period were six times the receipts of the first five-year period and that signal to the PNM sent them into a frenzy of expenditure and said, "look here, you can spend money as you like, money is no problem." Trinidad and Tobago has suddenly become a milch cow to be milked by all and sundry contractors, local and foreign alike. That was the syndrome in which the government-to-government contract system was initiated and indeed established.

Madam Speaker, a number of reasons were given for bypassing central tendering procedures to establish contracts with foreign companies under the memorandum of understanding and with certain types of arrangements with foreign companies.

I would like to have gone through this document in some detail to give you an idea of the style of PNM governing and secondly the naivety that underlies the reasoning of government-to-government contracts. Madam Speaker, I cannot believe that people could be so naive as to put forward the rationale for bypassing normal tendering procedures. But more importantly, it gave the opportunity for corruption on a scale never envisaged in the history of Trinidad and Tobago. Corruption involving foreign contracts where, of course, if the deal is in a foreign currency then the money remains elsewhere and does not even come to Trinidad and Tobago.

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As we go through this, Madam Speaker, I am convinced that the people who initiated government-to-government contracts knew what they were doing and did it not for the purposes mentioned here in this document, but because it was a way of facilitating graft and corruption. It was a way of pilfering the Treasury of Trinidad and Tobago and it was a way of feathering nests by some and having moneys allocated and collected in foreign accounts which today, this country so badly needs.

Madam Speaker, let us look at the page which talks about evaluation and assessment of government-to-government contracts. The first reason given was that a negotiated government-to-government agreement provides a framework for substantial reduction in the time taken to contract and mobilize foreign firms. What has been the conclusion? The report said:

"This may be possible and indeed has occurred in one or two cases. What has been done is that a series of monopolists has been established in respect of each project. By definition a monopolist does not negotiate, but rather seeks to charge the maximum fees and other benefits he can exact. In these circumstances, the negotiation can be expeditiously concluded only if the Government of Trinidad and Tobago agrees quickly to all or most of the demands of the foreign enterprise."

I do not know whether in the present situation that involves the Pegasus group of companies. Madam Speaker, the report says:

"This can only be accomplished and time can only be saved only by leaving open-ended conditions in respect of price and control over performance."

What happens when you have open-ended conditions? You have the opportunity and condition for corruption. In some cases, the government-to-government arrangements have simply succeeded in planting another layer of bureaucracy, that is the foreign Government.

In the case of the Golden Grove Prison Complex, we are told that, in Canada, the Government there had to advertise and go through their own tendering procedures.

"Even if a foreign firm mobilizes quickly for a project—and the evidence shows that many of them do not—that firm must spend some time assimilating local standards and regulations, customs and culture, if it is to operate efficiently and effectively."

Of course, the key project here relates to the Mt. Hope Medical Complex about which I want to say something a little later on.

So that the first issue of saving time and so on, did not apply, given the conditions under which this contract was operated.

The second objective or rationale was the elimination of active lobbying with its undercurrent of corruption locally. The committee came to the conclusion that government-to-government systems eliminate international competitive bidding and places the foreign country in a monopolistic situation. Despite this fact, lobbying has increased rather than decreased as the foreign enterprises, often use local interest groups—as in the case of Pegasus. That is where the investigation also should have proceeded: Which are the local interest groups which Pegasus used in order to further its objectives in Trinidad and Tobago?

"...as the foreign enterprises, often using local interest groups, push to get contracts for all the projects cited in the memorandum of understanding to which the Government is party."

What happens in such a situation, Madam Speaker, is that the foreign Government representatives have, themselves, begun to circumvent the normal channels of communication in Trinidad and Tobago. There, again, if you circumvent the normal channels of communication, the opportunity for corruption arises.

Madam Speaker, I want to tell you this is all under a PNM government in the heyday of inflow of oil revenue to Trinidad and Tobago. Then, because of the system being used, a high standard of performance is to be expected. The report concluded:

"Foreign governments do not oversee the projects of their contractors... and representation by such government on projects are at best minimal and is sometimes non-existent. Such governments do not guarantee the performance of their entities."

In many cases there was substandard material being used, not meeting contract specifications, as required.

"In the Committee's view, this is clear evidence that high standards of performance expected are not being realized."

We are told, furthermore, that:

"Another benefit would be that special arrangements relating to matters such as taxes, duty free importation of equipment, et cetera, should be more easily

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handled. What transpired was that tax exempt status for personnel of foreign enterprises employed in Trinidad and Tobago and duty free importation of equipment places foreign enterprises at an enormous advantage over local consultants and contractors, a fact which should be reflected in lower costs. In fact, the rates charged by foreign consultants are very high and are quoted net of tax."

Madam Speaker, this is relevant to a present case where you have a local bidder in competition with a foreign bidder and eventually it was the foreign bidder who got the contract at the airport.

As we go along, Madam Speaker, attractive financing figures could be negotiated with the individual country. This was found not to be the case.

"In actual fact, a government to government agreement can result in worse financial packages than would otherwise be available."

This is the contract view of this report.

Madam Speaker, it further says that:

"The result was that money was taken from the funds allocated to be spent on local goods and services for the project, converted into francs..."

This is with respect to Mt. Hope Medical Complex.

"...and given to the contractor, SODETEG, to purchase equipment in France."

A further drain on our foreign exchange reserves.

"With respect to training programmes, this has not materialized. Foreign contractors have insisted that institutional training should be treated separate and apart from the main contract."

The question is whether the foreign government could apply pressure to get the firms to conform. This has not been the case. It has been concluded here that:

"The foreign government seeks to derive the maximum foreign exchange advantage possible. It is unrealistic to expect that such a government would pressure the enterprise to meet Trinidad and Tobago's concerns."

As it went on, Madam Speaker, the Committee came to the conclusion that on every score on which it was felt there would have been some advantage, this did not materialize and the whole government-to-government arrangement was a total fiasco, something that permitted the highest levels of corruption in Trinidad and Tobago involving foreign governments and foreign enterprises operating in this

country, much to the detriment of the development of Trinidad and Tobago, and much to the detriment of the people. One of the reasons for this is that the Government sought to bypass the procedures of having contracts awarded to the Central Tenders Board and having international bidding both locally and overseas for these contracts.

In other words, Madam Speaker, what the Government sought to do was, in fact, to lay the foundation for the possibilities of corruption through the award of these contracts, and through the implementation of these contracts.

Madam Speaker, I have a word to say about the Mt. Hope Medical Complex, which is a problem up to today. Up to today, Mt. Hope Medical Complex, its establishment, its operation, is something on which the Government ought to institute an inquiry.

Madam Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. R. Palackdharrysingh*]

Question put and agreed to.

Mr. Sudama: Madam Speaker, when this contract was first established, it was for a fixed sum of TT \$514,660,800, a fixed sum. The local part of that was \$169,440,000 and the foreign part, which had to be paid in French francs was \$345,220,800.

Madam Speaker, the local part had an escalation clause in it and all sorts of things can happen under an escalation clause. While the contract figure for the local part was \$169,440,000, the escalation amounted to TT \$127,045,369. The escalation in the local part of the contract amounted to something just under what the original sum of that local part was.

Madam Speaker, not only was that possible, but under a system of accounting established by the PNM, the PNM even overpaid them under the escalation clause. The escalation clause cost this country \$127 million, when the local part of the contract was \$169 million and over and above that, the PNM, either through mismanagement or through deliberate action overpaid SODETEG on it.

Madam Speaker, what we then had is that, after the contract was signed, SODETEG made certain representations and those representations were based on the fact that there were certain disadvantages in administering a design and build contract, that the degree of productivity of the labour force in Trinidad and

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Tobago was low. Imagine they come here and say they have to be compensated because the degree of productivity of the Trinidad and Tobago labour force is low, as if they did not know this before, when SODETEG was here two years before they actually initiated the project.

There was imposition of costly requirements by the Fire Service department. That the additional expenditure accruing to SODETEG as a consequence of an increase in freight charges and the purchase of some goods, some products in the USA and other countries and other factors. Now what were the other factors? We do not know. But I can assume and people can assume what the other factors were in escalating or adding—this is not under the escalation clause now. This is an amendment to the contract to increase the sum that had to be paid to SODETEG.

Madam Speaker, you would not believe it, that whereas the original contract had a foreign part of \$621,419,420 French francs, when the contract was amended, this was increased by \$200,232,036 French francs. They want to tell me corruption was not involved, that this was not irregular, that this should not be subject to scrutiny?

I am arguing here today, Madam Speaker, that these arrangements were deliberate, to foster corruption and to make some people rich in this society off the operations and implementation of these contracts. They cannot tell me that after they have all these estimates, studies and quantity surveys and arrange for a foreign part of \$621 million, they have to amend the contract to increase that by another \$200 million French francs on these dubious grounds.

Madam Speaker, they probably felt that they saw a gift horse in Trinidad and Tobago, or perhaps better still a milch cow. Not only an escalation clause to increase the original contract by \$127 million, not only an amendment to the contract to increase the foreign part of the contract by 33 per cent or more, but they said that they had to provide security. After they started to hand over the facilities, in June of 1985 to the Mt. Hope Medical Science Complex task force, they had to provide security.

Madam Speaker, you would not believe that their claim for security provided between July of 1985 and January of 1986 amounted to \$975,909.42. These must be highly qualified and expert security guards, in a six-month period, to have this kind of bill forwarded to the Trinidad and Tobago Government.

Madam Speaker, furthermore, the Trinidad and Tobago dollar was devalued at the end of 1985. I believe my friend from St. Ann's East may have been part of that deliberation to devalue the Trinidad and Tobago dollar in 1985, given the fact

that in previous years we had reserves in the millions of US dollars. How they frittered away those reserves when he was a Member of Cabinet, now he is Minister of Finance. My good friend from San Fernando East was another Member of the Cabinet which forced this country with one of the highest per capita rates in the whole world to a devaluation in 1985 when the oil dollars were still coming in. That is the character of PNM governance in Trinidad and Tobago and this is how we have reached to this sorry pass we are today.

Mr. Mottley: Would the Member give way. When the Member for Tobago East devalued then, was the Member consulted when he was in the Ministry of Finance?

Mr. T. Sudama: I was not a Member of the Government at that point in time. Get your dates and facts correct. The first devaluation took place in August 1988, and I was relieved of my responsibilities in February of 1988.

Mr. Valley: Madam Speaker, would the hon. Member really tell us whether he ever had any responsibilities in the Ministry of Finance.

Mr. T. Sudama: Madam Speaker, I will ignore the Member for Diego Martin Central.

Madam Speaker: Yes, will the Member continue, please.

Mr. T. Sudama: So much of what he says is irrelevant in this House, that I do not know if anyone takes him seriously.

Madam Speaker, the Trinidad and Tobago dollar was devalued. You know that SODETEG had the effrontery to use one of the clauses in the contract advised by a local legal luminary that they had a case, and they submitted a claim amounting to \$8,042,544.73 alleging that this sum represented the loss SODETEG had suffered from the devaluation of the Trinidad and Tobago dollar.

Madam Speaker, let us recall that SODETEG began to hand over the facilities to the Mt. Hope Medical Sciences Complex task force in June of 1985. The devaluation took place in December of 1985 and SODETEG made a claim for losses suffered as a result of a devaluation when they had already completed their construction of this project. Why did they do this, Madam Speaker? Because they saw in the Trinidad and Tobago Government either a bunch of corrupt men or a bunch of buffoons, or both. The saying in the *Bible* is that "very soon a fool and his money shall part." When this French firm looked at the Trinidad and Tobago Government and the Ministers, they realized it was only a matter of time before

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they were parted with their fortuitous gains in Trinidad and Tobago, soon a fool and his money shall part.

Here then is a French firm, no basis for the claim, but claiming an additional \$8 million after all the additions they had to the contract, Madam Speaker, because whereas a contract was originally signed for \$514 million by SODETEG, by the end, when they had finished with the Government of Trinidad and Tobago, that contract had cost this country over \$1 billion dollars for facilities which, up to today, cannot be utilized fully, are not operationalized and that is how the money of this country went. A large chunk of it now rests in foreign bank accounts all over the world.

We have private citizen Francis Prevatt coming to and through Trinidad and Tobago with the greatest possible ease. Francis Prevatt, who held top PNM positions at this point in time, between 1979 until 1986.

The Prime Minister then had the effrontery to say that he is a new PNM man. This is a new PNM in Trinidad and Tobago, a new PNM but with all the tricks of the old PNM, all the baggage of corruption that the old PNM carried is coming in now to surface under the new PNM.

Madam Speaker, if SODETEG paid any institution in Trinidad and Tobago, they wanted reimbursement. They paid money for work permits to the Ministry of National Security, SODETEG wanted reimbursement. I would have thought that was part of the contract price for carrying out the implementing of projects in this country and knowing that you have to carry these costs. They claimed \$644,927 for reimbursement of work permit fees paid to the Ministry of National Security, aided and abetted by the PNM Government. If they paid the electrical inspectorate, they wanted money. If they paid the factory inspectorate, they wanted money. If they paid WASA, they wanted to be reimbursed.

What happens is that they come here and they squeeze the local subcontractors. At the point in time when this report was submitted, SODETEG, after having received their moneys and so on as a foreign contractor was still owing local suppliers \$3,544,187 and the report says:

"SODETEG has not responded positively to any of the queries raised by the task force relating to outstanding payments to local contractors and suppliers..."

So they come here and treat locals with such contempt under the protection of the PNM Government. The local contractors and suppliers have to pay interest on

whatever they borrow from the bank to carry out their work or to provide supplies. That is the attitude. But when the Government owed SODETEG money and there was any late payment, the Government had to pay interest on what was owed to SODETEG. That interest amounted to \$870,951 for late payment by the Government of Trinidad and Tobago to SODETEG for the amounts due.

With respect to the amounts, Madam Speaker, I see another paragraph here where some moneys were owed to the National Quarries Company Limited, \$133,000. I do not know if the Member for Diego Martin West was at that time in charge of this, but that is neither here nor there, because he knows nothing of what was transpiring in the National Quarries and how that thing was operating in those years. So I do not want to ask a question on that, whether the moneys owed to National Quarries were ever paid by SODETEG.

That is how they come here and they do so because of the attitude of this Government. That is why, Madam Speaker, from all the reports that we have had, they have gone head over heels in trying to amend the contract for the Airports Authority project to get a foreign contractor involved. They have done all sorts of things in order to bypass a local bidder for that contract. You know why? Because this document that I am quoting shows the way in which the Government operated in those days and gives some indication of why the Government is going that route.

Madam Speaker, they said that they maintained the complex during the period July 1985 to December 31, 1985. That was not part of the contract but they said they did maintenance work on the complex, maintenance of the grounds and so on and so forth. You know, they must have felt that they were really dealing with a bunch of jokers. They submitted an original bill of \$1,490,000 to do maintenance work, that is maintaining the grounds and doing janitorial services for six months. But this is one of the few things the Government seemed to have queried. When, in fact, they did query this one, SODETEG reduced their claim from \$1,490,000 to \$190,000. I think we must thank the PNM very much for this lone instance of seeking the interest of the people of Trinidad and Tobago.

Then, Madam Speaker, they come here and they talk about competence and efficiency. The Member for Diego Martin West—do not talk about the Member for Diego Martin Central—competence and efficiency and how well they are operating things within Trinidad and Tobago. This report concludes with the statement:

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"It should be noted that the offices of the task force which were there to supervise the Mt. Hope Medical Sciences Complex and the implementation of that project, were never established to undertake any financial accounting of the complex."

3.35 p.m.

There is no financial overview. There is no financial supervision at the level of the task force. You want to come and tell this country you are against corruption, in 1993, when the history of PNM government in this country belies any such claim that you are against corruption; that you have a new PNM and things are going to start fresh and you have a clean new face to present to the people of Trinidad and Tobago. After the cosmetic wears off from this new PNM face what we see is the same old ugly face of the PNM reappearing to confront the people of Trinidad and Tobago.

Madam Speaker, there is another issue I want to raise with respect to the Central Tenders Board and the manner in which organizations and their contractual procedures are taken out of the responsibility of the Central Tenders Board and are handled independently.

What has happened in the case of the Mt. Hope Medical Sciences Complex is that the then Government brought Act No. 29 of 1989, which empowered the Eric Williams Medical Sciences Complex—that is the same as the Mt. Hope Medical Sciences Complex—under section 37 to establish a Tenders Committee of the Complex itself. It states as follows:

“There shall be a Tenders Committee of the Authority, to be appointed by the Board of the Authority, which may, subject to section 35, in respect of any transaction, contract or covenant—

- (a) invite, consider, accept or reject any offers for the undertaking of works or services necessary for carrying out the objects of the Authority under this Act; and
- (b) dispose of surplus or unserviceable articles belonging to the Authority.”

This is another issue which we have to deal with. How has the surplus and unserviceable articles belonging to the authority been disposed of? What is the current position? What was bought? What could not have been used? What remained there disused and therefore was non functional over the years, for which this Government and the people of this country had to pay through their noses? We have no report on that situation.

Madam Speaker, what this Act did in 1989 was take the Eric Williams Medical Sciences Complex Authority out of the purview of the Central Tenders Board with respect to the award of contracts. Fine! The question we have to ask is: Is there a rationale for taking out these authorities and not subjecting them to the rigours of the Central Tenders Board rules, regulations and procedures? It has been done in the case of the Port Authority; it was done in the case of the Eric Williams Medical Sciences Complex; it was done in the case of the Ministry of National Security, where it was said that there are matters of such grave national security concern that we could not advertise for tender, and so on. There is no rationale. It is an *ad hoc* arrangement. It depends on who is in charge of what, who has more influence in the Cabinet, and therefore you have these *ad hoc* exceptions being brought to this House for us to deliberate upon.

Madam Speaker, this Act never gave the Government the authority to exempt the Port of Spain General Hospital, the San Fernando General Hospital, the St. Ann's Hospital or any other hospital in Trinidad and Tobago from the procedures of the Central Tenders Board with respect to the invitation and award of contracts for supplies and so forth.

What has happened at the Eric Williams Medical Sciences Complex is that the Authority has taken upon itself to invite tenders for supplies to the whole medical services of Trinidad and Tobago, without legal authority. If it had legal authority in the case of the Eric Williams Medical Sciences Complex for the supplies and contracts and so on, it had no authority to invite tenders for supplies to the Port of Spain General Hospital, San Fernando General Hospital or any other medical institution in Trinidad and Tobago; but it was doing this. It was so operating because somebody felt it may have been advantageous to him for the Eric Williams Medical Sciences Complex tendering board to be engaged in this kind of exercise for which there is no accountability.

Madam Speaker, I want to make the point here today, that it is through the award of contracts that the greatest amount of corruption takes place and has taken place in Trinidad and Tobago.

Mr. Palackdharrysingh: All will take place.

Mr. T. Sudama: Therefore, the scrutiny of the award of contracts in Trinidad and Tobago is an indispensable element in the fight against corruption in this country. This is why the claim of the Member for San Fernando East and Prime Minister that he is fighting corruption is so extremely hollow. There is no effort to respond to the requests and representations from this side that you set up

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machinery to make the procedure more transparent and, indeed, to employ sanctions, as the case may be, with respect to the award of contracts. That is the genesis of corruption in this country and the whole issue of kickbacks, where there is collusion between the person who is awarded the contract and certain favoured high public officials of the Government. After the contract is awarded there is a kickback involved—in the case of John O'Halloran, and the case of Francis Prevatt whose name was mentioned in a legal proceeding with respect to the McDonnell Douglas transaction. This is all clear. This is all the history of this country.

It is as if the PNM is unaware of its own history prior to 1991, with respect to kickbacks, corruption, subversion of the process, amendment of contract, amendment of the terms and conditions of tenders after the tender date was closed, as in the case of the airports tender; as in the case of this tender with respect to the award of insurance by the Port Authority both in 1987 and 1992.

What you do is doctor the tender to favour certain individuals or organizations. When we come in this House and ask for an investigation, we have instituted private investigations where we cannot have the documentation used by Mr. Justice Collymore in the case of the award of the contract for the Airports Authority project. It is not a public thing. He said that he is proceeding by way of persuasion. He has no authority to demand documents and to demand people to come before him to answer questions. In this instance what we need is public investigation.

Therefore, the whole thing has to do with the issue of accountability. They do not want to be accountable and they hide behind the terms, pretext and conditions of the Constitution to tell this country that these are independent commissions—are we questioning the integrity of independent people?

3.45 p.m.

Members of the Central Tenders Board are independent and why is it that Members of the Opposition come here to question the integrity of independent people? How did they become independent, Madam Speaker? They became independent by merely being named by the Government as independent? But if it is a question that people become independent and above question merely by naming them, then there is no need for procedures. All you have to say is, that person is independent; there is no need for a procedure to follow and that you rely on the integrity of the persons concerned. Madam Speaker, this is antithetical to the whole issue of democratic government and procedure by which we seek to

operate in Trinidad and Tobago. So I am saying here today that the fact that the Government refuses to be more accountable to the Parliament of this country and to the people of Trinidad and Tobago, implies that they have something to hide; that there is more in the mortar than the pestle.

Given the history of the PNM government in Trinidad and Tobago, given the history of corruption associated with PNM Government, we believe that, in fact, these attempts to whitewash when issues arise like the insurance contract given by the Port Authority of Trinidad and Tobago, or the award of the Airports Authority contract, and other issues with which we have to deal, our conviction on this side and, in fact, the conviction of the majority of the people of Trinidad and Tobago, is that the Government continues in its old ways; they have things to hide, they would not be accountable. It is a question of secret government in Trinidad and Tobago.

This is why institutions like the Central Tenders Board, first of all, will not be given the proper authority to survey and to invite tenders with respect to all the organizations in Trinidad and Tobago which come under the Government and, secondly, with respect to the fact that the operation of the Central Tenders Board in this country is subject to no overview, no supervision, no questioning of any perceived irregularity associated with that institution. In such a case, I want to say that this new PNM before us is no better than the old PNM. The only thing is, that whereas the new PNM does not have the same kind of financial resources to play with as the old PNM had, they are trying to make up for that by the zeal with which they seek to subvert the processes of accountability in Trinidad and Tobago.

Thank you very much, Madam Speaker.

Mr. Ramesh Maharaj (*Couva South*): Madam Speaker, the Government has decided to introduce this Bill to amend the Central Tenders Board Act in order, among other things, to permit the Government to enter into contracts with the National Insurance Property Development Company Limited on its own behalf, that is to say, without the checks and balances that presently exist under the Central Tenders Board Act. So in effect, what the Bill seeks to do, among other things, is to permit Government and NIPDEC to enter into contracts as they see fit and, in effect, with no avenues, as you have under the present legislation, for monitoring or some form of scrutiny.

Madam Speaker, I find it surprising that in the context of what has happened in Trinidad and Tobago and, in particular, in the context even of what two

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Ministers spoke about today—the Pegasus transaction and the Port transaction—that a Government truly committed to accountability can contemplate, with any fact whatsoever, trying to introduce this kind of legislation.

Madam Speaker, it is recognized that one of the things in the world which is taking away resources which are normally available to alleviate poverty and to provide employment for people, is corruption—misuse and abuse of power by governments. It is well known that throughout recognized democracies, governments have decided to curtail avenues whereby there can be even suspicion of government officials being corrupt.

It is in this background that one wonders why it is that a party decided that when it was fighting the elections, when it was begging for the votes of the population; when it was making promises to the people when it was entering into covenants with the people they said “you vote for me and we are going to deliver to you”; and in the PNM manifesto we saw “We Care About You”, at page 7, “There will be accountability at all levels.” So here you have, Madam Speaker, apart from what has been happening in the world, or the perception as to what has been happening in Trinidad and Tobago, there you have a party aspiring to form the government of Trinidad and Tobago, promising accountability at all levels.

Madam Speaker, let us just examine for a minute—and one sees how the population of Trinidad and Tobago under our system cannot know the facts which are happening with matters like these. We had on the last occasion in this debate, matters raised with respect to the Port Authority. We have a situation where the Government, through the Prime Minister, made a statement. So you have a situation where there are two sides being mentioned. But all the facts are not available; all the facts are not known; the public cannot inspect the facts; they cannot inspect the documents. There is no machinery whereby the people can say, “listen, we demand to see this document; we want to see what you are talking about; we want to know whether what you are speaking about is true or not.”

The power is in the Government, the same governing party which promised accountability, to change the system, to make the system open, to change the secret system of government. Madam Speaker, serious allegations are made from this side. On this side it is being contended that there are documents to support it, signed documents that there were irregularities, there were ministerial interventions in the award of an insurance contract. Serious allegations which affect the lives of people. We must not forget that when there are these irregularities, in the long run if they exist, for whatever reason, in effect, the ripple

effect is that the man-in-the-street is suffering, because if there are moneys being paid as bribes, those are moneys which can be utilized for the alleviation of poverty and the problems of Trinidad and Tobago. Here we have a situation where the population of Trinidad and Tobago does not know, it does not have the machinery to find out.

3.55 p.m.

Madam Speaker, let us take the other scenario which is, you have a situation where there were public outcries as to the proposed award of a contract to a certain company in respect of the Airports Authority transaction, if I use that expression. An inquiry was set up, it was done, and we have a situation where the report is presented, but the evidence—the basis upon which that report was made—is not before the people of Trinidad and Tobago. I want to tell this House and this nation that I have in my possession documents which show that the transcript of the material evidence which occurred before the Commissioner was not totally reflected in the report. I want to challenge the Government of Trinidad and Tobago to make available to the population of Trinidad and Tobago, that report. Serious allegations were made against Ministers of this Government by persons in official positions.

As a matter of fact, I got a letter today which has been written to the President of the country. I want to be very fair to the other side. This is a matter in which the Prime Minister and the Government of this country should not just leave like that. They have a duty to the population of Trinidad and Tobago to make that evidence available, to let the population see what was said and let them see, on the basis of the report, what allegations were made.

But it must not be forgotten that the report itself which has been presented today—and I am saying this in the context, that here you have a situation where, even the report which has been presented states expressly that there were irregularities. But the Commissioner went on to say that he found nobody's integrity was impugned. The scope of his inquiry was not to find that out at all. The scope of his inquiry was to itemize, whether there were irregularities. This report demonstrates from his findings, that there were irregularities.

If one looks at the terms of reference of the inquiry—and I am referring to the report on the Airports Authority:

“The circumstances surrounding the decision of the Airports Authority to award to the Pegasus Group, a contract for the financing, development and operation of a joint venture basis of phase I of the Piarco Rainbow

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International (Airport) Development Project, in order to satisfy the Government that all proper procedures have been followed and that there has been no irregularity, procedurally or otherwise, in that decision.”

Madam Speaker, when one looks at the report—and it is for the public and this House to come to its own findings as to what this report says—the Government should have said, “listen, we are introducing everything into this House; we want a full debate on this report; we have nothing to hide and we want the population to hear everything about it.” But at page 3 of this report it says:

“I have come to the conclusion that the intervention of the Ministerial Committee, acting through the honourable Minister has had the very opposite effect of that intended, because the supervening events have shown that following on the directive of the honourable Minister, there has come about a perception that there was ministerial interference.

There seems to have arisen some confusion even in the minds of the members of the Finance and Tenders Committee in this regard, because, contrary to those instructions, a report with a ranking was, in fact, sent to the Minister, and in that report Maritime headed the list. That report was since withdrawn on the instructions of the Minister.”

So this statement by the Commissioner showed that a company which was ranked first did not rank. Let us see what happened:

“The action by the Minister in this regard was characterized by Mr. Procope as constituting an interference into the tenders procedure. There was, however, a subsequent direction to the Airports Authority to submit its ranking, which they did at the meeting of the board on the 20th October, 1992.”

Let us see:

“It is of some significance to note that in all the previous reports submitted by the Airports Authority, the Maritime Group headed the list, but at the meeting of the board, No. 10 of 1992, there emerged for the first time, a ranking which placed Pegasus first, followed by Maritime.”

Madam Speaker, I have in my possession, information which I ask the Government to dispute, that although the invitation to tender was extended to Pegasus Financing, Pegasus Financing did not respond to the tender. A company called Pegasus associates responded to the invitation to tender. Pegasus Associates was, in fact, incorporated on 23rd March, 1992, after the Airports

Authority's request for Cabinet's approval. The authorized share capital of the company was \$10,000, divided into one million shares at par value, one cent each.

At page 7 the report says:

“In many respects the Pegasus proposal fell far short of the requirements of the Request for Proposals, and in particular, it is to be noted that the Requests for Proposals went out to a body entitled Pegasus Financing AMR Services Fliteline Equipment, and the response came from a company entitled Pegasus Associates Inc. which is a company formed on the 23rd March of this year for the purpose of making a bid for this project, and it had a sole shareholder in the persons of Mr. James Alderson with 1,000,000 shares at one cent a share. This is clearly a company formed for the specific purpose of making a proposal for this project and it does not conform to the qualifications set out for developer organization and in particular to the following:

‘Complete and detailed financial statements showing the developer's assets, liabilities, capital and business operating results for the latest two fiscal or calendar years of operation.’ ”

Madam Speaker, the proposed awardee—and if I may say so, on August 20, this new entity, Pegasus Aviation Properties appeared for the first time and was ranked third in the evaluation report. The company was not approved by Cabinet, was not invited to tender and did not submit either a tender or corporate report, that is to say, where it existed, the history and what it was. But they were permitted.

“Both in the evaluation of the 29th September, 1992 and on the 16th October, 1992, another company called Pegasus Aviation Services is referred to as the tenderer. The company was not approved by Cabinet or invited to tender and it did not submit also a *corporate vitae*.

In fact, no such company exists. Pegasus Aviation Services was, however, ranked fourth in the September 29, 1992 evaluation report. Notwithstanding the Airports Authority's publication in the Press that the proposal of Pegasus Associates was ranked first, Cabinet was informed that the proposal of Pegasus Aviation Properties and not Pegasus Associates was ranked first.”

4.05 p.m.

Madam Speaker, the Commissioner's report, and the document I have, which, in effect, reflect some of the evidence which went before the commission, showed that evidence was adduced to show that the minimum requirements of the

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regulations were not met by the Pegasus entity. As a matter of fact, none of Pegasus' entities submitted a fixed price bid, provided designs with supporting plans etc., a *corporate vitae*, a terminal design complying with the 12-gates issue and, specifically, Pegasus submitted an 8-gates proposal.

“(5) Submitted a construction schedule complying with the provisions of the regulations.”

None of them did that.

In spite of that, a company which ranked last, then ranked first.

Mr. B. Panday: He who is first shall be last.

Mr. R. Maharaj: The ranking was after the ministerial intervention.

Madam Speaker, the transcript of the evidence shows, and there was evidence before the Commissioner, from the information I have here—and I want the Government to dispute this—that officials stated that the Minister was being directed by a certain Government official to take that position.

Dr. Rowley: Madam Speaker, on a point of clarification. Did I correctly hear the Member say that the Minister was being directed by a Government official to take that position?

Mr. R. Maharaj: Madam Speaker, the official stated that the Minister gave him instructions and the Minister said that the top government official authorized him to take that position. If you want me to call names, I can call names, but I would prefer not to do that, and I am asking—

Dr. Rowley: For my own edification, Madam Speaker, I want to be clear as to what the Member is saying. I understood the Member to say that the Minister told the functionary that he was being directed by a public official to take a position. So, the Minister was under instructions from another official.

Mr. R. Maharaj: You are correct. A top public official who is a Member of the Cabinet of Trinidad and Tobago.

Mr. Valley: Call names! Call names!

Mr. Maharaj: Madam Speaker, I can make—*[Interruption]* He would not get me to do anything that is irresponsible. I undertake that I would make the documents available to the Government.

Dr. Rowley: Madam Speaker, in the light of this disclosure where the Minister tells a functionary that he is directed by a public official, I wonder if the Member would help us by identifying such a public official.

Mr. R. Maharaj: Madam Speaker, I have been accused of being irresponsible, but I would not, on the instigation of that side, be irresponsible. I undertake to provide to the other side, a copy of the documentation I have in respect of this matter. The name is there, and if I am correct, I have been told that officials of Government have been supplied with the information I have.

Mr. Valley: Madam Speaker, quite simply, could we ask the Member for Couva South to give that information now.

Madam Speaker: The Member indicated that he would provide you with the documents.

Mr. Valley: But he has promised before, Madam Speaker, to provide us with certain information.

Madam Speaker: The Member may continue.

Mr. R. Maharaj: Madam Speaker, the point I am trying to make is that there are these allegations; they may or may not be well founded. The point about the matter is that you have a situation where you—

Mr. Manning: But was that documentation not made available to Justice Collymore?

Mr. R. Maharaj: Madam Speaker, I was not before Justice Collymore, but my information is that it is part of the transcript.

Mr. Manning: In other words, Justice Collymore would not have examined what you are now saying, and come to his conclusion which, indeed, formed part of the report that has been laid in the House this afternoon?

Mr. R. Maharaj: Madam Speaker, the point I am making is that I really cannot say what Justice Collymore examined, but the only way we will know what is the true position is if the Government decides to let the transcript be made part of the public proceedings.

Madam Speaker, with respect to this matter, there were not only those allegations, there were several allegations which were made in respect of, not only the procedures which I have mentioned, but they were made with respect to many other matters which it was felt that there was an unjustifiable change of heart in respect of this contract.

The point I am making is, that as a people who are saying that we would like people to have confidence in politicians; confidence in government officials;

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confidence in the system of government; how can we just close our eyes to a situation in which there is no proper machinery in order to make the Government accountable?

Madam Speaker, I want to say that I have in my possession—and I would not call names—this is not anonymous. I will tell you what I have. I have a photocopy of a cheque made to a member of the Airports Authority, signed by a PNM member for a certain sum of money. *[Interruption]* I will give it to you. I have a request made by a PNM member, to the Airports Authority, for a certain sum of money. I have before me—I will give the Prime Minister and the Minister this—information that the cheque was given by the Airports Authority and that member of the Airports Authority then received half of the amount mentioned on that cheque.

Mr. B. Panday: You know about it? He knows about it.

Mr. R. Manning: Madam Speaker, I just want to give the country the assurance that if as the documents are made available to me—first of all, we will investigate whatever allegation is made.

Mr. B. Panday: Justice Collymore would investigate it?

Mr. Manning: Not excluding the possibility of criminal investigation if that is required. If anybody is found culpable, the appropriate action will be taken.

Mr. B. Panday: You would investigate, as you did with this last one?

Mr. R. Maharaj: Madam Speaker, the point I am making is that instead of amending the law to take away checks and balances, the Government should be amending the law to strengthen the machinery for checks and balances.

If one problem has come to light—if there is a problem—how do you know, from what I have seen here—

Madam Speaker: Would the Member be so kind as to pass it to the Chair as soon as he is finished so I can let the Prime Minister have a look at it?

Mr. R. Maharaj: Yes. Madam Speaker—*[Interruption]* Do you want it now? I just want to have a copy before I make it available.

Mr. B. Panday: We are not giving those documents unless you promise an inquiry.

Mr. R. Maharaj: Madam Speaker, the point I am making—*[Interruption]* Madam Speaker, the Prime Minister knows about this, because when I talked

about this he called the names. He knows about it, so what is the big thing about "Give us the documents"? He knows about this.

4.15 p.m.

Madam Speaker, I want to tell this Government that the next Government of Trinidad and Tobago is going to expose all these things that this Government does not want to expose. I will ask you, do not give any instructions to destroy anything. We are going to expose it and we will undertake to make available to the population of Trinidad and Tobago, the full transcript of the evidence which occurred before Justice Collymore.

As a result of these matters in which the Government wants to make itself less and less accountable, there is a unity among the people of Trinidad and Tobago to get rid of the PNM once and for all.

One sees, therefore, the reason why no one, truly committed, can really support a measure like this. I invite the Government at this stage to withdraw this Bill and admit that it has made a mistake and will come back with legislation in which it is going to make itself more accountable to the people. I know the Government would not do that at all and I know why it would not do that. This manifesto was just window-dressing. The Government did not mean anything in this manifesto. The Government merely wanted to hoodwink the population of Trinidad and Tobago. They thought that if they had gotten into power again they would stay for another 30 years.

Madam Speaker, having regard to the Government's conduct in introducing legislation like this, the days of this Government are really numbered. We want to serve notice on the Government of Trinidad and Tobago that we will not, as a Government, honour any contract which was obtained as a result of corrupt means. So we want to serve notice on the parties and on the people of Trinidad and Tobago that the next Government of Trinidad and Tobago would have a full investigation into the award of contracts like these and would take action and not honour them. We feel so serious about accountability in Trinidad and Tobago that we have taken steps to meet with the international lending agencies in Washington, and wherever they are, in order to tell those lending agencies of the stand taken by the future Government of Trinidad and Tobago on accountability and to serve them notice that we will not honour any obligations if they are not as a result of accountability to the people of Trinidad and Tobago.

Madam Speaker, we want to tell them that the Opposition is not going to sit and allow the Government to breach its commitment and promise for

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accountability to the people of Trinidad and Tobago by coming to this House and passing legislation, and allowing them to hide under the cloak of ministerial statements when points and serious issues arise. I am saying that the Government owes an obligation to have a debate of this issue. What has happened on this matter? Has there been a debate? In the parliamentary system there are statements made on one side and responses. What has happened? We have a situation where there has been no response. You have a situation where prime television time was occupied with ministerial statements. This undermines the parliamentary system and this, in effect, subverts the parliamentary system. It, in effect, says to the population that the system is not delivering justice and accountability to the people.

Madam Speaker, how are we going to approach a piece of legislation in which not only is the Government attempting to remove these checks and balances, but it is asking us to approve transactions which have happened before; in other words, to approve those transactions even though there may have been breaches? I would have thought that before a government undertakes to give legal effect to anything which has occurred it would have conducted an inquiry to determine whether breaches occurred and to what extent breaches did occur and whether corruption took place; whether there was misuse and abuse of power so that the Parliament and the people's representatives would have a full report as to what they are proving.

How can we, as the representatives of the people, as trustees to guard and to protect their interest, approve these matters? Granted, as a result of these transactions, additions may have been made to hospitals; projects may have been done; but we are not on that. The point of the matter is, at what cost?

What was the estimated cost? What was the projected cost? What sort of machinery was used for the award of these contracts? Were they deals? Could the people of Trinidad and Tobago have saved money if proper procedures were used? We do not know. This is one of the pieces of legislation that this Government gave notice to us that they want to take through all the stages, on the first day. I find it very surprising that a Government which has committed itself to accountability has come with this piece of legislation.

Madam Speaker, one also sees from what has happened here today, a serious undermining of the system. That is to say, although the Government has the power to appoint a public commission of inquiry, in discharge of its executive duties, we have a situation where in a matter like this from the report of the Commissioner

himself, gross irregularities occurred, and the Government appoints a secret investigator. There is no basis for a secret inquiry when matters have caused public disquiet. It is recognized that openness is one of the best machineries for accountability. That is why in the country today there is a direction for openness. For example, in many of the developing countries there is a Freedom of Information Act in which a member of the public can, in a situation like this, request to see copies of documents. You do not have to get a Member of Parliament to try to get it and if the Government refuses, you cannot get it.

4.25 p.m.

You have machinery whereby on the payment of whatever photocopying charges, a member of the public is entitled to get the document, because those documents and that information do not belong to the Government. They belong to the people of Trinidad and Tobago. The power which they exercise is not their personal power. It is the power of the people of Trinidad and Tobago. That is why a government truly committed to accountability will have no problem with amending legislation in order to make it possible for members of the public and the press to get information, instead of having to fight for it, and still not get it.

I would like to ask this Government to tell the population if when they said all over the country that “there will be accountability at all levels,” this Government intends to honour this election pledge. Certainly, so far, the Government has shown that it has not honoured and it does not intend to honour it. We ask them to change their minds, their course and direction; turn around the ship and go a different direction, because the direction in which this Government is going will not benefit this country in the final analysis.

I do not intend to speak long on this measure. What I also wanted to say is that this issue demonstrates how dangerous and unfair it is for a government to appoint any member of an independent commission to conduct a secret inquiry, because what it does is it undermines respect for institutions in the country. This development in this debate has demonstrated that what the Opposition has been calling for from the first time we took office in this House, just over a year ago, is that we want to have a select committee of Parliament to monitor the actions of Government in respect of its financial dealings and the implementation of its policy.

We know that in England—

Mr. Valley: Madam Speaker, on a small point of correction. Members would remember that the motion which was before the House, was that they wanted to monitor the implementation of the 1993 Budget.

Mr. R. Maharaj: We called specifically for that, but in our contribution we also called for the setting up of a permanent committee.

Mr. Panday: Which one are you prepared to give?

Mr. R. Maharaj: If he is prepared to give the committee to monitor the 1993 budget, it is a start in the right direction.

Mr. Valley: I had spoken to the Chief Whip, the Member for Couva South on a number of occasions informing him of this Government's interest in discussing with them the question of accountability, whenever they are ready. We are prepared to sit down and look at it whenever they are ready. All they have to do is to ask us.

Mr. R. Maharaj: Madam Speaker, what! I am amazed! That shows how bureaucracy can be used to prevent progress. It is a simple thing. Do you agree that there should be a select committee of Parliament to monitor the implementation of the budget, for example? Do you want a proposal for that?

Mr. Valley: No.

Mr. B. Panday: So what do you want to discuss?

Mr. R. Maharaj: So what do you want to discuss? The answer is, no. The Government has said, "no". They are not even interested in having a committee to monitor the implementation of the budget, far more to have any scrutinizing and monitoring machinery to investigate the financial dealing with the awards of contracts.

As my friend, the hon. Member for Oropouche has said, in the awards of contracts, the history of this country has shown that that has had the most corruption in Trinidad and Tobago. If from the Government's announcement today, that it does not intend to agree to any parliamentary committee to monitor the implementation of a budget, this is ample and cogent evidence that this Government is not interested in what it wrote in the manifesto. Why do the Members not get up and tell the people that they fooled them. Withdraw the manifesto!

The point I was making is that we have followed the tradition of Great Britain; we have the parliamentary system inherited from Britain; we look at Erskine May

and British procedures, but when it comes to innovation and new machinery in order to make Government accountable, they do not want that at all.

If anything happens in this House, one sees that on both the Government and Opposition sides, we scramble for Erskine May, Griffith on Parliamentary Practice, all with respect to England. When it comes to accountability in 1979, the parliamentary committee in England was totally reformed. There was a committee to investigate procedure. There was this committee on procedure and what happened in England is that it was found that the existing machinery which we now have in Trinidad and Tobago, and which they had, was not working. There was no proper accountability by the Government to the people.

Do you know what happened? The Government decided that it was going to accept a report in which several parliamentary committees were set up with powers to have proper monitoring and investigation. With respect to every aspect of life in the parliament and government, those committees can function effectively and get the information for the benefit of the people of England.

If there were such a system in Trinidad and Tobago, what would have happened in this situation? For example, the Leader of the Opposition made allegations and produced evidence.

Madam Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. R. Palackdharrysingh*]

Question put and agreed to.

Madam Speaker: Before we take the tea break, will the hon. Member pass the documents please so that we can have them photocopied?

Mr. Manning: Two documents.

Mr. Valley: The letter.

Madam Speaker: Was it two documents that the Member promised?

Mr. R. Maharaj: I will make it available, Madam Speaker.

Madam Speaker: The Clerk has undertaken to have them photocopied.

4.32 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Mr. R. Maharaj: Madam Speaker, when the adjournment was taken, I was talking about the reforms which were instituted in England and which reforms have produced accountability by the Government. Madam Speaker, from those reforms, the people in the United Kingdom have benefited.

Madam Speaker, unless we have such reforms in Trinidad and Tobago, we will continue having allegations made and we would not know most times whether these allegations are true or untrue. What will happen is that people who know about matters, who feel wrongs have been done, will write, making these allegations, but because of fear of victimization, they will probably not put their names.

It is sometimes wrong to say that because a letter is anonymous that you do not place any emphasis on it because in most anonymous letters complaining about governmental action in which other documents are attached, one sees support for the allegations from the anonymous letters.

Madam Speaker, the hon. Prime Minister made a statement, today, in response to what happened in the last debate with respect to the allegation concerning the Port Authority. The allegations were very serious and from this statement, the Prime Minister said that he conducted an inquiry. But from the matters referred to by the hon. Prime Minister, it raised—if I may use the expression of the Member for Tobago East—a very horrendous situation. Here it is that you have a public servant writing a letter, making an allegation. The Prime Minister decides to investigate, but what happens? The person who made the allegation, the public servant, now writes a letter to the Minister, not to the person who is conducting the inquiry, but to the person against whom the allegation is made.

What message is that sending? The message being sent is that, listen, "you complain, and we are going to get the person whom the complaint is made about to really investigate". In effect, they are discouraging people from making allegations and, in effect, they are muzzling complaints.

Madam Speaker, the only participation the Prime Minister—

Dr. Rowley: Madam Speaker, just for clarification, is the Member saying that the Permanent Secretary in the Ministry of Works had made a complaint about being instructed by the Minister to act as contained in the letter?

Mr. R. Maharaj: The Prime Minister read a letter and in that letter, the person who was at the Port Authority retracted an alleged statement he made before.

Dr. Rowley: Madam Speaker, is the Member in a position to substantiate that statement that the person had made that statement before and is now retracting it?

Mr. B. Panday: Will he release the letter the Prime Minister read today?

Mr. R. Maharaj: Madam Speaker, from what I heard, there was a gentleman's name which was mentioned on the last occasion who made an allegation that there was a letter. From what the Prime Minister said today, that person said he never made that statement. That letter, I think, of January 12, 1993, was addressed to a Minister. Madam Speaker, it is very simple. We can get a copy of the letter.

Madam Speaker: The question was if it was the Permanent Secretary. I may be mistaken.

Mr. R. Maharaj: I did not mention anything about a permanent secretary.

Dr. Rowley: I am sorry to intervene like this, Madam Speaker, but the reason I rose in the first place is because the Member was saying that the Minister went to a public servant who had made an allegation and asked the same public servant, which, in fact, is quite different from what I had been following before. Now he is speaking about the General Manager, who is not a public servant. I am quite confused. However, the signal being sent by the Member is that an allegation was made by the public servant and the Minister went to the said public servant and asked that public servant to respond. He has concluded by saying that this kind of action would cause people not to expose corruption. I think that is not the gist of what I was following.

Mr. R. Maharaj: Madam Speaker, if my friend wants—

Madam Speaker: The Member for Tobago East is on his feet.

Mr. Robinson: Madam Speaker, it has been the practice in this House that when a statement is made by a Minister, that statement is either circulated concurrently with its reading or immediately after.

Now, I have noticed that on the last occasion, the Prime Minister made a statement and we had great difficulty in obtaining it even the day after. Today, another statement has been made and we have not obtained a copy of that statement. This is leading to all this unnecessary controversy.

May I ask that the statement of the Prime Minister be supplied to Members opposite.

Mr. Valley: Madam Speaker, I am sure the statement made by the Prime Minister is recorded in *Hansard*, and I am sure *Hansard* will make it available.
[Interruption]

Mr. B. Panday: The rule is right away. Why are you hiding corruption so?

Mr. R. Maharaj: Madam Speaker, this, in effect, highlights the point as to accountability and the machinery for accountability. In other words, here we have a situation in which an allegation was made. We have an enquiry that has been conducted. We on this side are not favoured with copies of the statement. We have a debate talking about accountability, the same thing, in order to try to prevent the allegations I made. We have not been supplied with it, we have requested it, we are not getting it and one has to speak from pure memory as to what the Prime Minister said.

Madam Speaker, be that as it may, one would have thought that if there is going to be an investigation, the Prime Minister would have told us about the investigation and the nature of the investigation. The Prime Minister would have told us how it is that after he started the investigation letters were going to the Minister.

The hon. Member for Tobago East got up and was making that point. If it is that the Prime Minister is conducting an investigation, then one would expect that all the information would come towards the Prime Minister. But if letters are being addressed to the Minister, then what conclusion, what inference would one draw? That the Prime Minister is not conducting the investigation; it is the Minister investigating himself?

The point I am making and the point we are trying to make on this side is that who would know when one makes allegations whether these allegations are true or not? We represent people, people will come to us and will make allegations. What avenues do we have? What avenues do the people of Trinidad and Tobago have in bringing these allegations to the forefront?

One of the most important weapons and ingredients of a democracy is the right of Members of Parliament to raise matters in the Parliament which are obviously relevant, and not limited to matters in which there is a signed letter. I have not seen any contribution—as a matter of fact, Madam Speaker, I invite the Members on the other side to pick up the *Hansard* in the British Parliament and they will see that many times people read into the record information which comes to them but is not signed by anybody because it is well known that if public servants put their signature on a document what can happen to them. So what happens is that the people in the country, public servants in the country—

Mr. Valley: Madam Speaker, I contest that suggestion—May's is quite clear—that the practice is that one ought to be able to quote one's source. If the

letter is unsigned, I do not see how that could be admitted, even in the Parliament of the United Kingdom.

Mr. Mohammed: That is why we have privilege in the House, you know.

Mr. R. Maharaj: Madam Speaker, I disagree with the hon. Member and I would say for the record in this House that the practice in England has been that on several occasions Members of Parliament and Members of the House of Lords, in order to protect confidentiality, would not disclose names and, in order to highlight public issues, they would be able to read information received without disclosing source or saying whether it is anonymous or otherwise.

Madam Speaker, this is really not a court for hearsay evidence and things like that. This is a forum in which you must decide whether what is being said is true or not; whether you think it should be investigated or not.

Madam Speaker, the statement of the Prime Minister has brought into the whole question—and it is very horrendous. As a matter of fact, if what has happened is that after the investigation started, the person against whom allegations were made, himself conducted that enquiry and, in effect—when I say a public official, I do not mean a public official in terms of the Public Service Regulations; a public official in some way under the jurisdiction of this Minister—and this public official, public servant, retracted what he said previously in a letter, it is an important matter. As a matter of fact, that retraction by any standard is null and void. That retraction has no basis, has no moral basis.

Madam Speaker, what it seems to me is that what we need now is a public enquiry so that the public will know the truth as to what really happened and whether that was a proper retraction, not a secret one. So if the Government is going to rely upon a statement by a public official which retracted what he previously said, it was the obligation of the Government to conduct an enquiry and to produce information and material before us which would have shown that retraction.

Mr. Beraux: On a point of order, Madam Speaker. The Member for Couva South is misquoting. There is no question of the public servant having retracted a statement. That statement, the statement that was read, merely indicated that the public servant had never so advised the Minister.

Mr. R. Maharaj: Madam Speaker, on the last day there was information that this public servant, from a letter, had so advised the Minister and, today, the same

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public servant has produced a letter and the Government has based its decision to exonerate itself on the basis of that letter.

Madam Speaker, the point I am making is that you cannot have exoneration on that basis. What has happened is that the whole enquiry has not produced public confidence, and no public confidence can be expected to be got from an enquiry like that.

Therefore, the machinery which the Government is employing now, in order to appease public disquiet about allegations of abuse and misuse of power and allegations of corruption would not serve the effect which it is intended by any Government to serve and, therefore, the Government owes a duty to clear the air and to clear it properly—Madam Speaker, I do not want my friend from Tobago East to leave. *[Interruption]* It seems to me that every time the lights start to blink, the Member for Tobago East decides that he must get out of here.

Madam Speaker, that brings me to the point I made with respect to the Airports Authority and this letter. The letter which I have is supported by a document which the Government has, a document dated November 30, 1992, which consists of the written memorandum of an insurance company before the Commission. It consists of several pages. The material contents of the letter are supported by the articles of incorporation of Pegasus Associates Incorporated; a note from Cabinet, dated April 3, 1992; a proposal evaluation report, Phase I, project PRIDE, submitted September 29, 1992; Proposal Evaluation Report, No. 2, Phase I, project PRIDE, submitted October 16, 1992; a report dated October 15, 1992, from International Industrial and Licensing Consultant Incorporated, of New York, the United States of America, a signed document; evaluation of proposals for project PRIDE, Phase I; board meeting 10/92, Board Paper No. 93/92; Final Report of the Airports Authority, Trinidad and Tobago, independent consultant executive summary; letter dated October 22, 1992, addressed to the Minister of Works and Transport from the Airports Authority of Trinidad and Tobago, signed by the Chairman; Note for Cabinet, 27 October, 1992, Cabinet No. 2680; letter dated November 2, 1992, addressed to the Prime Minister.

Madam Speaker, this letter is not signed, but it contains much information which finds support in the documents mentioned. There is a letter dated November 6, 1992, from ARMBRO—well, it is really a press release from ARMBRO.

There is a letter addressed to his Excellency the President which contains information. That letter is dated January 14, 1993. That letter contains serious

allegations and, Madam Speaker, you will recall some of those allegations—I do not want to mention the names—but some of those allegations are supported by what the letter contains. It is signed—well, it is not signed, but it says "Senior management, Airports Authority of Trinidad and Tobago".

Madam Speaker, the point I want to make is that we on this side of the House have raised these allegations. We are saying that if these allegations are not true, it is not sufficient for the other side to merely laugh at it. The other side should demonstrate that these public officials, whoever they are, who can send documents to officials, parliamentarians, who can send documents which support their allegations, or most of the allegations, then it is the duty of the Government to answer and to say—not merely to say it is not so, but to produce evidence to this House that it is not so.

Mr. Valley: Madam Speaker, earlier today, the Minister in charge of Public Information laid a report dealing with this matter and the report, in the opinion of most people, was conclusive.

Mr. R. Maharaj: Madam Speaker, I am indebted to the hon. Minister for his saying that in a debate like this that a ministerial statement made outside the debate—

Mr. Valley: The report that you received.

Mr. R. Maharaj:—that that is conclusive. So, in effect, the Government is saying that it is closing its ears and its eyes to allegations of impropriety. All that we are asking for is to put their money where their mouth is and to put the report, the transcript of evidence, before us so that the population can see it.

If it is, Madam Speaker—

Madam Speaker: This is the report?

Mr. R. Maharaj: Yes.

Madam Speaker: Or the transcript.

Mr. Valley: He has the report.

Mr. Maharaj: Madam Speaker, what we have before us is a report compiled by an individual. That report is based on evidence which people said they gave before the Commission. In order for the public to determine whether that report contains all material matters and whether support can be found in the allegations, the only way for us to know that is for the transcript to be made available to the people of Trinidad and Tobago.

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Madam Speaker, on the law of circumstantial evidence, what inference can be drawn if there are allegations and the Government is being asked, "listen, if you know that these allegations are not true, produce the transcript" and they do not want to produce it? What is the inference? That the allegations are true. Therefore, Madam Speaker, what has happened in this case is that we would like to produce—they say they do not have it, but I am sure that they have it. But I will give it to them on the condition that they undertake and they give a commitment to this House that they have a public commission of enquiry. First, they will make available to the population the transcript of the evidence, public information; two, that we will have a public inquiry—not a secret enquiry—as to what happened with respect to this contract; and, three, that they will give a commitment—

Mr. Valley: Madam Speaker, please, I want to understand what this Member is saying. Is he saying that, for example, the document he just read from, an unsigned letter, which perhaps makes allegations against a number of persons in the country, that a responsible government, in response, should take that and put it out in public and then expose itself to a libel suit, Madam Speaker?

The Government took that and gave it to Mr. Justice Collymore, he got the information from the people, the Judge looked at the information. He has ruled.

Mr. R. Maharaj: Madam Speaker, what I am saying is that having regard to what has been said on this side, I am not asking for them to publish it. If I wanted to publish it, I could have published it. As a matter of fact, I could pay to get it published. If I cannot read it in this House, I can pay to get it published. That is not the point; I did not read it.

The point I am making is that there are serious allegations, and that if the Government does not want to release the transcript, then the only conclusion, the only inference is that some of these allegations are true. Therefore, I am saying that I do not want any public servant to be harassed; I do not want any person to be harassed. I want to know that if they are going to seriously investigate this, if they are seriously interested in getting to the root of the matter, show that they intend to have a public and proper enquiry.

Madam Speaker, the documents which I gave to the other side, which I produced, showed a serious situation. I am not calling names, but it showed a situation where for an action filed by a member of the board of the Airports Authority, a private action, the Airports Authority was not libelled and the private member of the board filed an action against the *Express*—that is public knowledge—for libel in relation to this airport transaction.

The Airports Authority paid \$25,000 for legal fees in respect of that private action by the board member. That is in documents which I gave them.

Madam Speaker, it is not right. Taxpayers' money, public moneys cannot be used for people's personal purposes. If a director is libelled personally, if it has to do with a personal action, there is no basis for using taxpayers' money, \$25,000. The documents showed that shortly thereafter, a cheque for half of that amount of money was made payable by the lawyer to the member of the Airports Authority.

Madam Speaker, does that not make any ordinary person feel that something is wrong? What does the Government do about it? The Government wants us now to produce all the evidence—well, this time I gave them photocopies of all the letters, even letters written to lawyers, even the photocopy of the cheque. We do not run the Police Service; we do not run the investigative machinery. So, therefore, if the Member for Couva South knew of that today, I would have expected that the Government would have known of that days before. Why no statement on that?

Madam Speaker, all this shows the need for increased measures to have accountability. Not the action of a government to reduce the machinery for accountability.

Despite requests by the other side, I am not going to fall into irresponsible conduct to call people's names. Madam Speaker, I have tried in this debate to be as unemotional as possible, but the fact that I am not emotional about this debate, Madam Speaker, I want to say that it is no indication as to how strongly I feel about the failure of the Government to show any desire to set up any machinery to investigate any such allegations.

Madam Speaker, what happened in many of the independent countries which got independence and which blindly follow the Westminster system without following the changes which occur? In most of those countries, history would show that what happened is that there was loss of confidence of the population in the system of government. In some of those countries, democratic governments were not able to function for a long time. Democratic governments were overthrown.

Madam Speaker, as I stand in this House, there is a history of Commonwealth countries and Commonwealth governments which failed to account to their populations, there is a history of what has happened in Trinidad and Tobago, the history of the perception that people have when a government does not want to have open government. I make an open plea to the Government of Trinidad and

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Tobago, I beg them, on behalf of the population of Trinidad and Tobago, to set up some machinery so that the man-in-the-street will feel that his money is not being taken away by public officials; that his money is not spent on a big motor car a public official has; that his money is not spent or stashed away in a bank account that any big official has.

I make this plea not for me, but I make it for the people of Trinidad and Tobago and I make it for the people to whom this Government, the party which forms the Government of this country, gave that solemn pledge which caused the man and woman to go on election day and put their mark to the balisier in order that they would get power—albeit by a small majority. Let them use that power for the benefit of the people and not for the benefit of any other person.

Thank you very much, Madam Speaker.

5.40 p.m.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, it was not my intention to enter into this debate, but in light of what has transpired here this afternoon I am duty bound to intervene with respect to a number of points raised in the debate.

I want to begin by going back to the Bill and to draw to the attention of Members of the House, clause 5 which comes under the subtitle, “Validation”. It says:

“All contracts made between the National Insurance Property Development Company Limited and the Government acting on its own behalf...”

It seeks to validate actions which were taken as far back as 1977. Unfortunately, I was absent from the last sitting, but from looking at the *Hansard* report of the presentation of the hon. Attorney General and looking at the Explanatory Note, it seeks to explain that one of the things which the Bill is seeking to do is to correct a situation which exists at the moment.

One listening to this debate this afternoon would have gotten the impression that the Government is introducing this Bill with a particular dishonourable purpose. I think the Member for Oropouche went as far as to say that the Government is laying the foundation to be corrupt as has happened in the past and he used a document of an investigation of some proceedings of the mid-1980s which show, according to his interpretation, that a deliberate foundation was laid for corrupt actions to take place, and he is seeing a repeat of that. I cannot fault the Member’s interpretation because if I were in the Opposition and skeptical of

everything the Government was doing, that is a reasonable position to take by a Member of the Opposition.

However, with respect to the purpose of the Bill to validate actions, my understanding is that some time as far back as 1977 an interpretation was put on the actions of the Bill and that interpretation was that as a company owned by the state and operating in that way it did not fall under the ambit of the Central Tenders Board, and a lot of actions took place by that authority which on subsequent interpretation one sees that those actions require correction in that NIPDEC, properly, should fall under the Central Tenders Board and, therefore, those actions which took place as far back as 1977 and through two administrations—one PNM and one NAR—require validation. The Bill at clause 5 seeks to do that.

To the extent that the creation of NIPDEC as an agency at all to seek to carry out certain functions, the question of facilitative work, the government is saying that we would like to allow the agency to proceed with its tendering as it has been doing.

The Member for Oropouche pointed out, however, that it is his point of view that where these agencies have internal tendering procedures that the basis or the platform for corruption is very real. One has to view this in the context of earlier positions taken, both in and outside this House, by the Member for Oropouche and other members of the national community.

These positions vary depending upon what argument is on the front burner at the time. From time to time one hears the Government being accused—not only the Government but one sees attacks being made on the systems of public administration, and many of those attacks usually centre around a fault attributed to overcentralization; and there is no greater centralization of governmental activity in this country than the Central Tenders Board.

In fact, at other places and at other times, many recommendations have been made to decentralize. In fact, we are being told, from time to time, to give more autonomy to regional corporations, many local government bodies, whatever. As you give more authority and evolve power to these agencies and decentralize, there is a point of view that this decentralization would bring about improved public administration. In a different place at a different time, that is not the point of view which prevails.

If we had brought a Bill here to bring about some kind of centralization of government activity, I am sure the Members on the other side would have been

equally vociferous in attacking centralization. In fact, they would have interpreted it to say, “you want that centralization to keep the control to yourselves so as to get your corruption going.” That would most likely have been their approach.

On the other hand, you bring a situation where you are asking for some measure of decentralization and you get the same argument, that as you decentralize what you are seeking to do is encourage corruption in these satellite organizations. So, either way, Madam Speaker, the Government’s action would have been subjected to the identical interpretation by those on the other side.

Having said that, Madam Speaker, this is not to cast aspersions on some of the very valid points made by the Member for Oropouche, and I think as public officials we would do well to try to live by those standards. The Member pointed out the requirement to have systems in place which would minimize, ameliorate—and he actually admitted, as most of us would admit, that the eradication of corruption in any society is an impossibility; however, one would strive to have systems in place that would minimize the opportunities for corruption. I do not think any of us can argue with that.

Having made those points of reason, one gets into the political area because a lot of the debate which took place here this afternoon was largely political. Speaking from this side, Madam Speaker, I would like the Members on the other side to know that we are not unaware of the strategy that is being pursued and we cannot fault Members on the other side for the strategy that they would like to pursue with respect to improving their political fortunes. All that we can ask is that Members on the other side subscribe to standards which they would like to apply to themselves in dealing with the whole issue.

It is quite clear, possibly to a drunken man on a galloping horse, that the strategy on the other side is to seek to place the same kind of label on this administration that was placed on a previous PNM administration.

Hon. Member: You place it.

Dr. The Hon. Rowley: That is clearly a political strategy and since I have no role in planning their strategy, Madam Speaker, I would leave that to them. The strategy is to label this administration as corrupt and having no interest in accountability.

Hon. Member: True!

Dr. The Hon. K. Rowley: To the extent that they are successful in doing that, their political fortunes might improve. However, I would like to let Members on the other side know that we are not going to roll over and play dead and permit them to use strategies of this nature with the ulterior motives that are clear and get away with it.

5.50 p.m.

Madam Speaker, this question of an anonymous letter being read in Parliament, allegations and innuendoes. Madam Speaker, if it is that we are saying here today that there is nothing wrong with any Member coming to this House and putting into *Hansard* the contents of correspondence without regard for its origin or its motive, without even recognizing the possibility of an anonymous letter being generated by the reader himself—Because that is the danger of accepting anonymity. If we are saying, Madam Speaker, that from here on what we are going to accept is a situation where any Member can come to this House and say, “I have found in my post-box a document which alleges that Member X, Y or Z is a child molester or a thief or a whatever,” I do not know where the debates in this House will end up.

We have had a situation where allegations are made in an anonymous letter and in treating with the allegations made the conduct of the Government is being brought into focus. We are having comments being made like “the officer who made the allegation”. So at one point it is an anonymous letter; it could have come from a school child, or a pensioner, we do not know because it is anonymous. But in presenting the argument at a later stage, we are being told and *Hansard* is being asked to record that a public official is making an allegation and the investigator goes to the public official and the official is asked to retract it under duress. So you see, Madam Speaker, the shift in ground, you see the strategy. You wave a flag, you go on a fishing expedition and when you do not catch anything, you buy a fish on the way home and then you have a fish-fry. That is the strategy being pursued by the Opposition.

All I am saying, Madam Speaker, is that Members on the other side should be very careful as to how they make allegations against Members of this House, because you see, Madam Speaker, the objective might be to bring down the Government. All well and good. If you can succeed, more power to you, but when in the context of accountability Members on the other side are also selling an argument that this Government has no interest in accountability and they are calling for a committee to monitor the budget—Madam Speaker, we have made it

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very clear. I want to reiterate the point that the motive of Members on the other side calling for a committee to monitor the budget, has nothing to do with any public accountability.

Madam Speaker, many of them on the other side had the opportunity in government to put in place just what they are calling for now and they did not do that. What, in effect, they are seeking to do, Madam Speaker, is to run the government from the back seat by actually trying to get in place a coalition of some sort and we have said time and time again—

Mr. Maharaj: We do not want a coalition.

Mr. B. Panday: Coalition with you? You are crazy?

Dr. The Hon. K. Rowley: We are saying, Madam Speaker, that this question about a committee to monitor the budget is not—there are systems in place for the Government to report to the public and the Parliament and we are working by that. We go further—

Mr. Palackdharrysingh: What systems?

Dr. The Hon. K. Rowley: The same systems that were in place when you were in the Government between 1987 and now, so I am not going to take you on at all.

Madam Speaker, we have the ridiculous state of affairs where the Member for Oropouche gets up here this afternoon, in January 1993, to call for a public commission of inquiry into the Mt. Hope Medical Complex, the contraction of which was completed and the hand-over took place before he got into government in 1987. His government spent five years in office between 1987 and 1991. He was so interested in having a public inquiry about Mt. Hope that absolutely nothing was done about that, but today in 1993, is seeking to label this Government as supporting corruption and having no interest in accountability. He comes here this afternoon calling for an inquiry into Mt. Hope. I ask you, Madam Speaker, to see that for what it is.

Mr. Sudama: Would the hon. Minister give way? You see, you do not know what you are talking about. When I was there, I did make approaches to have an investigation into Mt. Hope. It is just that I did not last too long there; but I did make efforts to have this matter investigated.

Dr. The Hon. K. Rowley: Madam Speaker, I am not really interested in the personal misfortunes of the Member for Oropouche. He has had a brief, unfortunate stint in Government and it is as a result, Madam Speaker, not so much

of his interest in accountability, but lack of competence in performing. That is my interpretation of it. I could be wrong, I hope I am wrong.

Mr. Sudama: What about National Quarries?

Dr. The Hon. K. Rowley: You want to talk about National Quarries, I will talk about that too because, Madam Speaker, I had the opportunity of working as an employee at National Quarries and it seems to have been a problem for the Member for Oropouche. But I want to tell him that I sat opposite the Minister responsible for National Quarries when I was in the other place. I sat there and the “great Gordon” sat here when he ran their Cabinet; and if there was anything that I had done wrong in National Quarries, you and that Minister had every opportunity between 1987 and 1991 to do something. So as far as I am concerned, Madam Speaker, whenever he mentions—

Mr. Sudama: We did not have time.

Dr. The Hon. K. Rowley: All I would ask him to do concerning National Quarries is if he has any information that I have done anything in National Quarries, come outside of the Parliament on the street, anything in National Quarries, come outside of the Parliament on the street. If the Member is of the view that I have been guilty of any form of misconduct at National Quarries, he must come outside the Parliament on the street, any of the four streets around here, and make any such allegation. If the Member is of the view that I have been guilty of any form of misconduct at National Quarries, he must come outside the Parliament where I have redress and if, in fact, he is reluctant to do that and he chooses only to make those allegations inside the Parliament, then we can meet privately in any corridor inside Parliament where I will have redress.

Mr. Sudama: Well, I will be making those allegations and we will see what we will see in the private corridors of Parliament. I will be making allegations here about National Quarries and its operation and we will see what we will see.
[Interruption]

Dr. The Hon. K. Rowley: Madam Speaker, that is the point I am making. I expect that every Member of Parliament would behave responsibly. On this issue of corruption, it ought not to be a political football. If it is that you want to deal with corruption, do not confine your actions to allegations and innuendoes inside the Parliament Chamber where you are protected by parliamentary privilege. If we are serious about corruption, then we have to be able to handle it differently.

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Madam Speaker, we have heard here this afternoon from the Minister in the Prime Minister's Office, that a local newspaper got access to confidential documents and made those documents available to a company that was involved in the proceedings and we had here quite a "hasecara" over this airport matter. Of course, having done that, allegations started flying left, right and centre. The Prime Minister is responsible for the execution of that manifesto, which was so elegantly quoted by the Member for Couva South, and which said that the PNM is committed to accountability. The Prime Minister, who is responsible for this Government, saw it fit, in the face of what was happening in the press and being fuelled by a certain amount of self-interest, to take action to satisfy himself, the Cabinet, the rest of the government and the national community, as a whole, that those actions were being carried out in a manner that was fitting and proper. So what does the Prime Minister do? The Prime Minister goes to the head of the Integrity Commission and says, "here is this matter which is now attracting national attention, could you look into it and report as to whether or not that authority is operating."

Mr. B. Panday: They will give evidence on a voluntary basis.

6.00 p.m.

Dr. The Hon. K. Rowley: Madam Speaker, I am not surprised at the behaviour of the Opposition here this evening. Nothing would have suited them better than if the report had come out and said, "yes, everything has been problems," and, therefore, they have something to feed on.

Madam Speaker, this afternoon we are hearing that what should have happened is that a commission of inquiry should have been appointed. One gets the impression, if one is to take advice on every occasion from the Opposition, this country would have a series of commissions of inquiry because every single action of the Government would warrant a commission of inquiry, because as far as they are concerned, they are skeptical about every action of the government and they would accede to every request from elsewhere for a commission of inquiry. But I can give you the assurance, that had a commission of inquiry been set up in the manner in which they are advocating, the charge this evening would have been—in fact, it would have been since then—that that action, "another commission of inquiry again? The Government is seeking to hide behind the commission of inquiry."

That would have been their reaction then. Instead, you have not done that. You get another source, which, I am of the view, would find favour with members of

the public. What do we get? We get a call for the transcript. We are now being told—we are not accepting the report from that source, because the report says, in English, the Commissioner had access to all the information that was read here this evening. The Commissioner had access to the persons involved—

Mr. B. Panday: We do not know that—

Dr. The Hon. K. Rowley: Let me backtrack. The Commissioner is an irresponsible individual, picked up selling nuts on Frederick Street, had nothing to do, put in charge and did not see—*[Interruption]*

I am now saying that. I am saying the Commissioner was a person who could not take these things into consideration and would simply have gone out there and disregard all that was raised in and out of context by Members of the other side, and come up with a report for the Prime Minister, which the Prime Minister laid in Parliament, and those on the other side saw it fit not to accept that report and began to call for the transcript.

But I want to ask a question. When they get a copy of the transcript—

Mr. Maharaj: Madam Speaker, is the Government promising us and the country, that we would get a copy? Does he mean what he said?

Dr. The Hon. K. Rowley: Madam Speaker, when they get a copy of the transcript—and the transcript would involve, “he say, she say; he say, she say,” the next phase in this is that they will now begin to question the statement of individuals, because if “A” says one thing and “B” contradicts it in the transcript, they would latch on to whichever statement suits their purpose and proceed to disparage the findings.

I have absolutely no doubt, whatsoever, that when they have access to the transcript, they would latch onto any statement in the transcript and proceed—

Mr. B. Panday: You know the future but you do not know the present.

Dr. The Hon. K. Rowley: Because I know your motive. I started off this presentation by identifying and describing your motive. Your motive is not honourable. Your motive is to paint the Government as corrupt and you will do anything. There is no limit to which you will sink, including bringing institutions into disrepute.

What the other side is saying by their conduct, having planned their strategy in their back-rooms and their smoke-filled apartments, what they have decided is that there is no level beneath which they will sink, including coming to the Parliament with spurious allegations, anonymous letters and whatever else. I am not speaking in defence of anyone.

Mr. Maharaj: Madam Speaker, I wonder if the hon. Minister would say: Did not the PNM administration adopt the same attitude with respect to the allegations against O'Halloran?

Dr. The Hon. K. Rowley: The answer is, no. Ask the Member for Caroni East. He might help you. He might be in a position to help you, because I will tell you something, when they were discussing O'Halloran I was in school—*[Interruption]* The Member for Caroni East is saying that the chief author in the O'Halloran thing, the Member for Tobago East, became Prime Minister.

Mr. Mohammed: I never said, chief author, but I will deal with you.

Dr. The Hon. K. Rowley: I was paraphrasing it.

Madam Speaker, in the presentations from the other side, the Government is accused of deliberately and consciously setting a stage for corruption and covering up corruption, and the Government is accused—in its attempt to ventilate the matter by having the circumstances investigated by an authority which the country has in high esteem—of seeking to protect people involved in corruption. By that allegation, the Members on the other side have no difficulty in enjoining persons outside of the government in their accusations about corruption. So, apparently, anybody who does anything for the Government is corrupt; anybody who conducts any enquiry in which the Government is not labelled as corrupt, that person is also corrupt and is part of the conspiracy and so on. I am saying that this could not be a position that is reasonable, logical or believable. It cannot be.

Very craftily, having gone from the anonymous letter, to dealing with how the contents of the anonymous letter should be dealt with by the Government, to disparage the findings of the enquiry into the Airport situation, the Member for Couva South introduced cheques. What is the public to draw from that? The public is to draw from that, “yes, there is corruption and the Government is covering it up.”

Madam Speaker, he made mention of Members of the PNM being involved in matters surrounding the cheques. For the umpteenth time, I want to go on record as speaking for the PNM on this kind of matter, that is, to the extent that any Member of the PNM is involved in actions which are illegal, and to the extent that information provided demonstrates that such action is illegal and improper, against the code of party and country, the government gives the assurance to this House, and by extension, the wider national community, that any such action would be dealt with according to the ambits laid down in the laws of this country.

It is not just a question of coming here and saying that cheques were made out to Members of the PNM, the circumstances surrounding those cheques, I do not know.

6.10 p.m.

However, I am not speaking for anyone or in defence of anyone, but since the Member introduced it to the debate, I hope Members on the other side would be reassured that this is not the end of that matter. We would now want to know the circumstances, and to the extent that there are no breaches, then there is no case to answer. To the extent that there are breaches, we on this side know where our commitment is.

Madam Speaker, we heard much about Mt. Hope and cost overruns. The Member for Oropouche went to great lengths to quote from the evaluation of the government-to-government arrangement. The government-to-government arrangement served their purpose; there were shortcomings. In fact, when the shortcomings were identified, the Government took a position to discontinue such approaches.

That may not find favour with many on the other side. However, the point I want to get at is, if it is that the Member is saying that cost overruns equal corruption, then I wonder what would happen to him and the projects that took place under his watch, for which there are substantial cost overruns.

Madam Speaker, the Member for Oropouche is asking for an example, I want to give him one. The Scarborough Deep Water Harbour was supposed to cost \$49 million. That project was initiated in April, 1987 when the Member for Oropouche was an integral part of the Government of the day. He was aide to the Minister of Finance. *[Interruption]* So he tells me, I thought he was Minister in the Ministry of Finance.

Anyhow, as of today, that project is costing us approximately \$100 million, and I do not know if it is completed. So, if it is that we accept the maxim that cost overruns equal corruption, what has happened there? Or, is it that it is only when there is a PNM Government in office and one has a cost overrun, that cost overrun equals corruption?

Madam Speaker, much of what was said by the other side has to be taken for what it is. It is political strategy meant to label Members on this side. In fact, one must remember that when we were in a position to contest the 1991 general election, some of the Members on the other side were very liberal in their advice

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to the PNM, as to who should be PNM candidates. Because they saw certain individuals whom they had labelled as easy targets for their strategy, and they were quite provoked when they were denied that bullseye.

Today, Madam Speaker, they find themselves in the Opposition and they would seek at every turn to improve their fortunes. I have absolutely no doubt whatsoever, that Members of the other side have taken a decision, with or without evidence to substantiate their allegation, to seek to pin labels of corruption on Members of this Cabinet. That is a political decision taken by the other side. The only way we can test that is, whenever they are coming to this House to make allegations against Members of the Cabinet, they must have the testicular fortitude to come out in the streets and make the same allegation.

The Member for Couva South is promising to do that. As a Member of the Government, I would welcome Members on the other side, coming out in the streets and making those allegations. Because, it will demonstrate to me that they believe what they are saying and they can substantiate what they are saying.

To the extent that the Member for Couva South is threatening to make allegations about me, personally, all I can ask the Member for Couva South is that when he makes those allegations outside this House, he should make them in a way that there can be no doubt about whom he is speaking, and it is about me he is speaking, and I would see him in court.

Mr. Maharaj: Madam Speaker, I want to assure the hon. Minister that we have made statements about this government and what we have said here, we have said it outside and he knows about it and he cannot do anything about it.

Dr. The Hon. K. Rowley: Madam Speaker, that is just so much “ole talk”, because anybody can make generalities or innuendoes. What we are asking is—since the Member intends to label this Government as corrupt; since he has evidence of corrupt actions on any Member in this Government—do not confine yourself to the privilege of Parliament, come outside and make those allegations so that, firstly, the Government could know who you are speaking about and to the extent that such persons are guilty, action can be taken. Or, alternatively, if they do not have a basis for making allegations, they stand the consequences of their irresponsible actions. *[Interruption]* What about National Quarries?

Madam Speaker: Order, please! I wish the debate to proceed, please!

Dr. The Hon. K. Rowley: Madam Speaker, as a Member of this Government, whenever Members on the other side speak of corruption, I take it

personally, because, they may be addressing it to me. To the extent that we bring a Bill to Parliament today, I can tell you that this is not the last time you will hear a debate like this in this House.

Given the interpretation that I have put on the actions here, it is clear that every action of the Government would be subjected to this kind of behaviours. To the extent that the Government is resolute in its commitment to observing morality in public affairs; to the extent that we are confident of the behaviours of our colleagues, we intend to press on with the business of government as the Opposition presses on with the business of seeking to label the Government as irresponsible, as they have.

Madam Speaker, to the extent that Members on the other side believe that what they are doing is exposing corruption, I cannot argue with that.

Mr. Panday: Then why are you so hot under the collar?

6.20 p.m.

Dr. The Hon. K. Rowley: I am not hot under the collar. I am simply saying that when a Member of Parliament speaks, he or she speaks as a leader in the national community.

To the extent that we all agree that misconduct in public office should not be tolerated whenever Members on the other side have information about the Government's misconduct, they are duty bound to expose it. But there is a limit to just throwing out innuendoes and allegations. I refute the allegations of this government having no interest in accountability; that this government is laying the foundation for corruption, that this Government is operating under a system of checks and balances that are different from the ones that they operated under, and that this government is deviating from its manifesto's commitment. I have every confidence as long as we are entrusted with the mandate of running this country's affairs, we on this side will put the country's interest first. I thank you.

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, listening to the last speaker, the Member for Diego Martin West, that rambunctious Member who like a lot of jhanjats in this House—one would get the impression, having spoken the way he did, it wiped away clean the slate of the PNM from all of their misdeeds. To think that the Member would talk about NIPDEC as overcentralization and indicate to this House that to incorporate NIPDEC under the Central Tenders Board Ordinance is an act of decentralizing, the Member seems to be confused. If you are going to decentralize, of course, you

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have to decentralize the Central Tenders Board and not another institution totally unrelated to the Central Tenders Board. What the Member for Diego Martin West is advocating is his accustomed system of “ad hococracy”. Do all sorts of ad hoc things in this country and call it decentralization. At least he should have some measure of commonsense to know that the two organizations are completely different in character. I cannot understand how he is striving to put systems in place. What system? I asked him what system and he would not say what system.

He is indicating that his Government is concerned with accountability. The question today before us is the amendment to the Central Tenders Board Ordinance, and the broad umbrella under which it falls of course, would be accountability. Is there any accountability by the PNM? The Bill before us is to enable the government to enter in contracts with NIPDEC, and to validate past contracts between NIPDEC, and the government.

Clause 4 would be deemed to have come into effect on April 12, 1977, the same date on which the Central Tenders Board (Amdt.) Act 1979 commenced. Finally, clause 5, would validate the acts and things done or omitted to be done under the past contracts mentioned above.

We looked at this and we are convinced that what the Government is asking us to do is to continue to open the system to more and more abuse. The Attorney General in his presentation tried to indicate to us that this was necessary in order to put things right. I cannot understand how you are going to put matters right by trying to bring NIPDEC under the ambit of the Central Tenders Board, and the Government has not attempted to state the connection of NIPDEC as an institution with a statutory body.

It is clear to me that NIPDEC as an entity, if it has no *locus* within the accounting system is a mechanism for what is total corruption in the style of the PNM. When we look at the Central Tenders Board Ordinance we are going to see under section 4, the establishment of the Board under (a) of the Ordinance:

“To act for in the name and on behalf of Government and the Statutory Bodies to which the Ordinance applies in inviting, considering and accepting or rejecting offers for the supply of articles or for the undertaking of works of any services in connection therein necessary for carrying out the functions of the Government or any of the Statutory Bodies.”

Madam Speaker, the Ordinance also gives us the assurance of the composition of the Board. Not only that, but the Ordinance goes on to tell us how contracts

should be awarded and some of the *modus operandi*. We are trying to now bring NIPDEC and give it the same powers as a statutory board. To whom will NIPDEC be accountable? Would the Attorney General like to give us this information? It is not a statutory body so it would have no cover under the parliamentary system by the very extremely limited Public Accounts Committee or Public Accounts (Enterprises) Committee and, therefore, since no organization of this Parliament—

Mr. Bereaux: NIPDEC is owned 100 per cent by the National Insurance Board. It therefore falls under the ambit of the Public Accounts (Enterprises) Committee.

Mr. R. Palackdharrysingh: NIPDEC was incorporated on July 26, 1977, as a private limited liability company. Its role was then to assist in the implementation of the Government's construction programme. Does that make it an enterprise that would fall under the PA(E)C? It is a subsidiary of the NIB and if NIPDEC is a statutory body, I would imagine that would fall under the PA(E)C. I cannot see the connection. If there is no connection, I think the hon. Attorney General, has the right to clarify to this Parliament the system of accounting that would be carried out when it comes to the operation of NIPDEC.

With the number of amendments to the Central Tenders Board Ordinance, it is clear that with this amendment what you would have is an ordinance that can be compared with a sno-cone without ice; an Ordinance that has lost its savour. The original intention with respect to impartiality, and fairness, all these criteria would have been melted by the amendments.

6.30 p.m.

This amendment can be likened to the amendments in the Central Tenders Board Ordinance, the amendments which have given rise to what the Member for Oropouche pointed out, government-to-government contracts and the whole spate of non-accounting. When I listened to the Member for Diego Martin West defending the indefensible, what impression should I get about him?

Let me turn to that same document, *The Report of the Committee Appointed by Cabinet To Review the Entire Programme of Government To Government Arrangements*.

NIPDEC as an executing agency for a project called The General Warehousing and Cold Storage Facilities—in the column under “Agreements,” it states at page 25:

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“The General Memorandum of Understanding on Technical Co-operation was signed between the Governments of Trinidad and Tobago and of Canada on 14th February, 1979.”

At the end, there were a lot of studies carried out on this and nothing came out of it, in terms of having the implementation and a lot of—

Dr. Rowley: On a point of clarification. The Member is misrepresenting my position. At no time in my presentation did I seek to defend or attack anything in any of those reports.

My position is that if Members on the other side had seen it fit to have investigations or inquiries into any of those actions, they had five years in which to do it, and as far as I know, that was not done.

Mr. R. Palackdharrysingh: That would not absolve him.

In that same report at page 26 it states:

“Mechanism For Monitoring Agreement.

Cabinet in its Minute 3173 dated July 27, 1979 established the Mechanism for conduct of Government-to-Government Arrangements. In accordance with this decision, the designated Executive official of the Executing Agency (NIPDEC) would be responsible for negotiating the specific project contract, which in this case was the elaboration of a Letter of Understanding.

The Minute also instructs that the Ministry of External Affairs and the Ministry of Finance shall participate in all negotiations.”

We continue on page 48 where we see: Construction of the Hart Street Complex. National Insurance Property Development Limited (NIPDEC) Oversees Construction in Association with Japan Inc.

Again, there are agreements. NIPDEC commissioned Newel Lewis Broadbridge and Associates while the Japanese selected Japanese Architects and Consultants. Here again you see NIPDEC involved.

On pages 65 and 66 of the Report we see—

“Financial Complex—NIPDEC Agreement

The memorandum of understanding was signed on January 23, 1979.

Description of the project,

Construction of Finance Building and Central Bank Building. The Finance Tower will house the Ministry of Finance and other government departments, while the Central Bank Building will house the Central Bank Staff.”

Mechanism for monitoring project management is provided by NIPDEC.

I ask here: With the mechanism for monitoring, what accountability has come to this Parliament? The Auditor General has reported in the 1991 Report that he is unable to conclude the report on the financial complex because he cannot get a figure. Do you see what has happened? Would anybody, including the Member for San Fernando East, stand up and say what is the state of the financial affairs of the complex with respect to its building contract, and what was the final cost?

Then, the Member for Diego Martin has the gall to behave in the way he behaves. *[Interruption]* I am not the Member for Oropouche. If you want come right here now, we will have it out. If you only step there now, I will fix you up. You come and stay there. If you only step there, I will step right there.

Madam Speaker: Fighting in Parliament is very unparliamentary.

Mr. R. Palackdharrysingh: Madam Speaker, I am not fighting. I am responding to a challenge.

Madam Speaker: To both Members.

Mr. Mohammed: Is it you who spoke about testicular fortitude?

Mr. R. Palackdharrysingh: Did you not? Have you backed out?

Madam Speaker: Will the Member continue?

Mr. R. Palackdharrysingh: What I want to show again is that NIPDEC is involved in the Financial Complex, as I said. On page 67 you see NIPDEC is again involved in the Hall of Justice. Contract sum as obtained in this government-to-government contract, is approximately \$97.6 million. This figure includes provisional sums for specialists and sub-contractors, but does not include the sum of \$19 million for fixed furniture and fittings.

There is a provision for variation of price within the contract. In certain areas it has been possible to fix the price of equipment, and in these cases the variation of price should only apply to the labour element. Contract period is four years.

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“Problems:

NIPDEC sees the major source of difficulty as that caused by starting the project on a letter of intent.

Suggestions by NIPDEC for more effective operations include:

- (i) a full and adequate brief for the requirement;
- (ii) an agreed design to meet that requirement;
- (iii) close monitoring of the cost implications during the development of the design;
- (iv) close cost control during construction.

6.40 p.m.

Madam Speaker, it is clear that these contracts were open-ended. Anything could have come in afterwards. There were massive cost overruns. There is no accountability. This is another project that the Auditor General, as related in his report of 1991, cannot bring to a conclusion because the information with respect to expenditure cannot be got.

Madam Speaker, I should now call for a public inquiry into the construction of the Twin Towers and the Hall of Justice. Why has the Auditor General not been able to conclude the accounting on these matters? Madam Speaker, the same thing they are talking about, the machinery is not really working because what has been happening—the PNM is not interested in accountability. If the PNM were, the Member for Diego Martin Central would not come to this House when he did and make a statement with respect to having what are called private accounting firms, and terminating the agreement with the Auditor General.

Madam Speaker, he would have listened to the cries of the Auditor General and beefed-up the staff of the Auditor General. That is what should have been done. You see, it is a whole pattern whereby there must be the slipping of accountability. This was one stage; now it is another stage. I therefore ask, Madam Speaker, why is it the Government cannot respond to the cries of the Auditor General and provide him with the staff needed for accountability?

Madam Speaker, let me just quote from section 2.12 of the Auditor General's Report for 1991. I want to read this from the Auditor General's Report, 1991:

"At December 31, 1991 there were thirty-eight vacancies on the establishment under the following categories of officers:

- Professional - 11
- Technical - 16
- Clerical - 5
- Secretarial - 5
- Manipulative - 1

In addition, three (3) posts have been affected by separation due to the Voluntary Termination of Employment Plan.

Nine posts in the technical stream have since been filled.

Relationship with Private Accounting Firms: The Auditor General engages private accounting firms to assist in fulfilling the statutory obligation of reporting to Parliament on the accounts of Statutory Boards and State Enterprises. These firms report to the Auditor General and their work is reviewed prior to the issue of such Reports to Parliament. Authority for the engagement of private accountants is conveyed in the Exchequer and Audit Act, Chap. 69:01 and by Cabinet's approval. The engagements are subject to the provision of funds by Parliament and the release of such funds by the Ministry of Finance.

During 1991, twenty-four (24) audits were contracted out at a total cost of three hundred and fifty-nine thousand, seven hundred and fifty-three dollars and thirty-five cents (\$359,753.35)."

Madam Speaker, you see what the approach is by the Auditor General with respect to accounting: In cases where there are shortages, they are going to hire the firms. But the Member for Diego Martin Central finds that is not good enough, so he comes here and he makes a statement that is not debated. Let me read what he says and I quote, Madam Speaker:

"At its regular weekly meeting, held on September 10, 1992, the Cabinet agreed that effective immediately, a statute enterprise may appoint any private firm of accountants..."

[Interruption]

Mr. Valley: "State".

Mr. R. Palackdharrysingh: Well, I see "statute" here, s-t-a-t-u-t-e, okay?
[Interruption] I will start over, Madam Speaker:

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"At its regular weekly meeting held on September 10, 1992, the Cabinet agreed that effective immediately..."

and I take the correction, I am sure it is really "state", but they have "statute" here,

"a state enterprise may appoint any private firm of accountants as its auditors and if the firm so chooses it may appoint as its auditors the Auditor General of Trinidad and Tobago."

So you see, Madam Speaker, it is now the tail wagging the dog and not, vice versa. If the firm so chooses—that means to say, what of the Auditor General? Nothing. They are decimating the importance of the Auditor General in the system of parliamentary accountability. Today the amendment on this ordinance has to tie in with their intention and it has to be linked for corruption to come.

Madam Speaker, I lament that movement. I think that is eating away at the heart of the parliamentary system. When the Auditor General has the responsibility to lay reports here, they are now undermining that little measure of accountability in the parliamentary system.

Mr. Valley: Madam Speaker, week after week Members come to this House and misrepresent facts. According to the Constitution—and the Member is aware, because all of that is in the statement—the Auditor General is entitled to go into any state enterprise and audit anyone. We have not taken that right away from the Auditor General. The Auditor General can still go into any state enterprise, audit and lay the report in Parliament.

What we have done, Madam Speaker, is we have simply liberalized, as it were, allowing state enterprises to appoint an auditor of their choice, and we say with any of those companies, if we have at least a 25 per cent interest, we will lay those reports in this House.

Week after week they come here and misrepresent because their intention is clear; as my colleague said, they want to paint this Government in a particular way.

Mr. Sudama: Madam Speaker, could I ask the Member a question? Where are they getting the money to pay these private firms to do accounting on behalf of the Government? Could they not have employed the same money and increased the staff of the Auditor General's department who will then report to this Parliament?

The Auditor General is an officer of this Parliament, not a Member of the Government, and they have reduced his role by reducing that department's financial resources.

Mr. Valley: Madam Speaker, that statement says also that before Government took that action we had discussions with the Auditor General, who agreed that was the appropriate way to go—it is mentioned in the statement.

Mr. Sudama: The Auditor General is an officer of Parliament. They treat him as if he is a Member of Government or a public servant.

Mr. Valley: Madam Speaker, I make the point again: The right of the Auditor General, as enshrined in the Constitution, to go into any state enterprise and audit is still there. The staff is there.

As a fact, the Auditor General can now do what the office has to do more efficiently because it is no longer bogged down having to do the audits of all state enterprises.

Mr. R. Palackdharrysingh: Madam Speaker, I wish to disassociate myself completely with the explanation given by the Member for Diego Martin Central.

As a matter of fact, when they do not provide the staff and the funding, they are saying to the Auditor General, "I do not want you to function". That is what they are doing. They are making the alternatives. It is a very calculated plan.

Dr. Rowley: But it is the same staff as when you were in Government.

Mr. R. Palackdharrysingh: What same staff? The number of entities have increased under the surveillance of the Auditor General and there is no corresponding complement of staff, none whatsoever.

Mr. Valley: Madam Speaker, let me just make one further point: The Member mentioned earlier that the Auditor General gave out audits to some 24 companies for \$350,000. In spite of that, the audits of many of the state enterprises were years behind. That is the problem we were faced with.

Mr. R. Palackdharrysingh: Madam Speaker, the reason for the Auditor General giving out those audits elsewhere is because they do not have the capability and rather than finding the money to send to the Auditor General so that there could be accountability to this Parliament, they choose to give it outside and that is undermining the integrity of the Auditor General, undermining the capability.

Mr. Casimire: Would the Member give way?

Madam Speaker, I would just like to ask the Member for Caroni Central whether he knows as a fact that these very firms have continuously raided the staff of the Auditor General. As soon as they are trained and they go to the Auditor General, a few weeks after they go into those same private firms.

Mr. S. Panday: Irrelevant!

Mr. R. Palackdharrysingh: Madam Speaker, I want to ask the Member if this amendment is really going to aid any measure of accountability in this country. The government-to-government arrangements have been catastrophic. They did not fulfil what was envisaged. When you look at the report on the government-to-government contracts, you are going to see, Madam Speaker, this amendment to the Bill is going to facilitate the same sort of corrupt practices that were carried out under the government-to-government arrangement.

Madam Speaker, the recommendations of the report on the government-to-government contract were, and I want to read section 5 of the recommendations:

"Steps should be taken to review urgently the operations of the Central Tenders Board so as to ensure that it functions efficiently and expeditiously. In this regard, consideration should be given to the establishment of Tenders Committees in Ministries similar to those in State companies and statutory boards which do not fall under the purview of the Central Tenders Board."

Madam Speaker, this is the recommendation: Not to emasculate it any more, as in the government-to-government contracts, but to bring it back and make the necessary changes within the scope of the Central Tenders Board.

It is very clear to us that this amendment is aimed at facilitating corruption because they are escaping from the mechanisms that are placed to give a minimum amount of accountability.

Madam Speaker, I would like to share in the sentiments of my colleagues who have spoken before. I would like to support their stand. *[Interruption]*

Madam Speaker, I just want to make one final point, seeing that I have disappointed the Minister of Health. I want to put in the records that every time we talk about accountability in this House, it has been said that there is a committee called the Public Accounts Committee that is responsible for examining bodies and so on. I want to quote, Madam Speaker, from the Second

Report of the Public Accounts Committee, 1981 to 1986. This is Appendix III, and I want to make this entry, "Comments of Senator A. Chow", and I quote:

"The first report of the Public Accounts Committee (PAC) dated October 13, 1982, focused on the efficiency and effectiveness of its own role and made the following salient points:

1. 'Section 1 of the report therefore draws attention to the several constraints and disadvantages under which the Public Accounts Committee operates. These are so burdensome as to render the current operations of the Committee a nonsense. The Committee therefore makes preliminary recommendations of a far-reaching nature, requiring constitutional amendment.'
2. 'The Public Accounts Committee is unable to fulfill even a symbolic role in the way it is presently constituted and operated. It has no role to play in the future directions of the state organizations and statutory bodies in regard to accountability and control.'
3. 'The organizational structure is in our opinion unable to support even the the narrowest definition of the objectives of the Committee, and therefore our role as members is an exercise in frustration which should be abandoned with remorse.'

It is clear from an examination of the unanimous findings of the Committee that the affairs of the Committee are an abortion of the process of accountability and its activities constitute mere token compliance with the letter but not the spirit of the Constitution.

Furthermore, the *modus operandi* of the Committee, which commits the Committee to an examination of outdated historical reports and an oral examination of accountable officers, is an anachronism which stands out in sharp contrast to the available constitutional alternatives and current technology for promoting and enforcing morality and accountability in public affairs.

Upon completion of the first report (in which preparation I participated fully), I took the conscious decision that I would refrain from participation in the PAC on a matter of principle until, at the very least, the report was debated in the Senate.

The failure of the government to allocate time for a parliamentary debate on the first report of the PAC, a unanimous document supported by

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government, opposition and independent parliamentarians, is a measure of the priority which has been accorded public accountability and the reform of important constitutional institutions.

Until such time this long overdue debate is held, I will continue, as a matter of principle, to absent myself from this Committee, whose constitutional objectives I uphold and support, but whose powers, functions, organization and methods completely frustrate its efforts."

I said, that was an inclusion by Sen. Alwin S. Chow. This is in 1985. That was the situation, Madam Speaker. Yes, I am currently the Chairman of the PAC and I know it is the same exercise in futility you have to go through all the time.

Mr. Valley: If the Member will give way, Madam Speaker, simply to ask the question: Is he saying, then, that the approach ought to be to strengthen the PAC and the PA(E)C, rather than implementing or setting up a new committee?

Mr. R. Palackdharrysingh: Madam Speaker, I want to commend this entire report to him. It is easily available to him. It is a parliamentary document and I doubt he wants me to go into the problems, findings and recommendations. He does not want me to do that.

Mr. Valley: Madam Speaker, is the Member saying that the recommendations of that report can form the basis of our moving to a higher level of accountability in the Parliament; is he prepared to use that as the basis?

Mr. R. Palackdharrysingh: Madam Speaker, is the Member willing to have a meeting with the Opposition on this matter?

Mr. Valley: Madam Speaker, I have stated on many occasions that the Government is desirous of doing so, whenever they are ready. *[Interruption]*

Mr. R. Palackdharrysingh: Madam Speaker, you know the problems, it is a waste of time. What I am simply saying is this Bill before us is another plank in the whole system of loosening whatever little measure of accountability there is, and it would seem now that tampering with the Ordinance at this point in time in the manner they are suggesting, by giving NIPDEC the sort of additional powers and recognition, is clearly a step in the direction to do as they like.

Madam Speaker, I want to say today that I am really depressed that the Government has brought this measure in the Parliament. I want to associate myself with the Member for Couva South when he asked that the measure be withdrawn and, instead, take the Ordinance itself and do the research and all the

recommendations that went before and strengthen the accountability systems of other organizations and not allow organizations that have no public accountability to this Parliament to act for Government without any sort of checks and balances.

Madam Speaker, I would want to call, like the Member for Couva South, for this amendment to be withdrawn completely and for a complete revision of the Ordinance, as needs be, to plug the loopholes and so on.

Mr. Shamsuddin Mohammed (*Caroni East*): Madam Speaker, I rise at this hour to make a brief and humble contribution to the debate.

Straight away, one must understand, in my respectful submission, that this is a new parliamentary experience in the sense it amounts to the fact that we are debating a statement. I believe, perhaps, it is the first time in the history of the Parliament of Trinidad and Tobago that we are debating a statement.

Madam Speaker: We are not debating a statement, we are debating an Act to amend the Central Tenders Board Ordinance.

Mr. S. Mohammed: Madam Speaker, we have had statements read in the House and everything leading to the question of what has been done, what has not been done, and this Central Tenders Board (Amdt.) Bill, in my respectful view—*[Interruption]*—my analogy is full of the same implications as contained in the provisions of this. We have had the hon. Member for Diego Martin West making statements to the effect that the Prime Minister is going to the Chairman of the Integrity Commission and what have you.

We on this side wish to make it absolutely clear that we have nothing against the Chairman of the Integrity Commission; we have said nothing on this side to sully the name and character of that gentleman, Mr. Justice Collymore. We wish to make that abundantly clear. We said nothing to that effect. That is our position.

What we have been saying on this side, on that particular issue, is that we have made a complaint to the effect that it was something secret. There were other options available. Why did the Government choose this particular course? When there is a Commission of Inquiry under the relevant Act, we know that there is provision for witnesses to be summoned, for documents to be summoned, for people to be represented by lawyers, for evidence to be given, for examination to take place, for cross-examination to take place for the strength of that evidence to be tested. We were merely indicating that, perhaps, that would have been a more desirable course to pursue. It is in that sense, when we deal with the whole

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question of corruption, one of the pillars of that would be this Central Tenders Board Act with which we are now dealing.

Madam Speaker, we say that the Government had options; the Government chose to order an inquiry into this particular matter where the person conducting the inquiry was not clothed with the requisite powers as would normally be the case in a commission of inquiry—*[Interruption]*—none whatsoever. If this side of the House asked for the transcripts: Why would we ask for the transcript? It is because of the same reason. Not because we have anything against the person conducting that inquiry. We would like to see the transcript, we would like the public to know what is contained in the transcript.

Madam Speaker, we have had a development in this House today and I am surprised that the hon. Prime Minister would concur with that sort of idea that if an allegation is made that the only way we will seek to investigate that allegation, it must be signed and it must have X, Y and Z. That is a situation where the functions of this Parliament are not properly understood.

Mr. Manning: I thank the hon. Member for giving way. Is the hon. Member saying, therefore, Madam Speaker, that it is all right to use the cloak of parliamentary privilege to cast aspersions on the integrity of persons by way of an anonymous letter? Is he saying that?

Mr. S. Mohammed: Madam Speaker, that is not our position at all. I wish to create a clear distinction of what we mean in a situation like this: We are not talking about just picking up something out of the blue to cast aspersions on anybody. What we are saying with regard to our role as parliamentarians, it is for that reason, if the history of privilege is scrupulously examined, it will be seen that we are not hamstrung by the constraints of the laws of evidence as to hearsay and as to "irrelevancies", but I put irrelevancies in inverted commas. We are permitted hearsay here. It is our business as Members representing the interests of the population of this country that if something comes to our knowledge we must not put it below the carpet. That would be an erosion of the functions of this Parliament. It will be a derogation of the duty and responsibilities of this House and these Members here who represent the sovereign will of the people of Trinidad and Tobago. There is no alternative to that.

In effect, if a documentation comes—and look what has happened in the instant case: A letter—it is alleged it is anonymous—

Mr. Manning: Madam Speaker, I would like the hon. Member for Caroni East to come clean in Parliament: Is it anonymous? Or is it alleged to be anonymous? What is it, anonymous or what?

7.10 p.m.

Mr. S. Mohammed: I think that is a subtlety of distinction that is being advocated that has no support nor base whatsoever.

If it is alleged or even if it is anonymous, the point I was getting to, Madam Speaker, is that in the instant case, you have had appendices to that letter.

Hon. Member: Read the appendices and forget the letter.

Mr. S. Mohammed: In fairness and defence to the authors of those letters, one has to be cautious. It may be nice in the heat of the moment to say, “call the names”, but you have to protect the interest of those people who may see something going wrong within a government department. I believe that the Prime Minister should appreciate that and nothing must be said or done to make it appear that we are seeking to protect people or we are afraid of an inquiry or we are afraid of looking into matters that are referred to us. That is hiding under the rubric of technicalities.

The point in this issue is that it is very important. We must take that into account and I urge the Prime Minister—in fact, I will say this without fear of contradiction as we like *ad nauseam* to quote British traditions and democracy. The sort of allegations which have been made here would have been sufficient for that whole Airports Authority and the Minister to resign or the Prime Minister to use his powers in that regard. Politics is inclusive of perception and it is how the people out there feel about the politician. That is the basis upon which the Prime Minister should be looking at these things. I am saying now, out there, amongst the people, whether it is Woodford Square, the Croisee or San Fernando, there is much talk about what is taking place in this country. So that we should not seek to hide things because sooner or later in our system of collective responsibility, the Prime Minister who has been projecting that clean hand, will find it is lost if it is not already lost [*Cross talk*].

Mr. Maharaj: The PNM tried to jail me. They sent a criminal, and you know that. You were part of that. You cannot terrorize me about Special Branch.

Madam Speaker: The Member is having a little problem in making his contribution.

Mr. Maharaj: Threat from the Prime Minister that the Special Branch—acts of terrorism.

Mr. S. Mohammed: The Member for Couva South speaks with authority and he is recounting purely some matters of history.

Mr. Maharaj: Expose you all internationally.

Mr. S. Mohammed: Madam Speaker, I am making the point that no effort should be made to conceal the sort of allegations that we have heard today and previously in this House. I do not think the Member for Diego Martin West had done anything in his reply to reduce the profundity of what was said here, the allegations and the lack of responsibility. That is our point of view. This Minister of Agriculture, Lands and Marine Resources, the Member for Diego Martin West, seems to be busy with many things in this country save and except agriculture. Madam Speaker, we are introducing new words. Whenever he speaks he puts you in the mood to speak and to reply to him.

Dr. Rowley: I turn you on.

Mr. S. Mohammed: I feel inspired to speak after him. He turns me on. He knows those technical expressions. It would appear to me that that Member for Diego Martin West has a penchant for those expressions because it is he who earlier on talked about testicular fortitude and spoke on the corridor with my friend, the Member for Oropouche. Whether you go or you do not go that is a matter purely between him and you.

Dr. Rowley: Not me at all!

Mr. S. Mohammed: Whatever happens in the corridor, I am not concerned. What I am concerned about is that the Minister of Agriculture, Lands and Marine Resources, the Member for Diego Martin West, has virtually abdicated his duties and responsibility in the sphere of agriculture. There are complaints—there are even persons who might be here today—about what is going on with this question of corruption and pressure on the people at National Fisheries Company. What has the Member done down here? We have repeatedly raised the issues surrounding National Fisheries. *[Interruption]* We are talking about NIPDEC. That is the bill we are talking about—Central Tenders Board and NIPDEC, but they are all related, you know. You closed down National Fisheries; then you hired people there. What methods were used to hire security personnel down at National Fisheries?

Did the Member go to Central Tenders Board, or any form of tender, to hire those security people down at National Fisheries? Did the Member do that?

What we do know is that just a few people are carrying on there and a big establishment which could advance the cause of agriculture is closed down and this Minister had done nothing up to today, notwithstanding the fact that on diverse occasions the matter was raised in this House. So, what are you doing? There is a throughput charge for the trawler, the price of diesel, all the facilities; you closed down the ice-making plant there, you stopped the processing. What is going on? All the Minister says every time is that they are owing \$70 million. That is all. Nothing is going on! We are talking in this country about oil exploration and we have nothing going on that will hold for the future of this country. Do you see what the Minister is doing? Perhaps, only defending the Government with fancy statements. We have to look at that. Tell us something about National Fisheries. "Look the people there!" They are suffering. They are waiting to hear something. What is the Minister doing to help them? Corruption by no tenders procedure, violation of tenders procedure.

Dr. Rowley: Let us not start that now. It is too late for that.

Mr. S. Mohammed: That is the truth. That is a fact. The Minister must go outside and talk to them. He does not even talk to them. Does he know that today there was a fight in the San Fernando market because of the same corruption that we are talking about? Has he opened the wholesale market in Debe, yet? Corruption! No tender procedure! No kind of procedure! The Minister has not even met with the board of NAMDEVCO up to today. The Member has assumed duties as Minister more than a year and the agency of Government that is responsible for marketing in this country he has not held a meeting with them.

Mr. Manning: Madam Speaker, in the interest of the hon. Member's health, I want to ask that he tone down a little, please. I fear he might be getting a heart attack.

Madam Speaker: Remember to address the Chair, please.

Mr. S. Mohammed: I must thank the hon. Member for San Fernando East for having such paramount interest in my health. I appreciate that very much.

You know, the mountain is not made up of trees of one size and shape. All the trees on the mountain are not living trees. In our society there are people who are perfectly healthy and those who are handicapped; so we are all not one. The cold and suave way that the hon. Member for San Fernando East may have in

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dispensing his contribution to this House may not necessarily apply to another Member. He will make this point in a telling way in his own inimitable style but this Member for Caroni East, for all the years, has had his particular style and I think that increases his health rather than diminishes it when he goes in the crescendo. I thank him, nonetheless, for his concern about my health and that is heartily reciprocated.

7.20 p.m.

Madam Speaker, I generate not only heat but equally I generate light and that is important. I was making the point, that the same things we have been talking about here under this Bill, have been happening day after day and I am telling this honourable House that you have frustration out there; you have people who are really angry out there. They feel that the Government is not dispensing the services and the attention to the population that were so beautifully promised not so long ago. I had a report, in coming to this honourable Parliament, about a situation that exists in that Mucurapo Street market.

Dr. Rowley: Madam Speaker, I thank the Member for giving way. I was waiting to hear whether he was going to develop the point and clarify the issue, but since he has now gone into something else, I wish, for the benefit of the record, to indicate that as Minister responsible for National Fisheries, the closure of the company was a result of a Cabinet directive before this Government came into office. Also, the Ice Plant, which I am accused of closing down, has been inoperable for the longest while, long before the Government came into office. So for the record I should like the Member to either withdraw those accusations or at least apologize.

Mr. S. Mohammed: Madam Speaker, there is no way I am going to withdraw the remark. The fact of the matter is, based on even what the Minister said, it is all the very reason why he should have come to this House now and given proposals to this House, or say something positive about what the Government intends to do with that very important area of our resources, and that is in the area of fisheries.

Dr. Rowley: Madam Speaker, with all due respect to the Member, there is a time and place for everything. We are debating the amendment to the Central Tenders Board. The Member interjected something with respect to National Fisheries and, in fact, he has misled Members of this House, and all I am asking him to do is the decent thing and acknowledge his mistake and have it withdrawn.

Mr. S. Mohammed: There is no way I will acknowledge. I am speaking on behalf of the people. What mistake is the hon. Member, my friend from Diego Martin West, talking about? When I talked about the whole procedure existing down there it is similar to what we are trying to say about NIPDEC and Central Tenders Board and aspects of corruption, of nepotism, of favouritism, or whatever it might be. That is what we are talking about and I am making the point—

Madam Speaker: I do not think the hon. Member was saying that your Government had closed the plant down. He was complaining that the Ice Plant has been closed and that some attention ought to be given to re-opening it. This is the impression I got from the hon. Member,

Dr. Rowley: With all due respect to the Chair, Madam Speaker, you must have been bored by the previous speaker but, in fact, I followed it very closely. The Member did say that this Minister, whom he accused of dereliction of duty did, in fact, close down the Ice Plant, did, in fact, close down the company, and alluded to the fact that security was hired without tenders and all that. Madam Speaker, if the Member will not withdraw the statement, I simply want to put on the record those allegations are unfounded and the Member is misleading his colleagues, certainly not the Government.

Mr. S. Mohammed: Madam Speaker, I respect the view of my hon. Friend, the Member for Diego Martin West, but with the greatest deference, I do not agree with what he is saying. He is compounding the difficulty when he admits that the plant has been closed for more than a year, but he has come with no proposals whatsoever to say what the Government proposes to do.

Dr. Rowley: Today?

Mr. S. Mohammed: I am not saying whether today, or before, or when you are going to do it.

Madam Speaker: Hon. Member, I think we have given a lot of latitude with respect to National Fisheries. Could we move on with the topic of the debate.

Mr. S. Mohammed: Madam Speaker, I thank you for your kind support on my submissions on the National Fisheries. It is really good to have some support.

Hon. Member: She like you, boy?

Mr. S. Mohammed: Oh yes, I am loved everywhere I go and this House is no exception. *[Interruption]* Madam Speaker, another point was made which you must deal with. The Member for Diego Martin West made the point that the

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Members of the Opposition are saying that every time something happens there is a commission of inquiry. So what is wrong with that? If it is sufficiently grave, if the allegation has substance, or if it is presumed or, *prima facie*, has substance, why would there not be a commission of inquiry? We are a new, young society evolving; we are not like America, over 200 years; and even though that is the case, they still keep amending their Constitution. So we are right, as a new society, to have these things—our commission; and go to the courts and test the laws that we have. We have had laws passed in this country since 1920 in the statute books, but we have had a Constitution since. While the Constitution will protect and keep some of the laws, it is always good to try to test the validity of those laws that we have and we must not be annoyed if mechanisms are put in place for us to do that, so we will create proper judicial precedence so that the country can be guided.

Similarly, if there is need to examine something by way of a commission of inquiry, what is wrong? Why is my friend, the Member for Diego Martin West, averse to that sort of suggestion? *[Interruption]* That is what you said, check the *Hansard*. You said Members of the Opposition suggest that you should have a commission of inquiry for everything. We must take *ejusdem generis*. You know what that is Sir? In the context in which it is said. We are saying what is reasonable and if there is merit in it, you must do it. Not *in vacuo*, just like that. We are not suggesting you do it—

Mr. Sudama: What is *ejusdem generis*?

Mr. S. Mohammed: A little bit of Latin that the old lawyers know about. Take in the context. *[Interruption]* Madam Speaker, it is a joy to hear the Member for Oropouche pronouncing his Latin. I think he knows more about the *locus in quo* on the corridor.

Mr. Sudama: I want to inform the Member that Latin is a dead language.

Mr. S. Mohammed: Madam Speaker, we know it is a dead language, but you will still find the law replete with expressions in Latin. There are still many Latin things about us. It may be dead, but it is still there. Madam Speaker, those were the experts in that field; they will know. I do not have to explain that. They will know what we are speaking about. So, Madam Speaker, it is not right when the hon. Member for Diego Martin West has said our motives are not honourable. We reject that. You have refuted certain things. We refute that as well. It is our duty to do what we feel we should do on behalf of the public, anybody in Opposition. You would do the same thing too.

Dr. Rowley: No, Sir.

Mr. S. Mohammed: You would. If we produce the records of the contribution of the Member for Laventille West and the Member for San Fernando East, they are replete with those concerns that we have expressed here today. *[Interruption]* I challenge that. Bring the *Hansard* contributions of the last Opposition and you would see the extent to which those concerns that we are expressing here were expressed by the Member for San Fernando East and the Member for Laventille West. After all, when you win, you done with that. A *vote de passé*. A Jekyll and Hyde situation. “No longer concerned with that.” That is not so, deep down in the heart of that Prime Minister, I am sure he is agreeing with everything I am saying here. He may get up and say no, but I know that is the case. And the *Hansard* would support what I am saying, that the concerns we have expressed today are the same concerns. Look at my friend, the Member for Laventille West. I expect that if the situation continues, he will opt out. I think he will be faced with no alternative. With all that is happening with the tenders procedure, WASA and electricity and all these rates, I do not know how he is going to take that. But I know when he was here in the Opposition, he was expressing similar concerns.

Mr. Palackdharrysingh: Yes, I could vouch for that.

Mr. S. Mohammed: So, Madam Speaker, I reject what the Member for Diego Martin West said that the Members of the Opposition are making spurious allegations. I would like to know which allegation is spurious. You said it.

Dr. Rowley: Madam Speaker, once again, I rise in defence. I have not accused anyone on the other side of making spurious allegations. I am in no position to say which allegations are spurious or not. So I would like the Member not to seek to quote me as saying that. I have not said that, Madam Speaker.

Mr. S. Mohammed: Madam Speaker, I have a note here, you know, and I challenge you by saying that you have used the expression “spurious allegations.”

Hon. Member: Yes, get the *Hansard*, you will see.

Mr. S. Mohammed: We will have to have instant replay here, you know. We will move a motion in this House for instance. The way things are going and the way we are doubting each other, it seems we will have to have a whole set of parliamentary reforms, including instant replay. I do not know if you know about cricket. I was an opening batsman for 19 years—a leg-break googly bowler, playing in England too. Look at my colleague here, he was in England.

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[Interruption] The Member for Toco/Manzanilla? I am not aware of that. If you are a fast bowler, I will object because your top will dazzle me.

7.30 p.m.

Madam Speaker: Hon. Member, please get back to the debate.

Mr. S. Mohammed: Madam Speaker, the Member for Diego Martin West has a penchant for provocation, and so long as he exercises or pursues that penchant, it will be equally reciprocated by the Member for Caroni East. I assure him about that.

“Checks, exemption”, we have taken no decision to do anything. What must be understood, even within the whole gamut of governmental operations, is that there are people who will see things going on, people who will know that things are happening which ought not to happen in the way that they are happening. In the wider community you have a similar situation where people will see things taking place. Who are they going to complain to? Let us be honest about it. Are they going to write the Minister in charge? Some people may do that. Because it is common knowledge that if you write the Minister in charge or the Government, you may very well have a situation where it is put inside the drawer and nothing is heard about it.

Madam Speaker, so what happens? When we are dealing with these issues we must face reality and we must understand one situation, that the time is propitious for us to consider seriously, complete parliamentary reform. Even when we are dealing with this corruption business and amendment to the Central Tenders Board—no Act in the whole of this country has been amended more than the Central Tenders Board Act.

So we must not be afraid if something is said and people are involved, complaints are made to us and we use this forum, which, in my respectful view, is the best forum to use. You go and investigate it. Do not go and say we are irresponsible because we do it. We are not. On the contrary, we are most responsible. I hope that the Prime Minister will take that into consideration and not look at everything as an impediment and confrontation, here, there and everywhere, everyday. We are doing our duty. When you were in Opposition, in the same way, I am sure, people referred matters to you. There are many matters which have been referred to us that we have not brought to this Parliament. I have had cause to read letters here, even in respect of the Member for Diego Martin

West, on the issue of the NAMDEVCO, signed by a person in that organization. I did not call the name of the person, because that would have been jeopardizing his position. The allegation against the Member for Diego Martin West is that since he assumed office, he has never yet met with that NAMDEVCO board.

Tell me what is taking place in this country. Do you know what the NAMDEVCO organization is all about? They have been charged under the appropriate Act with responsibility for all marketing in this country, an integral part of agriculture. What is the sense of paying so much money for chemicals, fertilizers, tractoring, ploughing, rotary hoeing and all these things and you produce stuff, and when the time comes to dispose of the commodity, you do not have the requisite facilities so to do? The Member for Arouca South agrees heartily. I am glad for the support I am getting there.

So that is a serious matter. All of these things have to do with the same things envisaged by this Act. It may be Government or quasi-government; it may be a statutory corporation, whatever you may call it, the ultimate responsibility resides with the Government. So that if the Government has been in power for more than a year and you have a situation where these people—my friend, the Member for Fyzabad had the opportunity of seeing that letter, signed by a senior member of the NAMDEVCO organization, stating that they are frustrated—have been unable to meet the Minister, and the opening of the market in Debe is imminent. I pointed out that there was trouble. Today is Friday, a busy day.

Mr. Sudama: That is my constituency.

Mr. S. Mohammed: My friend from Oropouche claims that the Debe market is in his constituency.

These are the things which are relevant when we are talking about the Tenders Board and how we are doing things and so on. In fact, I had filed a matter in the Speaker's office in connection with the San Fernando market. I am saying we have a problem there, because the people are frustrated. They said that they were opening that market today, and I understand there was chaos and confusion. I understand that the people have no directives as to how that market is going to operate. They do not have the requisite staffing and all of these things. The people at San Fernando were brutalized. Every time they go with their wholesale produce, they are brutalized. They have no facilities there in the market and that is the situation we have. The Minister is coming to defend his position and would not be prepared to examine and to know what corruption is even taking place in the San Fernando market, if you do not give them pumpkin; when you do not give

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them this bag of potatoes or onions or whatever. That is what is happening. That is the allegation. That is what was told to me and these people were here in Parliament a few weeks ago. They are being maltreated at the hands of the authorities there.

They have their own scales, but they say you cannot use the scale. You have to use two scales and you have to line up. It is real pressure. It is the same sort of thing that we are complaining about which exists at the San Fernando/Mucurapo Street Market. There is need to look at all of that. How is the market going to operate in Debe? What sort of contract are you going to give out with regard to the installation of facilities and so on? What tenders procedure will be implemented or instituted with regard to the operation of that market?

Madam Speaker, it is a big, beautiful building down in the Debe area. As soon as you enter Debe, where you get the phoulourie, kachowrie, saheena, bara and aloo pie—I am sure you are familiar with those; they taste nice. The art of gastronomy will tell you they taste most delicious. That is the area for it. As soon as you enter, you see all these buildings on your right. That is supposed to be the new wholesale market for Trinidad and Tobago. The Minister of Local Government ought properly to know something about that. His colleagues should have advised him.

At one time they said they would put the municipal corporation inside the market, but I think that idea has been abandoned now. They want to sell local government wholesale now.

But, Madam Speaker, it is there. It is a dry-weather facility. Nobody knows what is going on. There is need to have an investigation there. I am saying that in the House today. Mr. Prime Minister, as a representative of the people, listening to my colleagues and so on, I am saying that the whole of NAMDEVCO needs to be investigated now. They are paying \$15,000 per month rent at Aranguez Plaza and nobody knows what they are doing. One thing is sure; there has been no improvement of market facilities for the people who produce food for the nation. That needs your attention.

You have not seen them for one year—you are in office more than a year. You have not even met the board. I challenge you, and make that categorical statement. You get up and deny that and give me the date that you met them.

That is what we are talking about, Member for San Fernando East—accountability. We are asking that you open your ears and eyes and do not let a posture be adopted to define this one and that one, *per se*. When there is an

investigation, let the investigation be happily conducted in accordance with the principles of *audi alteram partem*—let the other side be heard. Listen to both sides.

Madam Speaker, if you have an area of doubt existing over somebody and you have an investigation, himself to himself cannot work. It just cannot work. If you have an investigation, the norm will tell you that you should have some independent person probing the particular thing. This thing about undue influence that we know about in the law, a contract can be vitiated if you have undue influence.

But that is not all. You are talking about vitiating a contract. We have a moral, political contract with the electorate. What vitiates that contract? The Member for Toco/Manzanilla is in the legal department. Do you want to talk? I will listen to you.

7.40 p.m.

Mr. Mottley: I was taking up the debate, sorry, Sir.

Mr. S. Mohammed: My friend from St. Ann's East will give me support in my submission about poor marketing in the country.

Madam Speaker, without any acrimony or bitterness, it is a point we are making. You must telegraph that message to the population that you are doing things fair and square. Do not tell the population that you conducted an investigation; but what was the nature of the investigation. The officer had to send a letter to his Minister. Tell me which officer, you know in Trinidad and Tobago is going to say something adverse in communicating with his Minister. I know of no precedent for that. I know of no situation where that will happen. Even if the thing is red, he is not going to say a little less than red. He is not going to do anything. That is his boss he is replying to.

That is the sort of situation. Justice must not only be done; it must manifestly appear to be done. That is why I say that politics is about perception as well. So they must telegraph to the population that what you are doing is fair and square. Do not have a closed circuit investigation, and adopt whatever comes there and say that is it. No, the thing must be done fairly and squarely and properly. I submit that what we have heard here with regard to the investigation of a particular matter, I am saying that that investigation was not conducted in the best tradition of how investigations should be conducted. That is our respectful view.

Madam Speaker, I make that point and I hope that cognizance would be given to what we are saying. We are out to promote the interest and welfare of the community. Every time one walks outside or says "Boo" in this House, "Oh it is a

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conspiracy to do the Government this” and “It is a conspiracy against the Ministers”, and what not. Well, I mean, after all, this is politics. This is adversarial politics. In that process we can make our points which would contain the validity and let the population decide in the ultimate analysis. This country will only progress if we could have that kind of national consensus that would cut across the strictness and parochialism of the pure political barriers *per se*. We need to have that. Repeatedly we have talked about that. We need to have a getting together of the peoples of this country. It does not stop with the people, but at the level of the Government too.

They are coming again to perpetuate the system of first past the post; and hinging onto the British democracy. We should be interested and concerned with the future development of the country, and we should adopt measures and mechanisms that would conduce to the advancement of the socio-economic position of the country. That is what we should do. We have to live like people, and let the people decide, politically, what they will do. *[Interruption]* Well yes, I see both sides of the coin and can make a proper assessment of which is the proper side.

Madam Speaker, we look at the whole amendment of the Central Tenders Board in the context that our interest is paramount as well for the advancement of the welfare of the country. That is not to preclude any political party from any one section of the population. That must not be construed in that light. We are equally interested in the welfare of the country like Members on that side.

Whenever we talk about the question of accountability in this House we are told that they already have procedures existing for accountability. I would like to know what procedures we are talking about. There is no way, with the greatest deference to the learned Attorney General, and the Member for Diego Martin Central, that that Public Accounts Committee could sufficiently deal with the question of accountability in Trinidad and Tobago. When one reads the report of the Auditor General for the finances for the year, you would see.

Mr. Valley: Madam Speaker, I wonder whether the hon. Member would be kind enough to outline what he wants with respect to accountability, stating clearly how it would work.

Mr. S. Mohammed: Madam Speaker, I have no problem with that. I am glad for his invitation in that regard. What we are saying, is that the Public Accounts Committee and the Public Accounts (Enterprises) Committee invariably will deal with a report that is two, three or five years old—

Mr. Sudama: Ten years

Mr. S. Mohammed: —and even longer than that. Could that adequately handle accountability in this country? No way!

Mr. Valley: Madam Speaker—

Mr. S. Mohammed: Let me develop my point, Sir. I gave way to you, you raised a question, let me deal with it. Listen to words of wisdom, you will hear it in a short while.

Madam Speaker, my submission to this honourable House is that the Public Accounts Committee cannot, on its own accord, deal with the question of accountability in Trinidad and Tobago. I give my reasons now and I will invite the Member to speak after I have said what I have to say. The Public Accounts Committee is impotent. I do not have to explain what that means. It is impotent from the point of view that it has no powers to *subpoena* witnesses; it has no power to *subpoena* documents; the hearings of both Public Accounts and Public Accounts (Enterprises) Committees are held virtually *in camera*; the reports that come to these committees are stale and late.

I am saying therefore—

Madam Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. R. Palackdharrysingh*]

Question put and agreed to.

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The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I rise to move a procedural motion that this House will continue sitting until the completion of the matter before the House.

Madam Speaker, I want to ask the hon. Member whether he would be prepared to commit himself to give us that document within a period of two weeks? Is that reasonable?

Mr. Mohammed: Madam Speaker, I had already indicated to the hon. Member to allow me the opportunity to conclude my summations on the particular point, then he can respond.

Madam Speaker, I have just given my reasons why the Public Accounts Committee cannot adequately and effectively handle accountability in this country. I gave the reasons, the Member got up, maybe he was thinking about what he had to say, so I will repeat them.

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Firstly, the reports that come to that committee are late reports. They are not current. They are not contemporaneous. There is no monitoring.

Madam Speaker: Hon. Members—would the Member take his seat please—the motion was moved, but we did not put it to the House.

Mr. Maharaj: Madam Speaker, before the question is put, I would like to say something. The Opposition would like to get some indication as to what time the Government intends to sit. We would like to know because we have not been provided with any sustenance if we have to go up to 11.00 o'clock, so we would like to have some indication. To say until the debate finishes, is obviously putting pressure—oppressive conduct—and we would have to make our decision as to what we intend to do.

If we are going to go up to a reasonable time, we have no problem, but to say until the debate finishes 11.00 o'clock—we had tea at 4.30. Most of our Members live very far from Port of Spain and, I think, courtesy demands, and the convention as I know it, demands that some indication should be given to us as to what time, and what sort of provision is being made.

7.50 p.m.

Hon. K. Valley: Madam Speaker, when I spoke with the Chief Whip yesterday morning, I indicated to him not only were we completing the debate today—there was no question of time. We stated clearly our intention to complete the debate on the Central Tenders Board (Amdt.) Bill.

Madam Speaker: Would the two Members like to confer behind the Speaker's Chair as to how many more Members will speak and then we can get an indication of the time.

Mr. Maharaj: Madam Speaker, I have very great difficulty because the Minister does not remember conversation. This is very important. If the Government intends to treat us, the people's representatives, with this contempt, I think it is only proper—we do not have to beg for this. The Government owes us an obligation to indicate to us around what time it intends to go.

Hon. K. Valley: Madam Speaker, it is not a question of time, it is a question of the business before the House. I spoke with the Member yesterday and I thought he understood clearly that we were completing the Central Tenders Board legislation. It is clear we were finishing. No one at that time indicated to me how many Members were speaking in the debate. We spoke in terms of our business,

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that we were finishing the Central Tenders Board legislation and that we were going on to the motion. We said that quite clearly when we started the House today.

Madam Speaker: I had put the motion, that the House will continue in session until the conclusion of the debate on this Bill.

Assent indicated.

CENTRAL TENDERS BOARD (AMDT.) BILL

Mr. Palackdharrysingh: In the event that a debate continues, is it not obligatory for the Government to indicate what provisions would be made in terms of accommodation for Members who are residing way down South? It has been the practice in the past.

Mr. Valley: Madam Speaker, my understanding is that any Member of Parliament who is here because of a late sitting and is living far, is taken care of by the Parliament.

Mr. S. Mohammed: The Member for Diego Martin Central asked me to indicate what help could be given on this question of accountability as we see it. I was telling him when we were interrupted why it is the existing mechanisms are not satisfactory. The suggestions that I have made to the House are not my suggestions alone. They are suggestions that have been considered in this House by a Committee of the House. The question we are asking is: what do you mean by accountability? You first seek to arrive at a definition of accountability. What do you conceptualize accountability to mean? If it is that you are saying accountability means that the various Government departments will present a report to this House in accordance with the law, which report is then referred to the Public Accounts Committee, I am saying that that mechanism is not total and adequate nor effective.

Experience has clearly shown that you are dealing with events that have happened, with expenditure that has taken place. What you need, therefore, is a more contemporaneous mechanism going along with the functioning of the Parliament and with the presentation of your budget. You need a committee of this House to monitor. That is, if you make an allocation for agriculture for \$50 million; as you go along you have a committee during the course of the year looking at the provisions and allocations to see how things are going. I ask hon. Members, what is wrong with that? Every time we raise the issue the response we get is that there is a Public Accounts Committee. I am saying that Committee does not work. This is a report which is House Paper No. 6 1985, and there were other reports.

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My friend, the Member for Laventille West, at the time when he was Chairman of the Public Accounts Committee may have echoed similar sentiments. They are sentiments that are pregnant with validity. I do not know whether there was a retreat at any time and this matter was considered. I suggest to the Prime Minister that this should be on the agenda whenever they have a retreat on some other occasion—to consider the question of accountability.

If you are thinking about reforming your Public Accounts Committee, what are the mechanisms you can put in place to really make that committee effective? The present system cannot work. You call three people, the financial officers from X department and take up a report of five years ago. This voucher missing; this expenditure cannot be accounted for; something from the department missing. What are you going to do? What is the sanctionary provision that exists? Maybe the Permanent Secretary may have powers to surcharge, but it is long after the horse has bolted from the stable that you are talking about a mechanism for accountability and that cannot work. I am not saying to discard it, that will be a defective compendium, but it cannot be the only way to have proper accountability.

The report that was lodged in this House when my friend, I think was a chairman of Public Accounts Committee, I do not know whether he did not use his persuasive skill in order to get some action on it. That committee recommended public hearings. Do you know what happens in a public hearing? When you hold that hearing, wherever it may be the officers have to come before public scrutiny. They will know they have to come good. They will have to organize efficiency in their department. Hundreds and hundreds of vouchers and unexpended sums will be accounted for. What is wrong with having that? What is wrong with so many witnesses? They have not said that it is wrong and unacceptable; or is it a device to protect people or what? That is not the intention.

We are saying to have public hearings and to subpoena your witnesses and their books and documents and strengthen your staff at the public accounts level. Give them research capabilities. There are many times that three officers may come from a department and may be talking matters of economic and other technical and financial aspects. You may have the Comptroller of Accounts present, but, as a Parliament or even at the level of the Public Accounts Committee, what sort of staff do they have specialized in these areas? And staff who will not be subjected to any kind of direction and influence from any Minister or authority. It is not existing.

The Attorney General comes here time and time again and talks about a Public Accounts Committee. But there is no way that that Public Accounts Committee could handle what we are talking about; proper accountability. It will take part of it and an important part but it cannot on its own accord deal with this question of public accountability.

Madam Speaker, I made that submission to the Government. Just do not throw it away like that because it is a part of the House Paper. It is a part of a deliberation of a committee that sat. All Members here are not in Public Accounts Committee. They do not really understand and appreciate what goes on in a Public Accounts Committee, the frustration you could have. We will sit here you know. The Member for Diego Martin West is seeing “jumbie” in every corner. This thing is bad and that thing is bad. Open your ears a little bit and listen. Try to analyze. Do not just discard it as some political trickery. This is a House Paper, something which was lodged in this House. It is not my words alone.

8.00 p.m.

We are saying that the Public Accounts Committee is a vital instrument of this House, but it is not sufficient to deal with the total aspect of accountability. We are saying that as the Parliament goes around from year to year, there should be some contemporaneous committee that will look at the budget and proposals and be able to monitor. What is wrong with that?

They come to Parliament and present a budget; lay estimates for revenue and expenditure; lay the provisions for the statutory boards; give a review of the economy; big hullabaloo is made in the country; the full gamut of television and the media come to the fore in Parliament; the Minister of Finance in all his glory; that momentous occasion has arrived; in regal splendour, he delivers his budget speech. So what happens thereafter? That is about it. We should have that mechanism in this House on a continuing basis in order to deal with the question of accountability.

I invite Members on the other side—maybe they have looked at it and put it aside but I hope that people like the Member for Laventille West, who was a member of the committee and knows the frustration and problems, would know that could never be contemporaneous accounting at all. It will not help what we are seeking to achieve. We want the Government to say what plans it has for accountability in the country. That is the issue which we are on, and the population is concerned about that as well. Every time you say Public Accounts Committee, that would not hold water.

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What new proposals do you have? What can we do in order to reform this whole system? For example, look at this piecemeal business we have been doing. Central Tenders Board. Is there need for a comprehensive look to be taken at this Central Tenders Board Ordinance, to take all the amendments that we have had over the years, just like we have had the Companies Act or the Companies Ordinance, however we wish to call it, although the correct designation would be Act. The Companies Act, notwithstanding the fact that for so many years, either 40 or 50, has been known as Ordinance, Chap. 31:01. There is need for comprehensive amendments as well, not only to the Central Tenders Board.

What is the legislative programme that the Government has? I see my friend from Toco/Manzanilla—I think it is an elevation that he has gone in the realm of the law. I hope that would be the start whereby we would look at legislation which are obsolete and need to be amended, those areas in which we need to have legislation. We have to do it because there are volumes of amendments to the Central Tenders Board.

As we are doing that we must realize that we are moving ahead as a country, and accountability must be part and parcel of it. Up to this moment we have not had a legislative programme coming from the Government. What is happening? Is that the reason they do not like a throne speech to enunciate their policies and programmes? These are things which we must consider. The Government needs to put a committee together and to have projections.

We need to look at this whole Parliament. Who is going to do it? Who is going to look at parliamentary reform? Do you mean to tell me that the Government will come to the conclusion that there is no need for parliamentary reform? I doubt that will be a point of view held by them. I would say that as a moving developing society, now a Republic, we should have comprehensive reviews within this Parliament.

We have these Standing Orders since 1961. How many years have passed and we have not done anything with regard to even changing something? The only thing which has been done here, maybe by force of circumstances, is that this Chamber and the surroundings have become more beautiful. Is that parliamentary reform? That is not parliamentary reform.

We need to have constituency offices in this building. So I disagree with the hon. Prime Minister or anybody who suggests that the Prime Minister's office is coming to the Red House. Make this the home for the representatives of the people. That is what you have to do and then this Central Tenders Board

piecemeal business, you will have the Member for Toco/Manzanilla and others like him—nice room there—dealing with changes in the law. There are no legislative programmes, and parliamentary reform coming.

I am saying—and I make that appeal to the Member for San Fernando East—that they need to have that sort of mechanism to deal with these things. There is need for it. I do not want them to say that they have the Public Accounts Committee, whenever we talk about accountability. My goodness, is that all? That cannot work. It is a hopeless example to use. They will not even give the necessary equipment and facilities to that committee. I am saying that we need to go beyond that.

In this exercise today, we have had many counter-allegations. I think that we need to take this whole situation in proper context and to construe what the Opposition has been suggesting, as being constructive in the nature of wanting to have proper accountability, and to ensure that things will work well in this community; for wanting to ensure that there is public perception in our society in the way we move, because all politicians become lumped in the same way, whether they are in government or opposition.

There are people in the society who hold very negative concepts and views about politicians. What are we doing and where are we going in order to change this? Do you want tinted glass all the time? You would not imagine the types of remarks which I have heard about politicians and tinted glass. Security was never an issue in it. The kind of contempt that people have even for that mechanism, far less for the long cars and sitting at the back with long flags and enjoying the niceties of that type of indulgence. I must warn that there is contempt in the society for even that, security apart.

Let us telegraph to the population of this country that we are with them. That is important and paramount, because what they may feel is that we are taking care of ourselves and their interest and welfare is subjugated to something less.

8.10 p.m.

If we get increased salaries, and loans for bigger and newer vehicles, they are going to construe that whatever the merits and the demerits of it, public perception is what I am talking about and politics has much to do with public perception. So that in terms of our conduct in this, the highest court of the land, we should be able to relate to the people.

Madam Speaker: Well, I do not think the current debate concerns the conduct of the Members of Parliament. I was trying to see how best I could relate it to the amendment that is being considered this evening. Will the Member please direct his attention to the debate.

Mr. Mohammed: Madam Speaker, what we are dealing with is a Bill to amend the Central Tenders Board Ordinance, 1961, and to validate certain contracts made between the Government and the National Insurance Property Development Company Limited. These things are handled by people, by politicians. They are not—*[Interruption]*

Madam Speaker, I am saying that what we do here in this House, what we do as politicians is integrally bound with what we are doing here with the Central Tenders Board (Amdt.) Bill: It is credibility and accountability. How are we to administer the Central Tenders Board Act? Who is to administer the Central Tenders Board Act? What checks and balances do we have with regard to the Central Tenders Board Act? These are the matters that we have to talk about. I am saying that as Ministers who are charged with the responsibility and Members of this House, we have to do things in a certain way that will relate to the population out there who develop certain perceptions about us. So if they want a Central Tenders Board Act to operate properly, and we do not have to come back with a million amendments, we need to act in consonance with the high office and the oath that we have taken here before Madam Speaker at the commencement of our term. We have to do all of that, whether we like it or not. It is people who have to do these things and we, as people, must set the example and must do things in a certain way.

Madam Speaker, this Bill is amending something that has been on the statute books since 1961, just like the Standing Orders. Those are the points I am making. But this one is even better, because there are several amendments. What amendments do we have with the Standing Orders? We are the patronizing remnants of the colonial era, the relics of the colonial past. We have to get away from that and people saying that about us.

Madam Speaker, I am saying that we have other pieces of legislation on our statute books going right back, we have been doing piecemeal work and we need to have the Attorney General set up—I know he has a Law Commission, but again, even at the level of the Law Commission, it would seem to me that the work that they do is piecemeal. What broad perspective is taken of the legislation that we have? They are doing a good job, but I am saying that we need to do a

little more. I look at these things and I know the Minister of Finance announced certain pieces of legislation, including changes to the Companies Act. We would welcome that.

In that context, I would say that this Central Tenders Board legislation is belated and, just as we seek to amend this, we should look at other areas of legislation. I wish to assure the Member on the other side they must not see “jumbie” at every corner. If we have information, our duty is to make that information available to the Government.

We do not have a secret service or an investigative agency; when we draw things to their attention, the Members on the other side should be proud and happy that we are bringing these things to their notice. That is how we improve the administration and the efficiency of the departments and that is how we will be able to move better in this society and improve the quality of life. However, every time we do it, they are ascribing motives that are not, in reality, true.

I hope Members on the other side will take that into account and know that we are concerned for the welfare of this country and the advancement of the nation. I hope that Member for Diego Martin West will try to do something about National Fisheries, NAMDEVCO and all the areas of agriculture. He has not even accepted my invitation to visit the wholesale market. People will not look at that.

Madam Speaker: I think the hon. Member is again going off course.

Mr. Mohammed: I rose to contribute to this debate purely because of the contribution of the Member for Diego Martin West. Many things that he said were so inaccurate and a misinterpretation of the intentions of Members of the Opposition. I am making the appeal to him in that context, that with regard to his portfolio, which is so important, that there are areas which need to be looked at. We are happy to co-operate with him and with respect to the Central Tenders Board, that may apply to them, as well.

Madam Speaker, I thank you and Members of the honourable House for your kind indulgence with regard to this contribution.

The Prime Minister (Hon. Patrick Manning): Madam Speaker, listening to the contribution of the hon. Member for Caroni East and the contributions of some of his colleagues who immediately preceded him, one began to wonder if we were not losing sight of the issue before the Parliament.

The issues before us today are simple amendments to the Central Tenders Board Ordinance. The first amendment, Madam Speaker, was an amendment that

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seeks to change the definition of the word “minister”, to prevent the restriction by which the Government is now hemmed in, in terms of the allocation of responsibilities for the Central Tenders Board being, as it is at this time, in the Office of the Prime Minister, the Prime Minister having a desire to have some kind of flexibility to make that portfolio available to any other Minister that the Prime Minister may consider appropriate. It is very straightforward and, in fact, there is nothing wrong with that.

Indeed, Madam Speaker, when I got into the Government in the first instance, the responsibility for the Central Tenders Board came under that portfolio of the hon. Minister of Finance. Some time subsequently, and I am in no position to say exactly when that development took place, the law was amended—and for reasons, Madam Speaker, that are not available to me at this point in time—and the responsibility for the Central Tenders Board was placed in the purview of the hon. Prime Minister and the flexibility to move that portfolio as he saw fit was a flexibility that had been removed.

The amendments before us contemplate the return of that flexibility so that the responsibility for the Central Tenders Board could be appropriately allocated.

Secondly, Madam Speaker—

Mr. Humphrey: Will the Prime Minister give way to a question?

Madam Speaker, I want to ask the hon. Prime Minister to explain to us how he conceives the responsibility of a Minister. For example, he is speaking now of the responsibility of a minister for the Central Tenders Board, but the broader principle of responsibility of a Minister, because it is provided for in the Constitution, seems to be subject to a wide range of interpretation.

Hon. P. Manning: Madam Speaker, I do not wish to be ruled out of order by your good self and, therefore, may I suggest to the hon. Member for St. Augustine that we can engage in that discussion in more leisurely circumstances. *[Interruption]* To get into that discussion at this stage, Madam Speaker, will put me in a position where, quite justifiably, you will want to rule me out of order.

Secondly, Madam Speaker, hon. Members are aware—or I hope they are aware—that the Bill before the House seeks to treat the National Insurance Property Development Company, NIPDEC, in a certain way. The genesis of that was somewhere in the 1970s—and I cannot remember exactly what year; it may

very well have been 1977 or 1978, one of those years—when, because of the enhanced financial resources of the country and because of the rate of development, we found that the administrative structure in place at that time was one that did not take into account the rate at which Trinidad and Tobago was being developed.

The government of the day examined a number of approaches that were germane to the question of national development with a view to putting in place mechanisms such as would be available to us, which could take into account legitimate aspirations of the population for development at an accelerated rate.

Madam Speaker, one of the adjustments made at that time allowed the Government to refer developmental issues to state enterprises, the state enterprise concerned, using its own tendering procedures to be able to conduct any developmental works, all of that coming within the ambit of the law and freeing the Government from the Central Tenders Board in a particular way; freeing us from the procedures of the Central Tenders Board which have been identified as a constraint on the rate of national development.

An error was made, Madam Speaker. The error was—and I cannot be quite sure how it came about—that NIPDEC, for some reason, was treated as a state enterprise. It was an error. In fact, it was an error that nobody realized until recently, when the Government was looking into a particular issue that I think the Attorney General examined the law and realized that we had been operating on a false premise for a number of years—not just one PNM government, two PNM governments before made that error and the Government which immediately preceded us, the government of the hon. Member for Tobago East.

It is not to say, therefore, that there is anything illicit involved in the matter that is before the House at this time. It was an error that was made, quite genuinely, as far as I can see, having been a member of the government at the time, and it was an error which, having been identified, a responsible government took the position that we have a responsibility to come to the Parliament at the earliest possible opportunity to correct the error that had characterized governmental activity for so long.

More than that, Madam Speaker, since it was in our view a genuine error, we thought that we also had a responsibility to legitimize the actions that had been taken on the false premise that NIPDEC was to be treated as state enterprise. It is possible, Madam Speaker, that the error arose because NIPDEC is a wholly owned subsidiary of the National Insurance Board. It is possible that it was that which

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gave rise to this error, but whatever it was, Madam Speaker, it was only discovered last year. The minute the Government discovered it, we took steps—

Mr. Sudama: Could the Member give way to a question? Could he tell this House whether the National Insurance Board is a state enterprise or a statutory authority?

Hon. P. Manning: When the Attorney General makes his contribution, he will advise the hon. Member for Oropouche.

I am saying, Madam Speaker, that I am merely making available to this honourable House my own recollection of the circumstances that could have given rise to the situation. The Member for Oropouche may question it if he wishes. I am putting it on the table, in all honesty, because that, as I understand it, is exactly what took place.

Therefore, Madam Speaker, having identified the error, not only are we seeking to correct the error itself, but also, we recognize that there is a need to legitimize all acts that have been done on the false premise, that NIPDEC, in fact, had the status of a state enterprise and that is all the legislation seeks to do this afternoon. It is straightforward.

The Government is acting on this matter, as indeed we act on all matters, in accordance with our consciences.

This debate has been pursued in a manner by the hon. Members opposite to give the impression that there is everything else associated with it. I sat here and listened to the contribution of the hon. Member for Caroni East. One of the points he made was that we should have some kind of parliamentary arrangement whereby we can identify the changes that are required for legislation, some of which, as he put it, have been on the statute books of the country since 1920.

I was pleasantly surprised, because he is a brother of the law; he is a practitioner. I was pleasantly surprised when, belated though it may be and almost as an afterthought and in a most tangential way, he paid some kind of recognition to the existence of the Law Commission. He was a minister of government, Madam Speaker. The Law Commission has been set up to do exactly what the Member for Caroni East had been advocating should come under the purview of parliamentary arrangements as between the Government and the Opposition. Therefore, Madam Speaker—*[Interruption]*—you see, Madam Speaker, it was the way it was done.

If the hon. Member for Caroni East, in making that particular point, had recognized the existence of the Law Reform Commission and had been able to demonstrate to this honourable House—

Mr. Mohammed: Just on a point of clarification. I hate to interrupt the hon. Prime Minister. That is a misrepresentation of my intent. For the very reason that I admitted there existed a Law Commission, I mentioned that the Minister of Finance had talked about reform of the Companies Act. So my intentions were good, but I was taking it in a broader context of the need for reform in this House and other reforms. That is the context. I recognize it.

Hon. P. Manning: I am thankful for the clarification the Member has made. But using his own words, Madam Speaker, there is a large element of perception in politics. The hon. Member for Caroni East, experienced politician that he is, would understand that while his intent may have been one thing, the impression that was conveyed to me as someone sitting here and listening very carefully to what he had to say, was an intent that may have been unintended.

The impression was that he was coming up with some proposals to deal with a major area of public concern in circumstances where there were no arrangements in place and no proper arrangements in place to address the issue. That is the impression that was given.

Far be it for me to ascribe any improper motives to my hon. Friend from Caroni East, but, Madam Speaker, it is that kind of approach that seems to have characterized the debate in this House on this matter since it began last week. What the hon. Members opposite have been specializing in doing is to use a little bit of fact, a large amount of fiction, no justification and putting it all over as though those are the facts on which we are to base a decision.

Madam Speaker, I draw your attention to the contribution of the Member for Couva North, last week, when the Member for Couva North referred to an anonymous letter. What everybody seems to be forgetting is that the letter is anonymous. The letter is anonymous, anybody could have written it. That is the danger of it.

Because they are saying that we are afraid of debate on the matter. I am introducing all that I said in my statement today back into the debate.
[Interruption]

I understand that they have so many other Members to speak. You understand, Madam Speaker. The hon. Members for Tabaquite, Naparima, Nariva, Fyzabad,

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Siparia and Chaguanas have not spoken. What are we being told? Are we being told that because of some private business that the Member for Couva North or others may have that must take precedence over the nation's business being conducted here in the Parliament of the country? What are they saying?

Mr. Sudama: Madam Speaker, if the Prime Minister wants a debate, I want to announce that we intend to move an amendment to this Bill in order to deal with the question of debate.

Hon. P. Manning: I welcome the amendment, Madam Speaker, but I must tell the hon. Member for Oropouche that notwithstanding the many qualities for which he may lay claim, one of those qualities is not endurance.

Mr. Sudama: I wish to inform the hon. Prime Minister, Madam Speaker, that I was here for five days without any food. If he wants endurance test, he should take that one. Under stress, without anything to eat and that is a test of my endurance. Does he want to have that kind of test? Maybe we should arrange to have it.

Hon. P. Manning: I would like to respond to my hon. friend, but perhaps I should reserve it for another time and another place. He must tell us the condition in which he emerged. I do not like to recall the incident; it was, in fact, quite an unpleasant incident, not only for the hon. Member, but for the Parliament and the democracy of Trinidad and Tobago.

What they did, Madam Speaker, was use a little fact, plenty fiction and put it over as fact. They come with an anonymous letter. Madam Speaker, let us understand it: I said earlier this evening—and I want to repeat it, again—that in the best traditions of Westminster, when somebody gets up to quote from a document, the author of the document, the authority, is immediately identified before one actually starts to quote from it.

The Member for Couva North did no such thing. What he did, Madam Speaker—and I am disappointed because, you see, he has been a parliamentarian since 1976; he knows otherwise—he began to quote from the letter and half-way along the way, when we asked him who was the author of the letter he said that he would say that towards the end, knowing very well that at the end, he would say “concerned citizens”, which means the letter is an anonymous letter.

I do not like to cast aspersions on hon. Members and, in fact, the Standing Orders of the House prohibit me from imputing improper motives to any other Member of this House, but to what conclusion am I expected to come when an

experienced Member of Parliament does something like that? An anonymous letter, anybody could have written it. The danger about all of that—

Mr. Maharaj: Madam Speaker, I think, on a point of order, the Prime Minister should mention the whole fact. I think, in fairness, it was not an anonymous letter unsupported by documents.

Hon. P. Manning: Madam Speaker, I am coming to that point. It is an anonymous letter, whatever anybody else wishes to say. What I am worried and concerned about, is that this practice of writing anonymous letters will suddenly become the order of the day in the Parliament, where we use anonymous letters as a point of departure for contributions made in this honourable House, the House being a place of privilege, such as it is.

Anything that is said here, Madam Speaker, is subject to parliamentary privilege, one cannot challenge them. There is no point reading from the anonymous letter and not quoting names; the effect is the same. They just go outside. It is a carefully orchestrated plan: What they believe the end result is going to be is the destruction of the Government. What, in fact, they are doing is seeking to undermine the integrity of parliamentary democracy that has brought this country to the stage it is today. I hear them all the time; Member after Member has spoken. *[Interruption]*

Madam Speaker, I just want to draw your attention to the fact that I listened very attentively when hon. Members were speaking.

Mr. Maharaj: Every time the Member is in trouble he appeals to the Speaker.

Hon. P. Manning: I am not in trouble, Madam Speaker, I can deal with the Member for Couva South any day of the week. *[Interruption]*

Madam Speaker, the ugly fact is that much of the contribution of the hon. Member for Couva North was premised on what was included in a letter, the authors of which are not known to the Members of this House. I hope, Madam Speaker, that includes the person who used the letter as a point of departure, I have every reason to feel that way. But it could easily have been otherwise.

That is why, you see, I make the point from time to time that it is not enough to get up to say we want to strengthen the parliamentary democracy and to make all kinds of suggestions that give the impression that is their intent, when, in fact, they act in a manner that is clearly designed to subvert it. That is what they do.

Mr. Mohammed: Would the Prime Minister give way?

Hon. P. Manning: I will give way for the last time.

Mr. Mohammed: The Member for San Fernando East is apparently condemning what was done by the letter that was read with appendices. Could he suggest what should have been done in a situation like that? Should we exclude them from the public? What are we to do? Is it not our business to bring it to the House? What other alternative can the Member offer?

Hon. P. Manning: Why did the Member not take the course of action of publishing all of that letter in a communication and distributing it publicly, since they were so concerned about it reaching the public, why did they not take that course of action?

Mr. Mohammed: In response to the hon. Member for San Fernando East, precisely by not doing that we have demonstrated a sense of responsibility by bringing it in this forum.

Hon. P. Manning: A sense of responsibility, Madam Speaker? The sense of responsibility of which the hon. Member for Caroni East speaks may be rooted in self-preservation because he knows that to have taken that course of action, especially if he identified himself as the publisher of that document, would have had a sequel in the courts of law. *[Interruption]*

What is emerging from all of this is that the actions of hon. Members opposite were irresponsible in the extreme and I am disappointed that the person who is culpable in this regard is the hon. Leader of the Opposition.

They talk about letters attached to the anonymous letter. Madam Speaker, this has come into my possession. Fourteen of these have reached the Permanent Secretary to the Prime Minister. It has come into my possession. What they are seeking to do is to give legitimacy to an anonymous letter on the basis of the attachments to the letter which suggest that the attachments, at least some of them, may have come from official documents of government departments.

Madam Speaker, I have looked at this document very carefully and I want to make it available so that you, as a practitioner yourself—

Madam Speaker: A copy came into the Speaker's Office. I can assure the Prime Minister I am in receipt of such a document.

Hon. P. Manning: Well, if you are in receipt of one of the copies, that would make it 15, Madam Speaker.

You see I have looked at it very carefully and the attachments to this letter in no way substantiate the allegations made in this letter. I wish to repeat: The attachments to this letter do not substantiate the allegations that have been made in the letter.

Therefore, that was another reason why I felt that the lawyers on that side—because it is the lawyers on that side who have been most culpable in this regard—should have known better. Worse, Madam Speaker, the hon. Member for Couva South now gets up and reads another anonymous letter.

On this occasion, there are no attachments to it and he has been kind enough to make that letter available to me.

8.40 p.m.

Mr. Maharaj: Documents.

Hon. P. Manning: Which documents? This letter came by itself. In fact, the documents which the Member for Couva South made available to me are of a different type; there was no connection between the two documents.

Mr. Maharaj: Madam Speaker, on a point of order. The Prime Minister was not here during my contribution. I was very careful to say that the letter was supported by facts which could have been established, and referred to the facts.

Hon. Member: Supply the facts.

Mr. Maharaj: No, you have the facts.

Hon. P. Manning: Madam Speaker, I looked at it and it is exactly the same thing.

Mr. Maharaj: Produce the transcripts.

Hon. P. Manning: Some evidence and plenty fiction but, unfortunately, in putting the fiction—

Mr. Maharaj: I wonder if the hon. Prime Minister would give way. Madam Speaker, is the Prime Minister disputing the contents of the letter? If he is, would he be prepared to show that the contents are inaccurate by producing the transcripts of the record to the population.

Hon. P. Manning: Madam Speaker, I want you to take very careful note of what the hon. Member for Couva South has just asked. He wants the transcripts provided. I draw your attention to the same anonymous letter. It purports to have

come from the senior management of the Airports Authority of Trinidad and Tobago. Listen to what the final paragraph of it says:

“It is imperative that you use your good office to have the transcripts of evidence made public in order that...”

Hon. Member: Anonymous letter requesting transcripts.

Mr. Maharaj: Madam Speaker, on a point of order. Having regard to the allegations made in the letter, only the transcript can justify whether the allegations are correct, and the Prime Minister is suppressing the transcript.

Hon. P. Manning: Madam Speaker, I think that my hon. Friend doth protest too much. I ask you a question: Is the letter as anonymous as it is purported to be?

Mr. Maharaj: We wrote it?

Hon. Manning: I merely ask the question, Madam Speaker; I make no attempt to answer it. It is passing strange that that paragraph is a point of view that has been expressed time and time again today in this debate by hon. Members opposite.

Mr. Maharaj: You are protecting the Airports Authority.

Hon. P. Manning: No, no, I am not protecting anybody and I wish it to be understood, and I will come to the matter.

Mr. Maharaj: Did you read the transcripts?

Hon. P. Manning: Madam Speaker, since the person who brought this letter to the Parliament is the hon. Member for Couva South, I am humbly requesting that he go outside this Parliament and publicly read the contents of this letter, and tell me when he is doing it so that somebody can hear him.

Mr. Maharaj: Madam Speaker, I want to give him notice that I am going to call a meeting and read the letter, and I invite him to take any action that he considers necessary because I am going to ask him to produce the transcripts and to deny what is stated in that letter.

Hon. P. Manning: The Member for Couva South will find that the Prime Minister has no problem. He will find that out. You see, Madam Speaker, the strategy that has now emerged quite clearly as the strategy of hon. Members opposite is to use the ghost of corruption of the past and to make it current. That is what they have been trying to do. They have called names of persons who are dead and, my information is, persons who may not long be alive. That is what they

have done. How many people sitting on the Benches here have been Members of Parliament prior to 1986? There are three—four, the Member for Laventille West was a Member of Parliament from 1986 to 1991. There are others. What I am talking about is that prior to 1986 the Member for San Fernando East was a Member of the Government, the Member for St. Ann's East was Member of Government and the Member for Arouca South was a Member of the Government. What are they trying to say?

Hon. Member: The Member for Caroni East.

Hon. P. Manning: I am sorry, Madam Speaker, there are four. I forgot the Member for Caroni East.

Mr. Mohammed: A very wise man!

Mr. Valley: After the fact; after exclusion.

Hon. P. Manning: Madam Speaker, I do not want to be uncharitable to my hon. friend; that is not the way we live, as you know.

Madam Speaker: The Member for Diego Martin Central—

Hon. P. Manning: If the hon. Member for Caroni East wishes I could let the House know the circumstances under which he finds himself on a different side of the Parliament from me, but no, I do not want to do that. Why must I do that? Leave him alone!

Mr. S. Mohammed: You can do that any time and I have substantial facts which I will put here and to the nation.

Dr. Rowley: Sham!

Mr. Mohammed: You watch it!

Dr. Rowley: I will screen you again, you know.

Hon. P. Manning: Madam Speaker, I want to assure hon. Members and the national community through this honourable House, that the Government of Trinidad and Tobago today will investigate reasonable allegations that are made if there is some basis. We cannot just investigate every idea that comes up from any Tom, Dick or Harry. If there is a matter to be investigated, the Government stands ready to do that. Then, they talk about the method of investigation. The Prime Minister indicated that he had investigated the letter. What they seem to ignore is that an essential part of the investigation has to be the reaction of the person or persons who stand accused. It is a principle in law, Madam Speaker, is it not that the other side must be heard?

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Accordingly, the letter was sent to the Minister of Works and Transport and the Prime Minister asked him for his reaction to it. The hon. Minister of Works and Transport replied to the Prime Minister by way of a document—which I have not yet read—and sought to substantiate what he had been saying by the letters which had been read in the Parliament this afternoon. That is what happened.

Having read those letters and having read the substance of what the Minister of Works and Transport said, which seems to be substantiated by the letters that had been sent, the Prime Minister was satisfied and saw no reason to take the matter any further. I want to remind you, it was an anonymous letter seeking to give all kinds of impressions.

Hon. Member: Convincing yourself!

Hon. P. Manning: It is not a question of convincing yourself or anybody else. If you give them a chance, they would write more and more anonymous letters in an attempt to bog down the Government.

Mr. Maharaj: Madam Speaker, the hon. Member has made an accusation.

Hon. P. Manning: Madam Speaker, I have done no such thing.

Mr. Maharaj: He has.

Hon. P. Manning: I have not.

Mr. Maharaj: I am drawing it to the attention of the Speaker.

Hon. P. Manning: Madam Speaker, I want to make it clear that I have imputed no improper motives to the hon. gentlemen. What I am saying is that the option—

Mr. Maharaj: He has accused us.

Hon. P. Manning: Oh, unless you are saying that you wrote the first and the second. I did not say that.

8.50 p.m.

Mr Maharaj: You are showing your colours to the country.

Mr. Humphrey: In other words you have written anonymous letters?

Hon. P. Manning: No, anonymous letters have been written, that is the point. Anonymous letters have been written, Madam Speaker, and I am now saying, if future anonymous letters will not be so anonymous but, in fact, the hon. Members consider as an option open to them writing letters under the cloak of anonymity. That is the point I am making.

Mr. Maharaj: You did not say that, you are implying improper motives.

Hon. P. Manning: You see, Madam Speaker, that is the dangerous part about all of this and I have put the letters that I have quoted into the parliamentary record. *[Interruption]* Those letters have been laid on the Table, Madam Speaker and, therefore, are subject to the scrutiny and to debate and comment of hon. Members opposite, *[Interruption]* as we continue this debate on the amendment to the Central Tenders Board Ordinance. Madam Speaker, all I am saying is—

Mr. Maharaj: One rule for one and another rule for the next.

Hon. P. Manning: It is not one rule for one, another rule for the next. It is, Madam Speaker, that we are not going to allow the machinations of hon. Members opposite to bog down, either the Government, or to subvert the integrity of the Parliament. *[Interruption]* Mr. Justice Collymore, Madam Speaker, Chairman of the Integrity Commission—you cannot get any more independent than that.

Mr. Sudama: What does that mean?

Mr. Maharaj: Private appointment. Mere secrecy.

Mr. P. Manning: Madam Speaker, you pass the matter over to him, so that he can report eventually *[Interruption]* and it is not that we have hidden the report, the report has been laid on the Table. *[Interruption]* You see they did not expect us to lay the report on the Table. Now you lay the verbatim records on the Table. What they are ignoring, Madam Speaker, and it is the same error they made when they were in Government on the last occasion, they made it with the Drug Report, Madam Speaker. They made the error with the Drug Report and it is clear that they have not learned anything from the mistakes of the past.

Mr. Maharaj: Tell us what the evidence is.

Mr. Breaux: In the Drug Report? You should know, your name is in it. *[Interruption]*

Hon. P. Manning: Madam Speaker, they made the error with the Drug Report. People come to a Commission; they make statement A, B, and C; some of the statements are judgmental; some of them are accurate; some are malicious; and the duty of the inquirer is to sift between fact and fiction on the basis of the evidence available to him and to write a report, Madam Speaker, that, as far as possible, represents the facts of the case. When they talk, therefore, about the verbatim report, they are doing so because they know that there are allegations in

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that verbatim report that cannot be substantiated, but which they wish to use as they have been using other so-called evidence. *[Interruption]* But you have quoted from documents that I have not seen.

Mr. Maharaj: Did you read the transcript of the report?

Hon. P. Manning: Madam Speaker, the hon. Member for Couva South has been reading from documents that the Prime Minister has not seen.

Mr. Maharaj: You have not seen those copies?

Hon. P. Manning: You understand? Reading from reports that I have not seen. But I understand what inquiries are like, Madam Speaker. I understand what people do. We spent a long time here, Madam Speaker, in the Drug Report, indicating the advantages and disadvantages of proceeding in a particular way and what emerges and what does not emerge. We made it clear, inquiries held in secret are inquiries held in secret and are long on information but short on fact.

I remember when I made the statement in the Parliament here, I was challenged by the then Attorney General to indicate my source. When I appeared to fumble, Madam Speaker, he thought he had caught me and he came up with a novel that he had been reading, and then I produced for him the Law Reports as the basis on which that statement had been made. It is no different in this case. No different at all, Madam Speaker, that the minute you hold an inquiry in secret what happens is, that it is long on information but short on fact and, therefore, it is important that whoever is conducting the inquiry do so as scrupulously as possible to ensure that the conclusions that he or she arrives at are conclusions that can be substantiated by fact, Madam Speaker. That is the point.

They feel that there are those who are not reading them. What beats me, Madam Speaker, is they get up and say these things in such a way as to give you the impression that they are true. I think that we must understand in this Parliament, and particularly my colleague here from Caroni East, when you talk loudly it makes no difference to the point, you know. *[Interruption]* My mother always told me, Madam Speaker, "speak softly and carry a big stick." Madam Speaker, the hon. Member for Caroni East speaks loudly—

Mr. Mohammed: That is a point of view.

Hon. P. Manning: I do not know to what conclusion I am expected to come.

Mr. Mohammed: Draw whatever conclusion you wish, whatever it is.

Mr. Mottley: Show them, Sham, show them!

Hon. P. Manning: So that what I am saying to you, Madam Speaker, and to hon. Members, is that it was irresponsible in the extreme, coming as it did from the Leader of the Opposition, somebody who should know better. Then it was followed up, Madam Speaker, by quotations from another letter, the authors of whom we do not know, but purporting to be senior management.

Mr. Maharaj: The same thing the PNM—*[Interruption]*

Hon. P. Manning: Unsigned letter, Madam Speaker, seeking—and we are not covering up anything. We went to an inquiry and—well, perhaps I should not alert my hon. Friend—

Mr. Maharaj: The same thing that we were doing. The same thing that the Opposition was doing.

Hon. P. Manning: Madam Speaker, I am convinced that the strategy of the hon. Member for Couva South is to interject into my contribution to break my trend of thought. That is what he is seeking to do.

Madam Speaker: I thought I should bring to the attention of hon. Members of this House only today that—

"a Member present in the House during a debate shall maintain silence while another Member is speaking and shall not interrupt, except in accordance with these Standing Orders."

I think it is only courteous when Members are making their contributions that other Members will give them the opportunity of being heard. In the cut and thrust of politics, it is all right.

Mr. Maharaj: If the Standing Orders are to be observed, then they should be observed for both sides. I have drawn your attention to certain matters today and—

Madam Speaker: This is not the way it ought to be done. I think the hon. Member knows that. If he stands on a point of order, and asks me to rule—it was not a ruling I was asked for. You know if it is done in the proper way, in accordance with a Standing Order, I will do it.

Mr. Maharaj: Madam Speaker, one is not imputing any improper motives yet, because one does not have any evidence to support them. But, Madam Speaker, if the perception is given that there is one rule for one side and one rule for the other side, then, obviously, that perception will be a wrong perception. Just

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a short while ago when the hon. Member for San Fernando East was making a statement, I got up and objected.

Madam Speaker: Let me tell the hon. Members of this House, I have taken a very sacred oath to my God to conduct the business of this House fairly and honestly. The perception may be—I do not know what Members may feel—but within my own being, once I feel that I am doing the proper thing, and I am doing the right thing so far as the maintenance of the dignity of this House is concerned, the maintenance of the Standing Orders of this House is concerned, then it really does not matter what another Member perceives me to be, or what another Member thinks me to be. I am doing what I think is right in the interest of the dignity of this House. Members may feel free to impute any motive. It really does not matter to me.

Mr. Maharaj: I would not do that against you, Madam Speaker, unless I have any evidence, but certainly—

9.00 p.m.

Madam Speaker: Once you tell me a Standing Order is being abrogated, and you ask the Chair to rule, I think the hon. Member knows that I will not fail in my duty to rule, whether it is in accordance with the Member's wishes or not in accordance with the Member's wishes—I will do so.

I am beginning to feel that many imputations and insinuations are being passed in this House, but I can assure Members that I will not be deterred. I simply will rule in accordance with the Standing Orders and with the dictates of my conscience.

Will the Prime Minister continue, please.

Hon. P. Manning: Madam Speaker, much obliged. Just for the record, permit me to say—

Madam Speaker: The speaking time of the hon. Prime Minister, has expired.

Motion made, That the hon. Prime Member's speaking time be extended by 30 minutes. [*Hon. K. Valley*]

Question put and agreed to.

Hon. P. Manning: Madam Speaker, just against the possibility that there could be some misconception that we, on this side, share the view of hon. Members opposite, permit me to place in the record my satisfaction and the

satisfaction of hon. Members on this side over the way in which Madam Speaker is conducting the nation's business here in this Parliament. May I suggest that you do not allow the irresponsibility that is so evident from Members opposite to get to you. Ignore them.

In making the very point just now, the hon. Member for Couva South used the term, perception—that it is perception that dictates political thinking and so forth.

The fact is to what the perception is annexed. Therefore you begin to ask yourself whether the judicial use of fact and fiction was designed to create a certain perception that cannot be substantiated by the facts.

That is what they are doing all the time. Madam Speaker, what beats me is that it comes—look around, look at those opposite who have done it. It is those who should know better who have done it. It is the most experienced ones, those who are practitioners of the law, with the notable exception of my hon. Friend from Oropouche whose contribution the Member for Diego Martin West has already dealt with.

But when they do that, it is a strategy. It is a clear strategy designed to create impressions that cannot be substantiated by facts. I just want to assure you that we on this side would have no part of that at all. The Government will investigate what requires investigation. The hon. Member for Couva South was kind enough today to make some documents available to me, and on a preliminary review of those documents, it seems to suggest that some kind of investigation is warranted. I give the assurance that the investigation will be conducted.

I take it one step further, that if anybody is found culpable as a consequence of those investigations, the appropriate governmental action will be taken. I can put it no clearer than that. The next thing they will say, they do not like how the investigations are done. Do you know what they want? The only investigation that they will now accept is a select committee of the Parliament or a joint select committee of both Houses with powers to summon and to conduct, what can be described as a kangaroo court.

Madam Speaker, there is a clear difference between the Westminster system of democracy and the system of democracy as practised in the United States of America. What the hon. Members opposite have been suggesting for some time is a system of parliamentary committees that departs very significantly from the Westminster tradition which is the tradition in which this country has grown up, seeking as they are to take us closer and closer to a system of democracy that has no basis in the cultural history of the people of Trinidad and Tobago. I can only

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assume—because I have watched it long enough—that that in itself is a strategy to bring about a complete change in the system of government by the process of encroachment. That is how it looks to me. I have been looking at it for quite some time. But we will do what has to be done.

I think it is very unfortunate that all of this had to come into the debate. I have laid the letters on the Table. They are free to talk on the letters if they wish. Nothing has been hidden. We have laid the report of Mr. Justice Collymore on the Table. The Government's position has been—

Mr. Humphrey: This House has received them?

Hon. P. Manning: Your leader has them.

Hon. Member: In exchange—

Hon. P. Manning: No, no. I made it quite clear that I was doing no horse-trading.

You see, what concerns me is that there are Members of Parliament present who do not know and can easily be misled by what the hon. Member for Couva South is saying.

Mr. Maharaj: On a point of order. If the Prime Minister were making a ministerial statement and he referred to letters, it was his duty and the duty of the Government, to have a copy of the statement available to Members, together with the letters.

Madam Speaker: I have examined the practice of this House with the Clerk as to what persisted in the past with respect to parliamentary statements and that is not the position. I think what happens is, that as soon as the statement is made and it is laid on the Table, the Clerk undertakes to have these copies made as quickly as possible to the Members concerned. It is not the duty of the Minister to do so.

Mr. Maharaj: Madam Speaker, on a point of correction, if I may say so. In relation to what you have said, according to the Constitution, the practice which obtains in England is available and the practice that obtains in England, as in Erskine May—

Madam Speaker: No, no. This is why I went and did the necessary research on this matter. This is why, being the Speaker for the second year, I was humble enough to seek the views as to the practice of the House from the Clerks who have been here before. I have looked at the records of what has been done before, and there is no such responsibility on the part of Ministers to do this. The Clerk, I

think, as soon as it is laid, undertakes, almost immediately, to try to get it copied and to present Members with copies of the Minister's statement. It is really not the duty of the Ministers to do so.

Hon. P. Manning: Thank you very much, Madam Speaker. Far, therefore, from being discourteous to the hon. Member for St. Augustine, I was, in fact, very courteous to the Member for Couva South and those he leads on that side of the House.

What I am afraid of, is that the new Members of this Parliament believe what they are being told by persons in whom they place some confidence, from the standpoint of the knowledge of parliamentary practice. That is what I am worried about. Therefore, if that should happen, what, in fact, happens, is that we are producing a crop of parliamentarians who have a distorted view of what the basis of the parliamentary Opposition is. I have made the point time and time again—

Mr. Haniff: On a point of order, please. I want to assure the hon. Prime Minister and Member for San Fernando East, that as a Member of this House I have a mind of my own and cannot be easily misled. I want him to be assured of that.

Hon. P. Manning: Madam Speaker, there are many new Members in the Parliament. I have made the point time and time again, that if the public have no regard for politicians, it is because of the actions of politicians and nobody else's actions.

Mr. Haniff: It is the PNM in this country who has caused it. That is why the population has no respect for politicians.

Hon. P. Manning: I, therefore, am very concerned about what the new parliamentarians will do. A time will come when I will pass on, and when the Parliament will have as its principal operatives, persons who are entering the Parliament today. The responsibility that I consider devolves on my shoulders and the shoulders of my colleagues who are more experienced, is to conduct our affairs in a manner that not only are we a shining example to our colleagues, who are seeing this process for the first time and are in a learning curve, but to pass on to them only the best traditions of the parliamentary democratic system.

9.10 p.m.

Madam Speaker, let me apologize to you. I did not intend to be as lengthy as I have turned out to be. Initially, I did not intend to intervene in the debate either, but I have sat here, observed, listened and seen what has transpired, and I have

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been able to identify what I consider to be the strategy of hon. Members opposite. I considered it my duty to make the intervention and clarify the points that, to the extent, I have been able to do so.

Mr. John Humphrey (*St. Augustine*): Madam Speaker, the contribution of the hon. Prime Minister has left me very, very worried. *[Interruption]* Worried for Trinidad and Tobago, quite frankly. Everything that has happened here today leaves those who are serious and trying to understand what is going on with a question mark. I have heard outside that this Government is no different from its predecessor PNM governments. This is what I have heard outside.

I have heard outside that a certain individual has paid substantial sums of money to finance the campaign of the Member for Diego Martin East and that individual is openly boasting that he is going to get his pound of flesh. I have heard this outside. This has nothing to do with anonymous letters.

Mr. Manning: Madam Speaker, I think I should tell the hon. Members present that the PNM had financial guidelines for the conduct of the election campaign. No candidate of the PNM was authorized to accept from any one source, any sum in excess of \$5,000.

My information is that that rule has been observed by all hon. Members.

Mr. J. Humphrey: Madam Speaker, the Prime Minister's information on what is spreading in the grapevine outside, is at variance. That is all I can say. I am saying what I have heard outside.

Madam Speaker, the hon. Leader of the Opposition in the process of making his contribution to the debate on the amendment to the Central Tenders Board Act, made certain allegations. Much is being made of the fact that he quoted from an anonymous letter. I have, in fact, suggested to the Chief Whip that that was a mistake. It was a mistake to quote, in this Parliament, from an anonymous letter. What the Member could easily have done was make direct allegations and substantiate those allegations with the documents in his possession. Nobody could have raised objection or used the argument that the anonymous letter was irregular. It is irregular to come to this Parliament to quote from an anonymous letter. More issue is being made of an anonymous letter and a second anonymous letter than the contents of the issues before us. We are arguing, on this side, that you need to strengthen the Central Tenders Board, not to defuse its effectiveness, but to strengthen it. We need, also, to account more honestly, to the people of Trinidad and Tobago and this is the place to do it.

Madam Speaker, while sitting here—it has been a very long day—I have had a chance to go through this report to the Prime Minister on:

"The circumstances surrounding the decision of the Airports Authority to award to the Pegasus Group, a contract for the financing, development and operation on a joint venture basis of Phase I of the Piarco Rainbow International (Airport) Development Project, in order to satisfy the Government that all proper procedures have been followed and that there has been no irregularity, procedurally or otherwise, in that decision."

Madam Speaker, first of all, there were appendices to this report that are, in fact, stated in the report. As Members of Parliament, we have not been given the appendices. On page 14 of the report, Honourable Justice Collymore said:

"I have appended herewith for your further consideration the following documents:"

At page 15 he numerates the documents.

- "(1) The submission made by Maritime
- (2) A letter from ARMBRO

In particular you may want to consider the point raised as to the suitability of having an airline concerned in the pegasus venture which has been raised.

- (3) The submissions raised by AIRO
- (4) The Request for Proposals document.
- (5) The Request for Further Proposals document.
- (6) The Notes of Evidence taken in the case.
- (7) The Memorandum of Incorporation of Pegasus.
- (8) A letter from Maritime dated 14th December 1992.
- (9) A letter from the Airports Authority dated 14th December, 1992."

Madam Speaker, none of these documents has been laid in this House, but this report was laid. If you go through this report you are going to ask these questions: What was the Minister of Works and Transport doing, asking for the Airports Authority to submit to him, reports on the basis of this procedure? What was a ministerial committee doing, supervising the Minister in this regard?

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Justice Collymore has concluded, on page 14, after pointing out that the tenders committee of the Airports Authority had made certain recommendations which went to the board of the Airports Authority which were accepted by the board:

"This decision of this committee was later ratified by the Board of the Authority at its meeting on October 20th, 1992."

The decision relates to the ranking of the tender submissions.

"1st Place PEGASUS- A - a range of options they offer
2nd Place MARITIME
3rd Place ARMBRO
4th Place AIRO"

This is what he further concludes:

"I would point out that the decision in this matter rests solely with the Authority, and that on a Judicial Review, even though the court may be minded to come to a different decision from that reached by the Authority, it cannot substitute its decision for that of the Authority, unless it can point to any failure on the part of the Authority to act fairly as between the rival proposers."

Madam Speaker, if the law empowers the Airports Authority to invite and evaluate tenders and to award a contract, what is a ministerial committee doing monitoring that work and what is the Minister doing acting as messenger for that committee, that has been revealed by this report?

Mr. Valley: Madam Speaker, I wonder whether the Member would inform this House whether the board or the Chairman of the Airports Authority is accountable to this Parliament.

Mr. J. Humphrey: Madam Speaker, I asked the hon. Prime Minister a question and, unfortunately, he assumed that to deal with it would have meant offending the Standing Orders.

9.20 p.m.

The question was a very valid question. It was based on experience that I had as a Minister and the problems that the country was put into because of what I considered to be a misinterpretation of the Constitution of the Republic of

Trinidad and Tobago. I am only hoping that this Prime Minister is not making the same mistake that the past Prime Minister made.

The Constitution of Trinidad and Tobago is very clear on how executive power is to be utilized. How it is derived in the first place. Section 75 (1) states

"There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefore to Parliament."

That is absolutely clear. The principle of collective responsibility is enshrined in our Constitution and the Cabinet is collectively responsible to Parliament. In effect, to the people of Trinidad and Tobago. The Constitution recognizes that Members of this House, in particular, represent the people of Trinidad and Tobago. So the accountability to Parliament is extremely important in the parliamentary democracy espoused by the hon. Prime Minister. It goes on and it spells out the role of a Minister. Let me quote that section. Section 79 (1) states:

"The President, acting in accordance with the advice of the Prime Minister may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the Government of Trinidad and Tobago, including the administration of any department of government."

That is why I asked the hon. Prime Minister to explain to us his concept of responsibility of the Minister. Because the buck stops with the Minister according to this. The Prime Minister and his Ministers are no different. Once awarded responsibility by the President for a department of the Government you have the same status *primus inter pares*—first among equals is the principle under which we operate.

Madam Speaker: I know that hon. Members have been concerned about the refreshments. I see that it is getting on in the hour. Let me assure hon. Members that light refreshments will be available very shortly. I see some Members indicating that they are hungry. As soon as it arrives I will indicate. But I do want to assure you that it is on its way.

Mr. J. Humphrey: I am not one of those Members, Madam Speaker. I have been in this Parliament for nearly six days without food and I can do without food for another six days if it is required of me—I hope not, in the same circumstances, but if this debate is to go for six days I will do without food.

The point I am making is this: when the Prime Minister gives a Minister responsibility for a certain department of Government, it is a constitutional act

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which advises His Excellency, the President, that so and so Minister will be responsible for these departments of the Government. I wanted him to clearly identify in his mind what the concept of responsibility meant where a Minister is given responsibility. I will tell you something. The previous Government got into serious trouble because it was assumed that the Prime Minister was responsible for the whole Government and the Ministers were his lackeys.

Mr. Manning: I would like to assure the Member for St. Augustine that this Prime Minister is not in that position. But while he is speaking on the subject of ministerial responsibility, perhaps he may wish to give us a little exposition on the principle of collective responsibility.

Mr. J. Humphrey: I read the section in the Constitution that deals with that. The Cabinet is collectively responsible to Parliament. That is the only constitutional provision, but the Ministers, including the Prime Minister, are given the power to manage their departments by this institution through a certain process and in this regard the Prime Minister has no power over any department that has been given to a Minister on his recommendations through the President. Why does the Prime Minister appoint a Cabinet committee to oversee the work of a Minister who is made responsible?

This is the confusion that has come about that has resulted in the perception, if not the fact, that this nation has that there is confusion in the Port Authority, in the Airports Authority of Trinidad and Tobago and a further perception that certain Ministers of this Government are not to be trusted. I am surprised that the Minister with the responsibility for the Port and for the Airports—I have not seen the instrument, but if it were an instrument that was drawn up, similar to the one drawn up when I was made Minister, it is clearly stated that on the advice of the Prime Minister you were responsible for certain individual names mentioned in certain departments of the Government. In my case it was an extremely long list with 32,000 public servants under the portfolio—half of the whole public service thrown on the shoulders of one so-called mad man.

Madam Speaker, if the Minister was given responsibility—as he was—for the Airports Authority and the Airports Authority has autonomy in the law that it was not subject to the Central Tenders Board, it has its own tenders committee and under the law it can award contracts, if that is the case, then all the Minister should have done was to await the final decisions of the Authority which should have been submitted to him, as Minister, and he should then have taken it to Cabinet covered by a Note to Cabinet. Now, if that had occurred and the Cabinet

was in disagreement, the Cabinet has the power to reverse the decision. There is no question about that. The Cabinet has supreme power. But it seems that is not what was done. In the Collymore Report, if you can call it that, when the hon. Minister made his submissions to Justice Collymore—and this was in response to allegations that were brought to Justice Collymore in the process of his investigations that the Minister had interfered with the process of the tendering, this is what the Minister reported and I quote:

“Now the Ministerial Committee decided that any report that came to them, since they did not want to be accused of interfering, should have no rankings so that I told the Airports Authority that whenever you are preparing a report for me to take to the Ministerial sub-committee and I have requested it on about three or four occasions do not put a ranking in it.”

Why is the Minister hounding the Airports Authority on three or four occasions to submit reports—that is what it appears to be. The Airports Authority is mandated by the Act that governs its existence to run the airport and a decision was taken, supported by the Government, to expand the airport. In fact, when I was Minister responsible, the process was going on. So the hon. Minister today inherited a process that was in train, there is no question about it.

When all of these various people came making submissions and at that time it was an invitation generally, all over the world for a design/finance/construct, I was most impressed by the submission of the British Airports Authority which recommended that we develop our airport on the basis of our own resources, which we could do. They had the experience in Britain for doing it. He showed us exactly how it was done in Britain. I was most impressed by that.

Madam Speaker, Piarco Airport is primarily for us. It is for the people of Trinidad and Tobago. It is an international airport and therefore its services are extended to all users, but we own the airport. It is primarily an airport for our convenience to travel from Trinidad and Tobago to elsewhere and from Trinidad to Tobago.

9.30 p.m.

When you bring the foreigners who are only concerned with financial returns into the whole process of developing the airport, what you are in fact doing is running the airport for them, not for us. That is why when I was Minister of the same portfolio, I stated publicly that as long as any contractor or group of contractors in Trinidad and Tobago could execute a government project, I would not even invite foreigners to participate in the tendering. I laid that down. The

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Prime Minister countered it. Having given me the responsibility to get certain things done, he then obstructed me from doing them.

I am very, very worried that history is now repeating itself. What is a Cabinet committee doing supervising the work of a Minister, who under the Constitution is responsible for certain departments of government? Cabinet committee is quite clear in the British context. A Cabinet committee is established to do the work of the Cabinet, so that the Cabinet would not be involved, they establish a committee of Members of Cabinet that has the power of the Cabinet. Was that the role of this Cabinet committee?

This is a committee of Ministers not even chaired by the Minister with the responsibility for the department that was overseeing the work of the Airports Authority in evaluating these tenders, and then finally determining the award of the tenders. The impression that is given—and I have to admit I have that impression—is that there was collusion between certain individuals in high places and certain other individuals in the Airports Authority to award this contract in a certain way.

Quite frankly, we have had the experience in the past, where this type of thing has led to very serious embarrassment and tremendous financial losses. The Tesoro contract was awarded on that basis and look at where it went. The Tesoro Corporation came in here just as nondescript a corporation as this one called Pegasus, and was encouraged to participate with the Government in purchasing the assets of British Petroleum in Trinidad and Tobago. A sweetheart deal was made. What we discovered down the road was that certain Ministers of the then Government were in collusion with people in the Tesoro Corporation and were beneficiaries of the sweetheart arrangement. We are left to suspect that history is repeating itself because of the way it is being done. I honestly do not want to think that the Member for Diego Martin East, young in the politics of this country, is involved in corruption. I do not want to think so, but I want to advise him—

Mr. Valley: Madam Speaker, we have before us the Collymore Report which made a categorical statement with respect to that issue. Based on that it is unfair for the Member to continue along that line.

Mr. J. Humphrey: I am saying that I do not want to think this about this young politician.

Mr. Valley: Then disabuse your mind. The Collymore Report is there.

Mr. J. Humphrey: The Collymore Report cannot influence the thinking of the population of Trinidad and Tobago.

Madam Speaker: The hon. Member is saying that the hon. Minister—I do not think that he is really imputing. He is not imputing that the hon. Minister is. I do not get that impression at all. The Member may continue please.

Mr. J. Humphrey: Let me give you some facts. Young men who went to school with the hon. Member for Diego Martin East are people in my family circle. I can tell him privately who they are. The impression they have from all of this is that their school mate has his hand in the till. That is an impression. I am telling the truth.

Mr. Valley: That is imputing improper motive.

Madam Speaker: What is the stand being taken?

Mr. J. Humphrey: Schoolmates of his who are in my family circle have approached me and that is the impression they have. I do not know—

Mr. Valley: Madam Speaker, I am asking that the Member withdraw that statement.

Madam Speaker: I think the hon. Member knows that we are really not concerned about the people outside. Let us deal with the report on hand. What other people perceive, that is unfair.

Mr. J. Humphrey: But you must be concerned with how people view you. You see, I had that portfolio before and attempts were made to destroy my integrity.

Mr. Valley: Madam Speaker, on a point of order. It is either the Member substantiates the allegation or he withdraws it.

Mr. J. Humphrey: I made no allegation. What is wrong with the Minister?

Madam Speaker: What I will encourage Members to do—I was following the argument of the hon. Member all along until he reached to this point of insinuation. What another Member thinks of the Minister is not really relevant in this House. If they can take it outside; they can make the allegations; they can go to the press, we are not concerned.

I was following your argument very well until you reached that particular aspect of your argument.

Mr. J. Humphrey: Madam Speaker, I have been in public life for more than half of my whole life which is quite long.

Madam Speaker: That is why you should know better.

Mr. J. Humphrey: I know very well indeed, that how the people out there think is extremely important to all of those of us who are in public life.

Mr. Valley: Madam Speaker, the very least I am asking is that, that statement be expunged from the record.

Madam Speaker: What I will do is ask the Member to desist from pursuing that sort of line of thinking and argument. Could you just carry on with your argument. I will not expunge anything. He has not made any statement that the Member was dishonest.

Mr. J. Humphrey: I am hoping that it is a misconception.

Mr. Valley: Madam Speaker, the Member is repeating what he says is *prima facie* and is placing that on the record with respect to a Member of this House.

I am asking that the sentence be expunged from the record.

Madam Speaker: I am not of the view that any such ruling is necessary at this point.

What I would ask the Member for St. Augustine, having regard to the view or the perception of members outside and the public, maybe we can get on with the line of argument that he was pursuing and desist from that.

Mr. J. Humphrey: Madam Speaker, the focus of attention in this debate and in the media has been the hon. Member for Diego Martin East. It is a fact, and yet he has not had an opportunity to speak in this House to clarify all of these things which are being bandied about the place—not by me, because I have seen no evidence of anything improper done by the Member for Diego Martin East.

I have seen the anonymous letters. I want to warn him, however, that he must assert his authority as a Minister under the Constitution, otherwise he is going to be destroyed politically as certain people attempted to destroy me. It is exactly the same experience. I see it coming.

You see Madam Speaker, the Prime Minister made much of anonymous letters and their worthlessness and I have to agree with him. They are mischievous. In fact, when I first saw this letter addressed to Mr. John Andrews—I will be honest with you—I concluded that it was written and the documents were appended not by concerned senior public servants at all, but by the person who lost the contract for the insurance brokerage. That is what I concluded.

9.40 p.m.

Madam Speaker, it seems that Members on that side are taking the contents of these anonymous letters seriously. I was privileged to get a copy of one of the letters alluded to by the hon. Prime Minister today when he made his statement. This is a letter dated January 13, 1993. It is addressed to the hon. Minister of Works and Transport. It reads as follows—

Madam Speaker: Hon. Members, I just wish to advise Members that the refreshments have arrived and Members may feel free to step out from time to time.

Mr. J. Humphrey: This letter reads as follows:

"Dear Hon. Minister:

I refer to a letter from (Concerned Senior Public Servants) addressed to Mr. John Andrews, Permanent Secretary, Prime Minister's Office, dated December 21, 1992."

Here is a letter to the Minister referring to an anonymous letter, referred to by the hon. Prime Minister himself.

In the third paragraph of this letter it is charged inter alia that:

"The Minister summoned the general manager of the Port, totally bypassing the Board, and verbally instructed him to hire M&M Insurance Services and informed the GM that he would be fired if he did not follow his directives."

A letter now put on the record of Parliament referring to an anonymous letter, quoting therefrom, Madam Speaker, and yet the hon. Prime Minister says that we cannot take these things seriously.

"I wish to confirm that you gave me no such instructions, nor did you threaten to fire me at any stage of these proceedings."

A response to an allegation in an anonymous letter, addressed to the hon. Minister, put on the record of this Parliament by nobody less than the Prime Minister.

"I trust that this communication assists in clarifying this matter."

Signed by Charles Bobb-Semple. On this letter, there is no title, and I assume that this is the same Charles Bobb-Semple, the former General Manager of the Port Authority.

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In the many letters that I have, Madam Speaker, these were the letters appended to this anonymous letter.

There is a letter signed by the same person, same handwriting, at the time he was General Manager of the Port Authority of Trinidad and Tobago. It is dated March 4, 1992. This letter is addressed to the hon. Minister of Works and Transport:

"Dear Hon. Minister:

I refer to your verbal directives that the Authority explore arrangements rather than renewal of our insurances and to the subsequent response from our brokers, RMS Services Group, submitted to you upon receipt of same of February 27, 1992."

Madam Speaker, the hon. Minister has received, via the Port Authority, a response dated February 27, 1992 from those who had the contract to broker the insurance for the Port Authority. Continuing the quote:

"I refer further to our discussions on the morning of February 28, 1992, in which you directed that the Authority seek to extend insurances due on March 1, 1992 for a further three months through the procurement of the required brokerage services."

The then General Manager of the Port Authority has referred to discussions that he had with the hon. Minister where the hon. Minister has instructed him to seek to extend insurances for a further three months.

"I have accordingly..."

And I presume that what that means is in accordance with the instructions given by the Minister, that is reflected in the preceding paragraph.

"...written to M&M Insurance Services Limited to provide insurance extension for three months. See letter attached."

Now, Madam Speaker, what is the truth in all of this? Was the General Manager of the Port Authority instructed by the Minister to terminate the contract with a certain firm that had the brokerage contract for the insurance of the Port Authority? Did the Minister specifically instruct the General Manager of the Port Authority to award that contract to a specific firm called M&M Insurance Services Limited? Because that is what is being suggested in this correspondence.

Madam Speaker, when I read it, and I re-read it, and I tried to understand the sequence of events, and then I re-read the anonymous letter, it seems to me that whoever wrote this anonymous letter knew what the facts were, because the facts are borne out. The allegations of the anonymous letter, it seems to me, on very careful reading, that those facts are borne out in the correspondence.

Now, Madam Speaker, instead of the Prime Minister dealing with the substantive issues and allowing his Minister to stand up in this House and explain what really happened because—on an understanding of what we have in front of us, it does not look good. If the Minister could get up, for example, and say to this House, "as Minister it was brought to my attention by the Permanent Secretary...", because the Minister cannot know everything that is going on in his massive Ministry, the Permanent Secretary comes to the Minister and brings it to his attention and then he calls for files and he looks at them and he says, "you know something, the Government is paying too much for its insurance through this department, Port Authority", for which the Minister is responsible. He intervenes and says, "you know, I am responsible and I want the Government to pay less for insurance", and then gives an instruction to the subordinates to find a means of paying less for the insurance. When all of this develops, who could hold the Minister to blame for anything that is irregular? But that has not been done. So he leaves us in this House and the general public out there to conclude that what is going through the grapevine is correct; it is factual.

I want to advise the young Minister, Madam Speaker, to nip it in the bud. Do not allow it to destroy him. You see, I was Minister responsible for ports and airports and there is something in the tendering procedure that really needs revision and I want to advise the Prime Minister to look at this. I do not know if it is a written or an unwritten rule, but before the Central Tenders Board can invite any kind of interest in a project, the Government must source its funds, up front. To me, that does not make sense. Because many projects can be funded if you can present the project in such a way that it will attract the funds. How do you present the project if, in fact, you do not invite the processes of mobilizing resources to put the thing together? Is that how it operates today?

That is how it operated when I was Minister. I had to find the funds first for the Scarborough Deep Water Project and for the airports expansion at Crown Point, the extension to the runway, before we put the whole tendering procedure in motion.

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Now, the PNM, before the NAR came into office, had devised a concept of design/finance/construct for Government projects. In other words, borrowing resources, getting projects going and the people of this country will benefit from the services and be paid down the road. We did not need to have the funds in front. In fact, we could not get a single project going because at the time that the then Government introduced the concept, it made no provision for Government guarantees and we could not get a single project design/finance/construct for the local financial community to show an interest in because they required a guarantee from the Government.

The man who is now the Minister with certain responsibilities in the insurance business, the Minister of Trade, Industry and Tourism, when he was a bright young insurance executive and a whiz at finance, came with a small group of private sector people to me and I invited them to make a submission on how the insurance companies of this country would be prepared to get involved in the design, finance and construct project, many of which were on the table for consideration.

Madam Speaker, the policy adopted is a policy that came out of the recommendation of that small group of private sector individuals, including Sen. Brian Kuei Tung. It is a good policy. Now the Government can invite, without having to source the funds in front, groups of people to design, finance and construct all kinds of things in its interest, but the Central Tenders Board still is bogged down by this principle that the Minister of Finance must first source the funds before the Central Tenders Board can invite interested groups in the society to tender for contracts. It does not make sense.

As an architect, I know that if you do a pretty picture of a project, photographic style, very often you can persuade people on the basis of that to support the project. It is done all the time. You see in the newspapers beautiful renderings of apartment complexes with an advertisement to participate, to come and buy one. You see how effective it is. Now, it does not cost very much to produce that phase of the project, as the Minister knows, because he has been in construction. It does not cost very much to arrive at the concept, express that concept in a rendering and then advertise it. Why is the Government not doing that? Why does the Government not permit the Central Tenders Board to initiate projects in that way? Because very often they do not have the money, but the project itself would be so attractive that the funds will, in fact, be mobilized. But they do not permit that to happen because of the rules.

Madam Speaker, if they are going to amend this Act, I think what they should do is try to modernize, update it, and give the Central Tenders Board a positive and contributive role to play, far in excess of merely evaluating and examining tenders.

A Prime Minister has inordinate power. He can use that power for good and to encourage the development process and to get the best out of his team of Ministers, or he can use it in the opposite way. The very worst thing a Prime Minister could do is to interfere directly with the portfolio of one of his Ministers. If the Prime Minister is dissatisfied with the way a Minister is conducting his Ministry, it is easy for him merely to write to the President, indicating that department be moved from the purview of that Minister. That is the power the Prime Minister enjoys.

While I was Minister, Madam Speaker—and I am sorry the Member for Tobago East is not here now—I was responsible for ports and airports. I sourced the funds to finance the Scarborough Deep Water Project as Minister.

Dr. Rowley: What was the original figure?

Mr. J. Humphrey: I will have to give you the background to it.

Madam Speaker, having sourced the funds—and it was sourced through a consortium of insurance companies—we were then able to get the Central Tenders Board to put the process in motion and to invite tenders, which they did. Tenders were submitted to the Central Tenders Board and a technical committee was put to evaluate the tenders and to prequalify tenderers. Having prequalified the tenderers that finally submitted their tenders, the Central Tenders Board had to evaluate those tenders. The lowest tender, as I recall, was \$36 million. The next, in order, was \$49 million and then \$51 million, I think.

Now, Madam Speaker, as Minister responsible for the department and with the knowledge that the Central Tenders Board would have to award the contract to the lowest tenderer unless there was compelling reason not to do so, they had been prequalified. Certain developments started to occur which indicated to me that the Prime Minister and one of his key Ministers did not want it to go that way at all and started to use their influence to see to it that a foreign contractor won the contract.

When I put up resistance to this the Prime Minister, Madam Speaker, acted totally contrary to the Constitution. He removed the authority that the President had vested in me as Minister for that project and gave it to the Tobago House of

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Assembly. Now, he did that with a Note to Cabinet which was then supported by those of his colleagues in the Cabinet who obviously did not understand the way a Cabinet government functions, especially the British Westminster Cabinet.

The result of that was that TT \$17 million was spent for the foreign exchange component of the contract where the contractor brought in equipment, used it for the duration of the contract and took it out of Trinidad and Tobago. That TT \$17 million in excess of the foreign exchange component, where the lowest bidder was purchasing equipment, bringing it to Trinidad, leaving it to work in Trinidad after the fulfillment of that contract to do other marine engineering contracts, one is left to wonder why the Prime Minister wanted that contract to be awarded to a foreign contractor, with the cost overruns and project cost in excess of \$100 million.

Madam Speaker, I want to give the advice to this young Minister not to allow it to happen to him because if he is not extremely careful, right now, he is the centre of two controversies, not one. The Prime Minister should allow the hon. Minister to speak for himself, because I am sure he can explain to the satisfaction—well he obviously has done it to the satisfaction of the Prime Minister—but I am sure he can explain to the satisfaction of this House and the national community that he has done nothing questionable.

Madam Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [Mr. R. Palackdharrisingh]

Question put and agreed to.

Mr. Humphrey: Madam Speaker, we who have been in public life a very long time—I can be counted as one of those—know only too well the art of scapegoatism. What I am worried about for my friend from Diego Martin East is that he will be used as a scapegoat.

I am not convinced that everything that is being done by the Government is in the strict interest of Trinidad and Tobago. I am very worried that the Government is doing things in secret, is not prepared to share the information with the Members of Parliament and the national community and entering into contractual arrangements where the facts are not all known.

[MR. DEPUTY SPEAKER *in the Chair*]

When the hon. Prime Minister and the Member for Diego Martin West say that the Opposition is trying to paint the existing Government with the old brush of PNM corruption, Mr. Deputy Speaker, we do not have to try very hard to do that, because the impression that is being given by doing things in secret is that there is something to hide. That is the impression that is being given.

Mr. Deputy Speaker: This House will be suspended for 15 minutes. We will be back at 10.15 p.m.

10.00 p.m.: *Sitting suspended.*

10.25 p.m.: *Sitting resumed.*

[MADAM SPEAKER *in the Chair*]

Mr. J. Humphrey: Madam Speaker, I just want to make one last point. During the course of the debate, allegations were made by the Government, by the Prime Minister, concerning the Opposition and its strategy and tactics. The hon. Prime Minister said that he had analyzed the contributions from this side and had concluded that we were involved in a certain strategy aimed at bringing down his Government, and he went so far as to allege that we were consciously taking actions to subvert the parliamentary process. I take serious objection to that allegation. In fact, he went on to suggest that certain Members on this side were the authors of anonymous letters and he even speculated that there would be more anonymous letters coming from this side.

Mr. Maharaj: He accused the Member for Couva South—

Mr. J. Humphrey: All is fair in love and war, they say, and, I dare say, politics is war and, therefore, all is fair in politics. I want to admit that I recognize that in my role as a Member of the Opposition I have a duty to try to bring down the Government through the process of the parliamentary system. It is my duty to find the Achilles heel of the Government and to seek to persuade this Parliament to remove the Government so that we can be the Government. That is the way it works. In fact, the Opposition is the alternative Government, and under our Constitution if the majority of the Members of this House lose confidence in the Prime Minister, a new Prime Minister has to be appointed; and motions of no confidence have brought down Prime Ministers in the Westminster system. It is our role, so nobody should object to that; we are just doing our job. To suggest that we are going to subvert the democratic process in doing that job, I cannot accept that.

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I think it is a subversion of the democratic process when the Government acts in secret and does not bring the people of Trinidad and Tobago into its confidence and, I am afraid this is happening. It happened in the past. Many years ago—I did not bring an anonymous letter to Parliament—I brought facts that I had come across in an investigation that I was doing on the exercise of BWIA in the selection of wide-bodied aircraft. I investigated that issue very, very thoroughly, and we tried then to get the Government to institute a commission of inquiry into all the transactions made by the national airline in the purchase, exchange, lease and sale of aircraft. I was in the Senate at the time and I called names and Members on that side dared me to go outside and call the names. The names I called then were a local business firm that was the agent of McDonnell Douglas Corporation and two very high officials of the governing party, both were Ministers at one time. The names are now folklore—John O'Halloran and Francis Boysie Prevatt. I named them. They dared me to go outside and name them, and I went outside and named them, at least 100 times, and I saw all kinds of threats that they were going to deal with me.

Mr. Maharaj: The same thing happened today—threats from the Prime Minister.

Mr. J. Humphrey: I want to make a promise to this House. If I get information that any of the deals that are being made at the present time by this Government—and I want to suggest that I have suspicions on one (the NUCOR investment) I suspect that a deal has been made, and I have good reason to suspect that a deal has been made—I will come here and call names, and I dare say the Government will do absolutely nothing about it.

Mr. Valley: When you get the information, pass it on.

Mr. J. Humphrey: Madam Speaker, I, like the Prime Minister, do not want to see the anonymous letter being used to support arguments in this House. Unfortunately, we on this side alluded to those letters and instead of responding to all the very pertinent facts that Members on this side have stated in this debate, the Government has ignored those and has concentrated on the anonymous letters—used them as a red herring.

I have analyzed the strategy of the Government during the course of this debate and I have come to the conclusion that what the Government is seeking to do is to cover up certain things. At this stage that is how I feel. There is still time for Members of the Government to participate in this debate and, perhaps, they can change my mind; but at this stage that is how I feel.

The Minister of Works and Transport (Hon. Colm Imbert): Madam Speaker, I enter this debate because it is necessary to set the record straight on a number of allegations, totally without foundation, which have been made about the Minister of Works and Transport, the Airports Authority, the Government, Port Authority and many other allegations. I think it is necessary for me to deal with some specific allegations and to refute the impression given by the Members on the other side who have spoken in this debate so far, that they have produced documentation in this honourable House that supports allegations which they have repeated here.

Specifically, I refer to the letter that the hon. Member for Couva North read from at the last sitting when this debate commenced and certain specific allegations, and I would like to quote:

"The Minister summoned the General Manager of the Port, totally bypassing the Board, and verbally instructed him to hire M & M Insurance Services and informed the General Manager that he would be fired if he did not follow his directives."

10.35 p.m.

Madam Speaker, I have seen the attachments to that document that the hon. Member for Couva North laid in this House; and nowhere in that document do I see any evidence that the Minister informed the General Manager that he would be fired if he did not follow his directives.

Additionally, Madam Speaker, there is no evidence in the attachments, or in anything else said by the Members on the other side, that the Minister instructed the General Manager to hire M&M Insurance Services. You will note, Madam Speaker, that the former General Manager of the Port Authority has confirmed that no instructions were given to him by the Minister to hire M&M, and that no threat of dismissal was ever thrown at him by the Minister.

In addition, Madam Speaker, another allegation made and not supported in the attachments, although the Member for Couva South is saying the attachments support the allegations; but I would like him to show me where in the attachments this following allegation, as the preceding one, is supported—

"In spite of the advice of the Permanent Secretary that the action he was undertaking was wrong, the Minister further instructed his Permanent Secretary to write the General Manager,"

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and so on, and so forth. Where in the attachment is there any reference to any advice that the Permanent Secretary gave to the Minister? There is none; and, therefore, Madam Speaker, it is completely wrong of the Opposition to claim that the attachments support the allegations. The attachments support none of the allegations. And you will note, Madam Speaker, that the former Permanent Secretary in the Ministry of Works and Transport has confirmed that the allegations are without foundation, and the current Permanent Secretary has confirmed that other allegations in the letter are without foundation. That is all I wish to say on that matter. No evidence was produced; only insinuations and allegations without any foundation whatsoever.

I now move to the other matter in which the name of the Minister of Works and Transport and members of the Airports Authority have been linked: this is the decision by the Airports Authority to award a contract for the financing, development, and so on, of a project known as the Piarco Rainbow International Airport Development.

Madam Speaker, the Minister in the Office of the Prime Minister, this afternoon, read a statement wherein a submission from the Chairman of the Airports Authority was submitted to this Parliament, which confirmed that an unauthorized report had not been seen by the Finance and Tenders Committee of the Airports Authority, had not been approved by the Finance and Tenders Committee of the Airports Authority, had not been seen by the Board of the Airports Authority, nor approved by the Board of the Airports Authority. The Chairman of the Airports Authority confirmed that such an unauthorized report, prepared independently by members of the Management of the Airports Authority contrary to instructions, found its way to the Minister.

In the circumstances, Madam Speaker, the Minister was of the view that receipt of such a report constituted interference in the tender and evaluation procedure—the mere receipt of such an unauthorized report, which sought to draw the Minister into the evaluation process. It was in these circumstances, Madam Speaker, that the Minister, recognizing the report was unauthorized, sent it back, because the Cabinet, the Government and the Minister, had no intention of getting involved in selecting the successful proposer in this contract.

I am not aware, Madam Speaker, that the Members on the other side have been, in any way, able to demonstrate any proof of the allegations they have made. What they have done is come to this House and read two anonymous letters, none of which is substantiated in fact. They have made allegations which are not

substantiated in fact; they have sought to cast aspersions which have no basis in reality. For the record, Madam Speaker, I refute absolutely the allegations in both anonymous letters and all the allegations of impropriety that have been thrown at the Minister of Works and Transport in this honourable House in this debate; and I might add, Madam Speaker, I am quite prepared to go outside this House and defend myself.

Thank you very much.

Mr. Subhas Panday (*Naparima*): Madam Speaker, it seems to me, as the Member for St. Augustine has said, that the Government has not really debated the Bill which is before this honourable House. What they have really done is to pull a red herring with the anonymous letters. But, Madam Speaker, having regard to the history of the PNM and the position of public servants, one would see that if public servants append their names to those letters they might end up like Gene Miles. This Government has a history—[*Interruption*] Gene Miles, yes! When she tried to expose O'Halloran, look what they did to her. So that, one would not find public servants signing letters for fear of victimization; and Ministers who are in the position can surely do that.

Madam Speaker, what they were asking us also, is to produce evidence—they want evidence. As we have said before, they have the machinery to obtain the evidence but, instead, what they do is merely try to cover up and defend. The hon. Member for Diego Martin East sounds like a frightened mouse. He stood there and if you looked at him you could see that all he was trying to do was skim the surface and say "I am not guilty; I am not guilty." But he has not produced any evidence whatsoever to substantiate his claim. Madam Speaker, he merely stood up there and that was the extent of his contribution to this debate, "I am not guilty." That is all his contribution to such an important piece of legislation. Not a word on the Bill, which is before the House. That gives the impression—what was his aim and what are his intentions? By the way in which he delivered his speech, one can really see that, indeed, he has something to hide.

10.45 p.m.

Madam Speaker, this Central Tenders Board Ordinance, as has been indicated, has been raped on many occasions, and as recently as 1991, the Member for San Fernando East, speaking on the Central Tenders Board (Amdt.) Bill on August 30, in which the then Government was trying to re-introduce legislation to take tendering in the Ministry of Security away from the Central Tenders Board, said:

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"There is no way the Minister or anybody else on the Government's side could properly justify that approach that the Government is taking in respect of the Central Tenders Board Ordinance, where it seeks to remove the scrutiny of the administrative arrangements which have been put in place, however imperfect these arrangements may have been. They seek to remove from those controls, certain important aspects of awarding tenders in the country."

What the hon. Member was doing at that time, was actually criticizing the Government for removing from the purview of the Central Tenders Board, the power to award contracts. As I have said before, this amendment is about the twenty-fifth amendment to the Central Tenders Board Ordinance No. 22 of 1961.

Time does not permit me to go into detail on the multitude of amendments, but merely to say that every amendment which has come to this honourable House, on each occasion, had the impact of reducing the ambit and the sphere of activity of the Central Tenders Board.

Before we go into the various amendments, we should first enquire what were the reasons for the introduction of the Ordinance, No. 22 of 1961, and the reason for the establishment of the Central Tenders Board; what was the mischief this was intended to cure. *Hansard* is replete with the reasons for the establishment of the Central Tenders Board. The Central Tenders Board was introduced in order to enter into contracts for goods and services on behalf of central government in certain instances and for certain statutory authorities and state corporations. The schedule to the Ordinance enumerates the sphere of the Central Tenders Board.

I quote from *Hansard* again, October 20, 1991, when one Sen. Persad, as he then was, said:

"Mr. President, the Central Tenders Board was introduced to prevent corruption."

He said that was the main aim for which the Central Tenders Board was established. Again, in *Hansard*, October 29, 1991, Sen. Allan Alexander, as he then was, again said that the Central Tenders Board was established for the purposes of preventing corruption in connection with the award of contracts by Government and certain statutory bodies.

So what is happening here, is that the Government has introduced legislation to further carry on that line, in that now they are trying to take out the activities of NIPDEC from under the purview of the Central Tenders Board.

I would like to make reference to two pieces of legislation which were introduced in order to weaken the Central Tenders Board. The first is an Act to amend the Central Tenders Board, No. 33 of 1979, in which the government of the day had introduced legislation amending section 20 of the Central Tenders Board Ordinance to permit government-to-government contracts. At that time, cogent reasons were given for taking away government-to-government contracts from under the purview of the Central Tenders Board. The Member for San Fernando East said that the purpose of having government-to-government contracts was to maintain the integrity of the sovereignty of Trinidad and Tobago and that the aim of the legislation then, was to prevent the country from ending up in the back pocket of any one country. He had indicated that was the major reason for that amendment.

The next piece of legislation which I intend to look at is Act 22 of 1987 in which the then NAR Government had intended to introduce legislation to permit the Ministry of National Security to bypass the Central Tenders Board and to make purchases on a government basis. The reason advanced then was that in cases of expediency and secrecy there was need for that amendment.

Today we are asked by this Government to endorse the legislation to remove NIPDEC from the purview of the Central Tenders Board. They come here and say that it was merely an error. NIPDEC was under the purview of the Central Tenders Board merely by an error.

Mr. Manning: Madam Speaker, much obliged to the hon. Member. What I said was, NIPDEC was treated as a state enterprise in error. State enterprises do not fall under the Central Tenders Board, but have their own tendering procedures.

Mr. S. Panday: Madam Speaker, in any event, I humbly submit that another route could have been taken to regularize that situation and not merely bring legislation to weaken the strength or to circumscribe the activities of the Central Tenders Board. In any event, when the PNM Government had introduced legislation in 1979 on the government-to-government basis, the Member for San Fernando East had indicated that there were nets put into place and precautionary measures taken to ensure that there was fair play in the award of the government-to-government contracts. That was not the case, however, because after they frittered away about \$6 billion—

Mr. Manning: Sorry to intervene again, Madam Speaker. It is not that that was not the case, it did not work that way.

Mr. S. Panday: In any event, they had to set up the Lennox Ballah Committee which investigated the government-to-government contracts and found out that the procedure and system was bad. They sat down; they waited for a long while and then they disbanded the government-to-government arrangements. By the time that was done, \$6 billion to \$7 billion had already been frittered away.

We ask the Government on this occasion: We are moving away NIPDEC from the purview of the Central Tenders Board, what safety network has been put in place to monitor the functioning of NIPDEC? Are we just moving it from the administrative surveillance and giving them a free range? These are the questions which we would like the Government to explain when they are replying. Because, you see, NIPDEC is a wholly owned subsidiary of the National Insurance Board which deals with people's money and has been engaged in a number of investments on behalf of the Government.

10.55 p.m.

If one looks at the history of NIPDEC, one would see that it was incorporated on July 26, 1977, as a private limited liability company. Its role then was to assist government in the implementation of its construction programmes. Today, NIPDEC boasts about functions which have literally been expanded towards providing a range of property management and development services utilizing innovative management techniques to promote the region's development.

Madam Speaker, you see, NIPDEC has a very important function to play in the economy. As such, merely to take NIPDEC from under the purview of the Central Tenders Board, where the administrative arrangements could be brought into the open, one sees that the Government is taking NIPDEC away and giving it that type of freedom. Between 1978 and 1992, NIPDEC would have managed over \$3.5 billion on behalf of the Government of Trinidad and Tobago, under the project/management/construction.

One can list a few of NIPDEC's major projects. Here are some of these projects:

Eric Williams Financial Complex	1984	\$439 million
Edinburgh Housing, 496 units		\$325 "
Maloney Housing		\$292 "
Port-of-Spain Re-development		\$250 "
Hall of Justice		\$242 "
La Horquetta Housing		\$204 "

One can go on and on, and one would see that NIPDEC has been playing with much of people's money. The question we ask is: Since NIPDEC is playing such an important role, why must it be removed from the purview of the Central Tenders Board?

Madam Speaker, we on this side believe that NIPDEC, being a subsidiary of the National Insurance Board, uses the small people's money to do investments. As such, all activities of NIPDEC should be closely scrutinized. Another question one would probably ask is: Who are the directors of NIPDEC? Are there any public servants on NIPDEC's board? If there are public servants on NIPDEC's board, and the Government is now seeking permission to have Government enter into contracts with NIPDEC, would there not be a conflict of interest? Would it not be a case of him negotiating with him? These are questions that could lead to a lack of confidence in the whole system.

Mr. Manning: Madam Speaker, I am sorry, really, to interrupt my colleague from Naparima, but I do not think that he is getting it right. What we are seeking to do is to regularize a system that has been in operation since NIPDEC has been formed in 1977 or 1978, and to regularize it, one needs to take it out of the Central Tenders Board. Because, what has been happening is that NIPDEC has been treated as though it did not come under the Central Tenders Board Ordinance, but we discovered, only recently that it in fact does. So, we are seeking to amend the law to remove it, on the one hand, and legitimize what had been done on the other.

So, really, the method of operation will not change, and that to the extent the system involving NIPDEC has been successful, that success is expected to pervade the activities of NIPDEC in its relation with the Government as we go on into the future.

Mr. S. Panday: Madam Speaker, if that is the explanation for this, then there was no need for this amendment. If the Government is saying that NIPDEC did not come under the purview of the Central Tenders Board, well then, what is the purpose of this piece of legislation?

You are saying that was an interpretation, but what the hon. Prime Minister has just said is that NIPDEC does not come under the Central Tenders Board, but there was a clause which said that it came under the Board. If it does not come under the Board, then what is the purpose of this legislation?

In any event, Madam Speaker, now that we have come to this stage, the Government should really look at all the contracts that NIPDEC has entered into and survey them to see if there were any misdemeanour in those contracts and

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deal with them. If they are saying that it merely does not come under the Central Tenders Board and they are letting it go, it was not there in any event, so there is no need for this piece of legislation.

Madam Speaker, first of all, let us look at the amendments. The first amendment which states that:

"Section 2 of the Ordinance is amended by deleting the definition of 'Minister' and substituting the following definition:

'Minister' means the Minister to whom responsibility for the Central Tenders Board is assigned."

In previous legislation, the hon. Prime Minister said, the Central Tenders Board was under the direct control of the Prime Minister. In any event, what has happened here, is that the Prime Minister being *primus inter pares* will still be responsible. All he will be doing here is merely delegating his powers.

Mr. Manning: That goes counter to what your colleague from St. Augustine said earlier on. Perhaps, you both should dovetail your views. The Member for St. Augustine was saying exactly the opposite to what you are saying now.

Mr. S. Panday: Madam Speaker, we are saying that is the same old khaki pants. The situation, as it stands, is the same old khaki pants. Because, previously it was under the direct control of the Prime Minister—the Minister then, meant the Prime Minister. What they are saying now, is that the Minister means the Minister to whom responsibility for the Central Tenders Board is assigned. That Minister, obviously, will be appointed by the Prime Minister. Therefore, the same situation prevails.

Madam Speaker, secondly, the Government is taking the National Insurance Property Development Company Limited from the purview of the Central Tenders Board. The Bill states that:

"This section is deemed to have come into effect on 12th April 1977."

We ask: Why is it that this legislation is going back to April 12, 1977 when the NIPDEC was incorporated in July, 1977? This is the question we ask. It seems to me that they have not really studied what they were doing because, they have made the legislation retroactive, not only to the date on which NIPDEC was incorporated, but a date before NIPDEC came into being. What is the purpose?

Madam Speaker, as we say, the time has come when we must look at the whole issue of the Central Tenders Board. Look at the mischief which the Central

Tenders Board Ordinance, No. 22 of 1962 was intended to cure and to strengthen the Central Tenders Board.

11.05 p.m.

Madam Speaker, we have complained that the Central Tenders Board is too bureaucratic. The time of requisition to the time of awarding the contracts or sending out the tender is too long. What could take place is that the bureaucracy could be softened and legislation could be introduced to make the Central Tenders Board much more effective. When we decentralize the Central Tenders Board to such an extent you will find that small government departments take it upon themselves to award contracts. But at the present time the Act provides where Permanent Secretaries and the Municipal Corporations could award contracts by-passing the Central Tenders Board to a certain extent. We feel that the Central Tenders Board is a necessity. The Central Tenders Board is there to deal with the issue of corruption, to instil public confidence in Government. As such, instead of weakening the Central Tenders Board, the Government should bring to Parliament legislation to strengthen it. Also, what should happen is that the quality of the personnel of the Central Tenders Board should be improved. This could only be improved by awarding better remuneration to the people serving on that board. Thank you, Madam Speaker.

The Attorney General and Minister for Legal Affairs (Hon. Keith Sobion): Madam Speaker, we have had a wide-ranging debate on this amendment to the Central Tenders Board Act. We have covered ground dealing with agriculture, NAMDEVCO; we have dealt with the ghost of John O'Halloran and the Member for Naparima made reference to Gene Miles.

I do not propose to be very long having regard to the lateness of the hour and having regard to the contributions which have been made from the Opposition Benches.

Madam Speaker, I may say as well, that the Member for San Fernando East, the hon. Prime Minister, has dealt comprehensively with the allegations, relevant and irrelevant, raised by Members of the Opposition and has exposed the obvious strategy which is being employed by the Opposition in relation to this issue of corruption.

I go back to the three purposes of the Bill so that one can determine exactly where there is need to make a response. Insofar as the Bill seeks to amend the definition of "Minister" there has been no real objection coming from the other side except for the Member for Naparima who seemed to have misunderstood or

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misread completely what that provision seeks to do. As I indicated in my opening, what we are really seeking to do is to remove the straitjacket which the present definition creates and to give the Prime Minister the opportunity to allocate the portfolio relating to the Central Tenders Board to such Minister as he may consider appropriate.

The second amendment deals with the inclusion of NIPDEC as one of those entities, like state enterprises, with which the Government can contract without having to go through the Central Tenders Board procedure. There has been some statement coming from the other side which is critical of that amendment. I will return to that aspect of the matter. Insofar as the third amendment is concerned, we are seeking to make that provision under section 20A retroactive so as to cover the inadvertent use of NIPDEC as a section 20A entity. That we have seen was a development which came about as a result of a misconception as to what the true status of NIPDEC was and it has been utilized as a section 20A entity by successive administrations, both of the PNM and of the last government. There has been no real objection to that amendment save that statements have been made that we should bring before the House and examine every contract that was issued to NIPDEC over the last 16 years, and that should be done before this amendment is made. We on this side do not see that as a necessary step.

What we had was a provision of the Act which was misunderstood in relation to NIPDEC and there is now really no need to reinvestigate what the NIPDEC Tenders Committee would have done in allocating those contracts. I may say that this debate has proceeded as though there were no tendering processes involved in NIPDEC awarding contracts. NIPDEC has a tendering procedure. It is a fairly detailed tenders procedure and it deals at length with the procedure which they should adopt in making awards of contractual arrangements. It is a document which is open for public scrutiny and having regard to the tight and detailed tenders procedure we see no real necessity to revisit those contracts which have been awarded over the last 16 years.

Madam Speaker, the point was made by the Member for St. Augustine, and I think it was made by several other contributors from the other side, that we should be seeking now to strengthen—and I think these are the actual words used by the Member for St. Augustine—the Central Tenders Board and not to defuse its independence, or words to that effect. I am glad to see that the Member for St. Augustine has had a change of heart now that he is sitting on the Opposition Benches.

Mr. Humphrey: On a point of order. I have not had any change of heart. I have never done anything to suggest that my position where the independence of the Central Tenders Board is concerned is any different. I understand exactly where the Member for Ortoire/Mayaro is trying to come from. I am sorry that they did not interject this particular issue earlier so I could deal with it once and for all. If you want to make any such allegation—

Hon. K. Sobion: What is the point of order?

Mr. Humphrey: You are misleading the House.

Hon. K. Sobion: Perhaps, before I deal with the Member for St. Augustine—
[*Interruption*]

Madam Speaker: With the greatest deference to the hon. Members, I do not know what the argument is about. I have not heard any allegations made yet. I was waiting. This is why I am saying let us not hear about it. Unless the hon. Member mentions it, that is the only way we can discuss it in the House.

11.15 p.m.

Hon. K. Sobion: Madam Speaker, it seems as though the Member for St. Augustine is intent on my not completing. [*Interruption*]

The fourth attempt to deal with this—

Mr. Manning: My advice to the hon. Member for St. Augustine would be to pass some of that steam over to his colleague from Oropouche, but then alas, it will be to no end.

Mr. Valley: All in vain.

Hon. K. Sobion: Madam Speaker, I was making the point that the Member for St. Augustine raised the question that we on this side should be looking at strengthening the Central Tenders Board, so that it would not lose its independence. I was saying that it was nice to note that he has had a change of heart.

Mr. Humphrey: Where is the change of heart?

Hon. K. Sobion: But if the Member gives me a chance I will.

Mr. Valley: Take it easy, John.

Hon. K. Sobion: In 1987, when the Member for St. Augustine was the Minister of Works and Transport, in this House, he moved an amendment to the

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Central Tenders Board Act. That amendment is an amendment to section 20A, the very section which we are seeking to amend.

I would read the Act as amended by Act No. 22 of 1987. That section which was moved by the Member for St. Augustine now reads as follows:

"Notwithstanding the provisions of section 20 (1) the Government may act on its own behalf, where as a result of the occurrence or anticipation of flooding, hurricane, landslide, earthquake or other natural disasters, the Minister is of the opinion that an emergency situation has arisen."

That was the amendment moved by the Member for St. Augustine.

What is significant is that we are moving an amendment here to permit NIPDEC to enter into contracts. NIPDEC has a tender procedure very similar to the Central Tenders Board, and we are being accused of weakening the provisions of the Central Tenders Board Act. When the Member for St. Augustine moved this amendment, he argued strenuously that the Minister in his own discretion—in the Minister's anticipation of a flood; he sits down in his home one day and anticipates that there will be a flood because the sky is dark—can award contracts to whosoever he pleases. Is that not weakening the Central Tenders Board Act?

Mr. Humphrey: On a point of order. What the hon. Attorney General has done is that he has invited me to explain the situation, because he is talking absolute nonsense, and no Member should be permitted to get up in this House and talk such nonsense.

Hon. K. Sobion: Is the Member on a point of order?

Mr. Humphrey: I was Minister.

Madam Speaker: Are you objecting on a point of order?

Mr. Humphrey: I consulted with the Chief Drainage Officer.

Madam Speaker: I do not think that the Member is permitted to—You said that you were objecting on a point of order. What point of order? That he misrepresented you?

Mr. Humphrey: He absolutely misrepresented me.

Madam Speaker: Well, that is the most that you can say.

Mr. Humphrey: The only person who can clarify the situation is the one who is directly involved. He persists in misrepresenting the facts.

Madam Speaker: Then, is it a point of clarification? I do not know.

Mr. Humphrey: It is a point of order.

Madam Speaker: The Member may continue please.

Mr. Humphrey: The Member is misrepresenting the facts, misleading this House.

Hon. K. Sobion: Madam Speaker, I do not want to be accused of misleading the House. I have no anonymous letters to read from, but perhaps, if I read from the records of *Hansard*, then there may be no need for the Member to keep jumping up and down in his seat.

At the time of that debate, the Member for St. Augustine, in fact, made the proud boast that he had done 54 projects. I read from *Hansard* dated July 17, 1987:

"Only this morning I received a report from the Flood Relief Task Force."

This is one of the committees of the Task Force, the Survey and Implementation Committee.

"We have already executed 54 projects throughout the country."

without going through the tendering procedure. Later on he makes the point. Now, Members might find it strange that John Humphrey—

Mr. Humphrey: This is a very dishonest Attorney General that we have here. He is quoting from *Hansard*; does not interrupt his quotation and alludes to me as recorded in *Hansard* a statement that I did not make.

Did I make the statement: "Without going through the tendering procedure". Is that what you are reading there, or did you just throw that in?

Mr. K. Sobion: Sorry. I had ended my quotation when a comment was made and I responded to that comment. The portion, "without going through the tendering procedure" was not part of the quote that I just read.

Mr. Humphrey: Do you think that you can get away with this kind of nonsense?

Hon. K. Sobion: If you want, I can get into that. I can get into the exchange which took place relating to whether the amendment was meant to be retroactive and the dodging that took place at that stage.

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Finally, let me just—so as to cause the Member for St. Augustine no more pain—refer to one further excerpt from that *Hansard* report. I quote:

"Now Members might find it strange that John Humphrey is talking about doing things within the law, but Mr. Speaker, as a colleague of mine for many years in the struggle, you would have to admit that I have always acted within the law, the higher law which is reflected in our Constitution. I have never acted outside the provisions of the Constitution of this country even though I might have bent certain laws, but those laws could no longer facilitate the required work of the Government in serving the interest of the people."

The argument being made in support of the amendment proposed in 1987 was to weaken the Central Tenders Board Act to facilitate the then Minister awarding contracts without having recourse to the Central Tenders Board procedure.

11.25 p.m.

If the Member for St. Augustine wants to persist, I can read more.

Mr. Humphrey: Madam Speaker, on a point of order. The Attorney General is giving his own interpretation to the meaning. The meaning was to clean the rivers and drains so that the country would not be subjected to severe flooding that the Drainage Division anticipated at the start of the rainy season. That is what it had to do with. It had to be done within two weeks, my friend. I want to see if any of them are capable of doing that.

Hon. K. Sobion: Madam Speaker, the point I was making and the point that I continue to make is that, in proposing this amendment which is before this House today, which has engaged our attention for quite a long time, the Government is satisfied that there is a proper tendering procedure relating to NIPDEC, and it is an amendment, as the Member for St. Augustine will no doubt appreciate, meant to facilitate and expedite the work of government with the necessary accountability procedures in place. *[Interruption]* That is what this amendment is all about.

So all the talk about accountability, NAMDEVCO and Gene Miles is totally unnecessary and irrelevant to this debate.

Madam Speaker, I congratulate the Member for St. Augustine for his change of position, but we have found it necessary with the necessary safeguards to ensure that Government's work is expedited.

I think there was one other point raised to which I wanted to refer and it has to do with the general scrutiny of NIPDEC. NIPDEC, as I pointed out, is a wholly-

owned subsidiary of NIB, which is a body created by statute arising out of a tripartite agreement between Government, business and the unions.

Madam Speaker, NIB's accounts are subject to examination by the Public Accounts Committee; NIPDEC's accounts were audited by the Auditor General up to 1990 and very often are also subject to examination by the Public Accounts Committee.

Madam Speaker, insofar as two of the amendments are concerned, there is really no issue raised on the other side with respect to those two issues. Insofar as the substantive amendment to section 20A, we have found it necessary—and I did indicate in my opening remarks the number of projects which have been handled by NIPDEC and those that are presently on stream to be handled by NIPDEC—for the proper discharge of Government's function to utilize this mechanism which has at its core, proper safeguards in proper tendering procedures.

Madam Speaker, I beg to move that this Bill be now read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 5 ordered to stand part of the Bill.

New Clause 6.

Mr. Sudama: Madam Chairman, I have proposed this new clause to the Bill because whereas the procedures—we understand there are procedures by NIPDEC for the award of tender. This is not known to this House, it is not made public. We would like to put in a clause there so that these regulations can come before this House. If the Government is agreeable, I would not go further.

Mr. Valley: We are agreeable, we just want to change affirmative to negative.

Mr. Palackdharrysingh: Leave affirmative as it is.

Mr. Sobion: Affirmative to negative, Madam Chairman.

Mr. Sudama: Negative resolution. Fine.

Mr. Sobion: Leave "Parliament".

Madam Speaker: So what we are doing there is deleting the words "by order", and substituting "negative" for "affirmative".

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Member for Oropouche?

Mr. Sudama: Yes, Madam Chairman, I agree.

New clause 6 read the first time.

Question proposed, That the new clause be read a second time.

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 6 added to the Bill.

New Clause 7.

Mr. Sobion: Madam Chairman, when I introduced the Bill, I had given notice to propose an amendment at the committee stage in relation to section 27(f). That section now reads:

"The board shall submit monthly to the Minister of Finance a written report on the appointment of consultants and shall cause the report to be published in the *Gazette*. "

The proposed amendment, Madam Chairman, was to delete the words "of Finance", so as to coincide with the new definition of "Minister".

Madam Chairman: It is not before us.

Mr. Sobion: It is not before us. It is a new clause 7. It is merely to delete the words "of Finance" appearing after "Minister" in section 27(f) of the Act.

Madam Chairman: What should have been done is we should have written it down. Could you just delete—

Mr. Sobion: The words "of Finance" appearing after the word "Minister" in section 27(f) of the Act.

Madam Chairman: Appearing in section 27(f).

Mr. Sobion: Of the Act.

New clause 7 read the first time.

Question proposed, That the new clause be read a second time.

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Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 7 added to the Bill.

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

House resumed.

Bill reported, with amendment.

The House voted: Ayes 30

AYES

Valley, Hon. K.

Manning, Hon. P.

Sobion, Hon. K.

Mottley, Hon. W.

Eckstein, Hon. J.

Marshall, Hon. M.

Maraj, Hon. R.

Griffith, Dr. R.

Collis, Hon. K.

Imbert, Hon. C.

Lasse, Dr. The Hon. V.

Pierre, Hon. J.

Casimire, A.

Narine, J.

Hart, E.

Maharaj, R.L.

Humphrey, J.

Sudama, T.
Palackdharrysingh, R.
Bhaggan, Miss H.
Mohammed, S.
Allum, D.
Bereaux, H.
Rajaram, C.
Singh, Dr. C.
Panday, S.
Jurai, K. P.
Sharma, C.
Haniff, M.
Hosein, S.

Bill read the third time and passed.

ADJOURNMENT

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, in rising to move the adjournment of the House, I want to congratulate Members on the other side for finding it possible to support this legislation.

Madam Speaker, next Friday is Private Member's day. Therefore, the motion on the Prime Minister's statement would be taken on the following Friday.

Motion made and question proposed, That the House do now adjourn to Friday, January 22, 1993 at 1.30 p.m. [Hon. K. Valley]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.40 p.m.