

*Leave of Absence**Wednesday, October 21, 2009***HOUSE OF REPRESENTATIVES***Wednesday, October 21, 2009*

The House met at 10.30 a.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I received communication from the following Members requesting leave of absence: The hon. Basdeo Panday, Member of Parliament for Couva North, from today's sitting of the House; the hon. Jack Austin Warner, Member of Parliament for Chaguanas West, for sittings during the period October 21 to November 16, 2009. The leave which these Members seek is granted.

PAPERS LAID

1. Administrative report of the Office of the Prime Minister for the period October 01, 2007 to September 30, 2008. [*The Minister of Works and Transport (Hon. Colm Imbert)*]
2. Administrative report of the Agricultural Development Bank for the years 2006 and 2007. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]

JOINT SELECT COMMITTEE REPORTS

**Municipal Corporations and Service Commissions with the
exception of the Judicial and Legal Service Commission
(Presentation)**

Miss Penelope Beckles (*Arima*): Mr. Speaker, I wish to present the report of the Joint Select Committee of Parliament appointed to enquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission on the establishment of the Secretariat of the Police Service Commission at 62 Queen Street, Port of Spain.

**Local Government Bill
(Presentation)**

The Minister of Science, Technology and Tertiary Education (Hon. Christine Kangaloo): Thank you very much, Mr. Speaker. I have the honour to lay on the Table the interim report of the Joint Select Committee on the Local Government Bill, 2009.

**COMMISSION OF ENQUIRY (VALIDATION AND
IMMUNITY FROM PROCEEDINGS) BILL**

[Second Day]

Order read for resuming adjourned debate on question [October 19, 2009]

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: When last we met on Monday, the hon. Minister of Works and Transport, the Member for Diego Martin North/East was on his legs and he has 24 minutes of extended time left.

Hon. C. Imbert: Thank you, Mr. Speaker. I will now take the opportunity to set the record straight with respect to a number of matters.

When I was speaking on Monday, I made the point in response to certain allegations made by the Member for Diego Martin West with respect to statements made by the hon. Prime Minister about the Cleaver Heights Project, wherein the Member for Diego Martin West had alleged that the Prime Minister had misrepresented the facts with respect to a particular expenditure item on the Cleaver Heights Project, that is to say, the cost indicated in the contract's valuation invoices for the design of the force main on that project.

The Member for Diego Martin West had said that the Prime Minister had alleged that the design of that force main was \$6 million, whereas the cost—my memory is telling me, I am just pulling from memory—was somewhere in the vicinity of \$100,000 or \$150,000. That is what he said. He brought that information into this House in an effort to demonstrate that the Prime Minister was misleading the House.

I said in the debate then and I will reiterate it now that I saw the document that the Prime Minister was looking at when he spoke with respect to that force main. I have, in fact, since gone and got copies of the monthly invoices submitted by the contractor on the Cleaver Heights Project and in every single one of the invoices submitted—*[Interruption]* I seem to be getting some interference on my right.

Mr. Speaker: You need to talk to me.

Hon. C. Imbert: Yes, Mr. Speaker. In every single one of the valuations submitted by the contractor, NH International, on the Cleaver Heights Development Project, all 40 of them, up to—I have pulled out one, Valuation No.

40, period ending October 2008, and going to the particular line item in—this is the document, Mr. Speaker [*Shows document*]*—and it reads as follows:*

Force main design fee, \$6,144,965,000. It is in every single one of the valuations; a notation which says, force main design fee, \$6,144,965,000. The point the Prime Minister had made when he spoke on the previous occasion, was that it was impossible for the design of a main—sewer main, force main or whatever it is—to cost \$6 million. The Member for Diego Martin West alleged that the Prime Minister misled the House. I think that the opposite might be truth. The fact is that the document does show an expenditure item of \$6 million for the design of a force main.

The other point that needs to be addressed is this whole issue about this NUGFW project, where, again, the Member for Diego Martin West made a statement, that a contract was awarded for \$134 million, and yet, in a case of himself to himself, Mr. Calder Hart, in his capacity as chairman of the Home Mortgage Bank—I am pulling from memory—organized a loan in the sum of \$170 million for this project.

So, Mr. Hart, who it was alleged was the chairman of the Home Mortgage Bank, arranged a loan for \$170 million for UDeCott where he was also the chairman. That is the allegation that was made, and there was a discrepancy between the figures. The contract sum was \$134 million or thereabouts, whereas the financing allegedly arranged by Calder Hart was \$170 million. I will now tell you what the facts are, Mr. Speaker.

Mr. Hart became the chairman of the Home Mortgage Bank in late 2008. The chairman of the Home Mortgage Bank, at the time of this loan of \$170 million to finance the project in Real Springs in Valsayn, was none other than Mr. Andre Monteil. So the statement made by the Member for Diego Martin West was inaccurate. Furthermore, the \$134 million price is a VAT exclusive price. You would have to add another \$20-odd million to the price to get the VAT inclusive price, which would bring it up to \$155 million and then when you add the interest charges during construction, which is a common feature of development projects, legal fees, stamp duty, project management fees and so on, it is easy to see how the financing for the project would be of the order of \$170 million. You take \$134 million, bear construction cost, VAT exclusive, add VAT, add interest during construction, add stamp duty, add legal fees, project management fees, et cetera, and it is easy to see how you could get to \$170 million.

So the allegation made that there was some great discrepancy between the contract sums, the financing and that it was a case of himself to himself that the chairman of UDeCott, Mr. Calder Hart, gave himself in the capacity of the

chairman of the Home Mortgage Bank an arrangement for \$170 million financing is simply not correct. In fact, I am advised that Mr. Hart became executive chairman of UDeCott in August 2006, more than 18 months after the contract for the Real Springs Housing Development was entered into by UDeCott and I want to reiterate that the chairman of the Home Mortgage Bank, at the time of the financing of \$170 million was arranged, was Mr. Andre Monteil. *[Interruption]* I am getting some interference from my right here, Mr. Speaker. Speak to you?

Mr. Speaker: Yes.

Hon. C. Imbert: Thank you. The fact of the matter is, as I have said it before, my colleague from Diego Martin West, I gave him some advice before. I read a newspaper report—you never know what to make of what is written in the newspapers. Quite often it is inaccurate. But taking the newspaper report at face value, I saw a newspaper report when I had told my colleague, the Member for Diego Martin West, that he needs to do some introspection and that he is too close to some of the players in this enquiry and too close to some of the contractors in this enquiry. He said I had given him advice before and he did not take it, well, for what it is worth, I am giving him it again. *[Interruption]*

He is just too close to some of the players in this enquiry who are feeding him false information. He has lost objectivity.

Mrs. Nunez-Tesheira: That is right.

Hon. C. Imbert: Because the information I have here, I am satisfied that it is accurate, Mr. Hart was not the chairman of the Home Mortgage Bank when the financing was arranged; it was Andre Monteil. I am satisfied that that is true. It is a fact that in the contractor's invoices for Cleaver Heights force main designs is shown as \$6,144,965,000. Those are facts, and I am giving the advice again in absentia, he is not here, *[Interruption]* but I give it again, that my colleague from Diego Martin West is just too close to some of the players in this matter and he needs to do some introspection, because he is coming into this Parliament and making statements which are inaccurate, and which can easily be disproven.

10.45 a.m.

It is a matter of public record that Andre Monteil was the chairman of the Home Mortgage Bank when that financing was organized. It was not Calder Hart. It is a matter of public record. These documents that I have referred to, have been laid in the commission. It is in the public domain that the design fee for the force main as shown in the contractor's invoice was \$6 million. These are facts, and here is another fact.

The Academy for the Performing Arts had its genesis in the execution of an agreement between the Government of the Republic of Trinidad and Tobago and the People's Republic of China, as an extension or continuation of the memorandum of understanding on trade, economic, scientific and technical cooperation between Trinidad and Tobago and China, which was entered into and signed by government officials in May 1999, under the UNC. [*Interruption*]

Mrs. Nunez-Tesheira: They are taken aback.

Hon. C. Imbert: I know you all are taken aback, but you all are interrupting my trend of thought. I am only kidding. These are my honourable colleagues and friends.

Mr. Speaker: Repeat what you were saying.

Mrs. Nunez-Tesheira: Yes, repeat it. You need to repeat.

Hon. C. Imbert: Mr. Speaker, the agreement for the construction of the Academy for Performing Arts had its genesis in a memorandum of understanding on trade, economic, scientific and technical cooperation between the Government of the Republic of Trinidad and Tobago and the People's Republic of China, and this memorandum was signed by government officials of the UNC government on May 21, 1999. [*Desk thumping*] It is therefore incorrect to say, that the use of a Chinese contractor, the use of Chinese arranged financing to develop the Academy for the Performing Arts was something that mysteriously appeared on the landscape within the last few years. This has its basis in a document signed by the government of the Member for Couva North, 10 years ago, for the use of the Chinese Exim Bank to provide financing which I am told is at the rate of 2 per cent. And coming with Exim Bank financing, anybody who knows anything about Exim Bank financing will know that it is a feature of Exim Bank financing that you maximize the products and services from the country that is providing the Exim Bank financing. Everybody knows that.

So if you go for Exim Bank financing with China, Australia or United Kingdom, as a condition of that financing which is always on extremely concessionary terms, in this particular case, the interest rate is 2 per cent, you always have a condition that you have to utilize as much as possible, the goods and services from the country that is providing the Exim Bank financing. There is no mystery to this. So that the Academy for the Performing Arts project flowed from a memorandum executed by the UNC, and flowed into another agreement executed by the Government of Trinidad and Tobago in 2006.

Commission of Enquiry Bill
[HON. C. IMBERT]

Wednesday, October 21, 2009

I want to make the point, Mr. Speaker, that the agreement that was executed by the Government of Trinidad and Tobago in May 2006, or by way of Cabinet approval of May 2006, stipulates quite clearly, the financing arrangements, the soft loan facility of US \$100 million to support the establishment of the National Academy for the Performing Arts. As I said, my colleague, the Member for Diego Martin West was a Member of the Cabinet in May 2006, when the Government of Trinidad and Tobago entered into this loan facility with the People's Republic of China for the construction of the Academy for the Performing Arts. So all of this, the use of Chinese contractors and so on, has been in the public domain now for years. There is no mystery to all of this, so it is just unfortunate. As I said, my colleague is just too close to some of the major players associated with this enquiry, and has lost some of his objectivity.

I also want to make the point in the little time that I have left—

Mr. Speaker: Nine minutes.

Hon. C. Imbert: Nine minutes—that there is a recurring theme coming from hon. Members opposite, that we, as Government, should interfere or intervene—it does not matter which word you use, it amounts to the same thing—in the authority given to the Director of Public Prosecutions and the police. We are being asked by Members opposite to initiate prosecutions against citizens of this country. Now it suits the hon. Members opposite to make that demand in this case. It suits them that in this particular case, the police must be called in; the DPP must be energized to lock up all the members of the board of UDeCott and so on; there must be instant prosecution. It suits them to make that demand on this case. But if this Government were to do that, the Members opposite will be the first to say that we are interfering in the role and function of the DPP, that we are getting involved in prosecutions, that we are getting involved in police business.

That is not the business of a government, and it is wrong for Members opposite to be selective in the way that you are asking this Government to cause the DPP, and to cause the police to go and arrest, and lock up people on the basis of unproven allegations, Mr. Speaker. That is what they are asking us to do. It cannot be right. On principle, I reject those demands coming from the hon. Members opposite. As I said before, today is Calder Hart, tomorrow is you. If that is what you want us to do, that is going to set the stage for anarchy, set the stage for a police state. We reject those demands coming from the other side.

The other point I want to make, Mr. Speaker, all of the evidence in the enquiry is in the public domain. The commission has a website—you can go on the

website yourself, and you can look at—set-up by the Government. A website established at the Government's expense, paid for by the Government. You can go on that website and you can download the transcripts; you can see what everybody said on every day. So that it is open to the police, it is open to the DPP, it is open to any lawful authority to go on the website or to request a copy of the transcripts and look and see whether there is anything inside of there that warrants their intervention. There is no secret. It is there in the public domain. These are public documents and we are not going to get involved in police business.

This Government is not going to do that. It is wrong in principle, and it is just plain wrong for you to ask us to do that. You see, it cannot be one thing for Peter and another thing for Paul. Because if you want us to do that, then it means every time an allegation is made, somebody must be arrested. So anytime an allegation is made against hon. Members opposite, we must call the police and say lock them up. That is the logical extension and logical conclusion of what you are asking us to do, and we will not do it. We are going to let the commission do its work, and I want to make that point too.

I want to repeat a point I made on the last occasion, Mr. Speaker. I want to repeat it. We would not be in this Parliament today if it was not the express wish of this Government, to ensure that the commission of enquiry can complete its work and submit its report to the President. [*Desk thumping*] We would not be here today, if that was not our wish and our desire, and therefore, it is absurd. I hope they vote for this Validation Bill, you know.

Sen. Jeremie SC: They said they would.

Hon. C. Imbert: They said they would. They said so. I hope they are not going to change their mind. Members opposite said they will vote without conditions for this Validation Bill, and we expect them to. Because if they do not vote for it, then the persons who will be guilty of trying to humbug or stymie the commission, will be the hon. Members opposite. So I expect their unanimous support for this Bill here today.

As I close, Mr. Speaker, I want to make a point. On the last occasion, we had some discussions that we would have a guillotine debate today, and we had made arrangements that we will try to conclude this debate by 4.30 this afternoon and I ask hon. Members, to let us try our best to maintain that time frame. We are limiting the hon. Members on this side to 45 minutes maximum, and I expect in the spirit of the discussions that we had, that hon. Members opposite, also, will

Commission of Enquiry Bill
[HON. C. IMBERT]

Wednesday, October 21, 2009

limit their contributions to 45 minutes, so that we can be out of here by 4.30, and receive the unanimous support of this House for the Validation Bill.

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

Dr. Tim Gopeesingh (*Caroni East*): Thank you, Mr. Speaker. Today is the second day that the Lower House is discussing this Validation Bill, and it also took place in the other place. This Validation Bill is utilizing the time of 42 Members of Parliament in the Lower House, and 31 Members in the Upper House. Seventy-three Members of Parliament for one day in the Upper House and two days in the Lower House. Three days, utilizing the Members of Parliament, the police, the security, the staff, to discuss and to give approval to a Validation Bill which has been a mistake, whether deliberate or not, from the PNM government, and they are calling it an administrative oversight.

It is not an administrative oversight, Mr. Speaker. It is an administrative bungling and it is an administrative incompetence. [*Desk thumping*] It is Government's incapacity to deal with anything whatsoever. This would never happen under a UNC government. It took three days, 73 Members of Parliament to be involved in this, to try and cure a mistake—they say it is a mistake—that this Government made. It is not a mistake, Mr. Speaker, it is deliberate. The general population had been speaking about this over a period of time, and the people are asking—I am not saying—for us to give some undertaking and to give some explanation whether this thing is deliberate or not by the Government, whether they did not want this commission of enquiry. This responsibility of this administrative oversight what they call, or administrative bungling or administrative incompetence, and incompetence by the Government, rests squarely on the hands of the Prime Minister.

The Prime Minister is head of the Executive. He is head of the Cabinet. He is head of the Cabinet subcommittee. He must take the responsibility. The buck stops with the Prime Minister, it does not go to anybody else. So today, the Prime Minister, instead of appointing an enquiry into an enquiry—and when he knows where the mistake came from—he should tell this country—and I am willing to sit for the Prime Minister to say what happened, and why this gazetting did not take place. I will sit and let the Prime Minister answer it. [*Dr. Gopeesingh sits*] Okay, he does not want to answer it. [*Interruption*]

Hon. Jeremie SC: Can I?

Dr. T. Gopeesingh: No, I just want the Prime Minister to answer. [*Laughter*] Do not answer for the Prime Minister. I would prefer the Prime Minister to

answer. The buck does not stop with you, or is it you who were responsible? Is it your predecessor who was responsible? All right, I will give way to that.

Hon. Jeremie SC: Thank you, Member for Caroni East. The Office of the Attorney General, as we speak, is engaged in an exercise to discover how the enquiry came not to be gazetted.

11.00 a.m.

In the past, as I said in my contribution, these things have been done in a particular way, by convention. There is no fixed formula in our Commissions of Enquiry Act, so it is unfair in those circumstances for you to fix a responsibility, without even hearing from the commission of enquiry which we have set up.

Dr. T. Gopeesingh: It is too little, too late to try to give an explanation. It is basic. [*Crosstalk*]

We have had three commissions of enquiry, or probably more. We have had the Gaffoor Commission of Enquiry; we have had the Commission of Enquiry into the Landate matter; we have had the Elections and Boundaries Commission of Enquiry. These things have been done by the Government in the past and they had it correct; they gazetted it. Why has this particular commission of enquiry not been gazetted? It is not us who are saying that.

You remember the history on this issue of this commission of enquiry. I want to quote some of the statements made by the Prime Minister. On May, Saturday 24, the media has reported that:

“Prime Minister Patrick Manning...agreed to set up a commission of enquiry into the controversial (UDeCott) and the practices of the construction industry”—and it went on to speak about the four-man board.

“(Prime Minister) Manning's bombshell came in the House of Representatives as he spoke on the Motion proposing the Joint Select Committee at about 7.15 p.m.at the end of his 75-minute speech. The Opposition, local contractors and business groups have said a commission could better probe witnesses than a JSC.”

It took the Opposition to press home to this Government that a Joint Select Committee was not the way to go and that a commission of enquiry was the way to go.

It was not only the Opposition who was saying that, but also local contractors and business groups. The Prime Minister had to yield to the voices of the people and the voice of the Opposition. He gave way and he said that he recalled his original view when he had proposed a JSC, that no specific complaint existed

Commission of Enquiry Bill
[DR. GOPEESINGH]

Wednesday, October 21, 2009

against UDeCott to justify a commission. But this country was calling for blood, because they knew that UDeCott was spending billions and billions of dollars that were unaccounted for, on a private company which was not accountable to anyone. The country was asking for this commission of enquiry, which would have more power than a Joint Select Committee of Parliament, where you could ask persons to come, but they do not have to.

Here is what the Prime Minister went on to say:

“Even though we believe that a joint select committee approach is the superior approach, ”—he continued to say that it was the superior approach—“ we have decided in the face of the position taken by the Opposition... ”—the Opposition had to push this Government to accede to a commission of enquiry—“ and the possibility that the Independent Senators may not wish to participate in the joint select committee, we have decided...to go the route of the commission of enquiry.”

Kicking and screaming, making all sorts of defences, making all types of excuses that a joint select committee is better than a commission of enquiry, but he had been forced to call this commission of enquiry.

“Manning's concession came after he had just spent about 70 minutes defending UDeCott, lambasting local contractors and quoting Independent and Opposition Senators praising the virtues of a JSC.”

Mr. Speaker, the Prime Minister's concession had to come long after, while even still defending UDeCott, lambasting local contractors and quoting Independent and Opposition Senators praising the virtues of a joint select committee.

We did not speak about wanting a joint select committee; we did not want that. When you wanted to remove, bring three joint select committees down to two, that was what we opposed. Even the former Attorney General made a case for the joint select committee, saying it would have allowed citizens to participate through their elected MPs, while noting the penalty imposed for non-attendance at hearings under the Commissions of Enquiry Act was a mere \$2,000. Everybody was trying to make excuses for having a joint select committee and not calling a commission of enquiry. Then the Prime Minister went on to give the terms of reference for this commission of enquiry.

The Opposition is saying that this falls squarely on the Prime Minister. He wanted to have a joint select committee, we said no; let us have a commission of enquiry. When the commission of enquiry was announced, we found that now it

was not gazetted. You are head of the Executive; you are head of the Cabinet. If the Cabinet secretary does not do her job, who is supposed to do it? Is it the Cabinet secretary, the people are asking? Is it the Attorney General? Is it the Solicitor General? Is it the Cabinet subcommittee? Who were the members of the subcommittee who were supposed to be looking at the smooth procedural running of this commission of enquiry? There must have been a subcommittee of Cabinet.

We are asking today who the members of that subcommittee are. Was it the Minister of Works and Transport? Was it Minister Conrad Enill? Was it Minister Dr. Saith? Who were these members of this subcommittee that were supposed to look after the procedural running of this commission of enquiry? The country needs to know that.

The Prime Minister is where the buck stops. If he is head of Cabinet; head of the Executive; head of the Cabinet subcommittee and these persons do not do their work, who is responsible for it ultimately? It is the Prime Minister. The buck stops with him; he has to take the responsibility for not having this thing gazetted and having two Houses meeting over three days to discuss what they call "an administrative oversight". This is not an administrative oversight.

The people are saying that this is deliberate, that the Prime Minister did not want this commission of enquiry. The Prime Minister has remained silent for a number of months on this matter; he has never spoken about this matter. He has remained silent. Some of my colleagues said that he had been found moving around the Performing Arts Centre with Mr. Calder Hart; hand in hand with Mr. Calder Hart, as though he was supporting him in all these issues that the people of this country had been speaking about. [*Crosstalk*] They went even further. [*Interruption*]

Mr. Imbert: So you are not coming?

Dr. T. Gopeesingh: They did not even want the media to be in the commission of enquiry. On December 09, 2008, at the first procedural hearing of the Uff Commission of Enquiry, the media was barred without explanation. The Commission of Enquiry Chairman, Uff, later said that it was never the intention of the commissioners to allow the press into the procedural hearing and that the error was not intentional.

The head of the commission, Uff, had to apologize because the media was barred, in the first place, by whom? Who barred the media from coming there? Who were the persons responsible for the procedures of the commission of enquiry? The media was barred.

Commission of Enquiry Bill
[DR. GOPEESINGH]

Wednesday, October 21, 2009

So they did not want it; they wanted the joint select committee; they never wanted a commission of enquiry; they accepted it kicking and screaming, the Prime Minister, but then they went on to even bar the media from coming to the commission of enquiry. The head of the commission of enquiry had to apologize.

Mr. Speaker, we are asking the question and the people are asking the question: Was this commission designed to fail? The Government seems never to have wanted this commission of enquiry. Were the so-called mistakes really deliberate sleeper cells? We ask and the people are asking: Was that deliberate mistake causing sleeper cells? Sleeper cells would become active to destroy the credibility of the commission, only when necessary. They are sleeping and only become active when they want to do their dirty work. Were they creating sleeper cells?

As I mentioned, there were three or four previous commissions of enquiry, so there was no excuse for doing this. [*Crosstalk*]

Mr. Speaker: Order!

Dr. T. Gopeesingh: In addition to that, having the knowledge of three previous commissions of enquiry, or even more, they had an opportunity to detect what they call "administrative oversight" on, at least, three occasions. The three occasions were, I believe: The commission of enquiry in September, that is one; then the commission of enquiry, a second time in December 2008 had to alter some terms of reference, and in May 2009, when the terms of reference had to be changed again, with additional terms of reference on the Cleaver Heights issue. Those are three occasions that this Government had the opportunity to detect the mistake, whether they did it deliberately or whether it was really a mistake, but you cannot make a mistake once, twice, three times. That is why the people are saying that they never wanted it.

Worst of all, when the Prime Minister appointed the commission of enquiry through the President, they went on to announce that Gordon Deane must be the Chairman of this commission of enquiry. Gordon Deane is a respectable gentleman; I have nothing negative to say about him or his professionalism and competence. But what I have to say is that Mr. Gordon Deane was the Chairman of the Integrity Commission when it began investigating allegations against Dr. Rowley. He was the Chairman when Dr. Rowley's file was sent to the Director of Public Prosecutions, before Dr. Rowley had a chance—

Mr. Imbert: Mr. Speaker, Standing Order 36(1). I do not see the relevance of Gordon Deane and the Integrity Commission in this debate.

Mr. Speaker: Please continue.

Dr. T. Gopeesingh: Mr. Speaker, the relevance of that is the validation is the Bill we are discussing today, the validation of the commission of enquiry. I am making the point that the commission of enquiry—whether the people are saying that the omission in the *Gazette* was deliberate—and the whole question of appointing a chairman, was what the people were questioning.

He was the Chairman of the Integrity Commission during Dr. Rowley's matter, when he sent the matter to the Director of Public Prosecutions (DPP) and Dr. Rowley did not have a chance to be heard. The court later ruled that the Integrity Commission breached Dr. Rowley's fundamental right to be heard. That was under the stewardship of Mr. Gordon Deane as Chairman of the Integrity Commission, and the Prime Minister wanted to put Mr. Deane, again, as Chairman of this Commission of Enquiry? How could the court rule against the man and you want to put him? There was public outcry and he had to back down.

Mr. Imbert: That is the relevance; I now understand; I take it back.

Dr. T. Gopeesingh: So today we have appointed a commission of enquiry with Justice Anthony Lucky. It seems as though you have an interim report, and now we are waiting for a final report, when the Prime Minister could easily get up today, as head of the Executive, to tell us why the mistake was made and who made the mistake. You do not need a rocket scientist for this. I see that the Prime Minister sits very tight on his chair and does not want to get up to answer the question, but the answer has to come directly from him. It does not have to come from Justice Lucky.

Do you know that there is a commission of enquiry in St. Lucia going on at the moment, or went on, with Justice Ibrahim from Trinidad and Mr. Reginald Dumas from Tobago, investigating some commission of enquiry where the Prime Minister was accused of some housing thing. Reginald Armour, who sat in previous commissions of enquiry as an attorney, made sure that all the people were commissioners on this, had the instruments properly documented and properly gazetted, in the St. Lucia commission of enquiry. Why was this not done here? You have competent lawyers.

Mr. Speaker: I think you are belabouring the point really. You have made that point for the last couple of minutes, and it was made before. I am sure you have other things to say on this Bill.

Dr. T. Gopeesingh: Thank you for reminding me that I have a lot more to say.

Then there is Mr. Seenath Jairam who is the attorney for the Commission of Enquiry. Mr. Jairam is a man of impeccable integrity. He is a distinguished senior counsel and is also a member of the Police Service Commission. Is there something that went wrong? Why did Mr. Jairam not pick it up as well? The people have been saying as well that Mr. Jairam was one of the attorneys who represented the Minister of Works and Transport in the Grenada Stadium project.

Mr. Imbert: Not true.

Dr. T. Gopeesingh: We understand that. He could probably say. We understand that Mr. Jairam conceded, in a newspaper article I read, where he was the attorney for the wife of the Minister of Works and Transport, Mrs. Susan Imbert. He is the attorney for the Public Transport Service Corporation, which is one of the companies for which the Minister of Works and Transport is responsible. We are asking if there is collusion somewhere between Mr. Jairam and the Minister of Works and Transport for not ensuring—*[Interruption]*

Mr. Imbert: Collusion? And who?

11.15 a.m.

Mr. Speaker, Standing Order No. 36(5). He is imputing improper motives.

Mr. Speaker: Yes, I think you are bordering on doing just that. The fact is, you just said that the attorney you are speaking of is a man of impeccable virtue, so having said that, I do not know what you are saying about him now.

Dr. T. Gopeesingh: Mr. Speaker, he may not know the intention—

Mr. Dumas: Wash out your mouth.

Mr. Speaker: Order!

Dr. T. Gopeesingh: He may not know the intention of the Minister of Works and Transport; he may have found himself in a situation where he could not have acted otherwise.

Mr. Speaker, is the Minister of Works and Transport not the person who the Prime Minister appointed when the question of Mc Caffry came on? That is the quantity surveyor from Scotland who was supposed to be looking into the quantity surveying of all the UDeCott projects. The Prime Minister handed over the authority to the Minister of Works and Transport, Mr. Imbert, and during that issue, Mr. Imbert it seemed as though he refused to pay the forensic investigator Jerry Mc Caffry who had uncovered massive corruption and even went so far to cancel his flight back to Trinidad.

Mr. Imbert: I did that?

Dr. T. Gopeesingh: This is what we were made to understand. I was quoting from a newspaper article here:

Chairman Uff was forced to beg the Government to allow Mc Caffry to finish his investigation and submit his report.

And up to today, Mr. Mc Caffry has never come back to Trinidad, and the report is incomplete. Mr. Mc Caffry has done a lot of work to uncover massive corruption, so they did not want that information to be unearthed by him. That is why they refused to pay his fees to come back to Trinidad.

The Prime Minister did not want to take that responsibility and handed it over to the Minister of Works and Transport and you know what the Minister is capable of doing. He was not going to pay for Mr. Mc Caffry to come back; he does not want to have this corruption unearthed at all.

Mr. Imbert: Mr. Speaker, the Member for Caroni East is continuously imputing improper motives to me.

Mr. Speaker: Yes, you are imputing improper motives, and yes, by innuendo.

Dr. T. Gopeesingh: I will withdraw it, but I am showing that there was something wrong. Here it is a distinguished gentleman, a quantity surveyor who has unearthed corruption and was prevented from returning to complete his work on the commission of enquiry.

The next issue is that the Minister of Works and Transport went as an expert witness on the commission of enquiry; did he go there to support UDeCott? Why did he go? To support all the wrongdoings on all these construction projects? We do not know. Why did he go as an expert witness? What was his rationale for doing so when there was massive corruption unearthed all the time?

Mr. Speaker, we understand that the same UDeCott registered a company called BOLT on various construction sectors and it got three contracts from the HDC. I am sure the Minister of Works and Transport knows about the BOLT company, and I am sure he knows that the directors of that company are Mrs. Susan Imbert, Allan Bramer and they received three contracts by the HDC for—

Mr. Imbert: Mr. Speaker, Standing Order No. 36(5), what is the relevance of all this?

Dr. T. Gopeesingh: Mr. Speaker, I am speaking for the construction sector that is supposed to come on this commission of enquiry and I am drawing an

Commission of Enquiry Bill
[DR. GOPEESINGH]

Wednesday, October 21, 2009

illustration that this is one of the areas that needs to be looked at when the Commission of Enquiry into the Construction Sector resumes, which must include the company called BOLT. They got contracts in Point Fortin and Rio Claro and that is a company that UDeCott—

Mr. Speaker: I do not think that BOLT is before the commission of enquiry and, in any event, I think that was exhausted in this House not too long ago. [*Desk thumping*]

Dr. T. Gopeesingh: Mr. Speaker, the terms of reference include matters in the construction sector, UDeCott is the one that prequalified BOLT in a quick period of time. BOLT had no financial or technical expertise to justify why it got contracts from the Housing Development Corporation. I think the Government and the Minister of Works and Transport must answer that. And the company that got it completed 50 per cent of the work, 50 per cent is incomplete and the address has been moved from Wrightson Road to Abercromby Street to Rio Claro. That is all I want to say on that matter, Mr. Speaker, and the Minister of Works and Transport has to answer as far as that company is concerned.

Mr. Imbert: I have to answer. What I have to answer?

Dr. T. Gopeesingh: Mr. Speaker, people are asking—

Mr. Dumas: People?

Dr. T. Gopeesingh: Yes, citizens; my constituents are asking me to ask in Parliament today why this Government through the Attorney General acceded to UDeCott filing that matter before the court and getting a stay of the proceedings of the commission of enquiry. I want to quote what the Attorney General indicated at that time when the question arose:

“I met with UDeCott's attorneys yesterday, while I was in the House of Representatives, for two reasons; first of all, for the purpose of ensuring that their claim did not proceed in the manner in which it was crafted against the State, as a direct attack against the State...”

So he is saying, first of all, for the purpose of ensuring that the claim by UDeCott did not proceed in the matter and against certain actions of the President. So he is trying to ensure that the claim by UDeCott does not go against the action of the State and the President, that was one.

“...and two, in respect of the applications which they seek for interim relief.”

This is what the Attorney General said, and I continue:

“I expressed my view that it was unfair for them to proceed with those claims, at this time, before the Commission, that is to say the Uff Commission, had a realistic opportunity to be heard, in respect of the application for interim relief. So the point is that the proceedings have not been stayed, and my understanding is that whatever happens in court tomorrow, UDeCott would not seek to stay the proceedings of the commission, at least until such time.

Prof. Uff, I understand, is giving certain undertakings and there will be no movement with respect to that, until he has had an opportunity to be heard, in fairness; with respect to the applications for bias.”

Mr. Speaker, this was the statement made by the Attorney General before that matter went to court. So what happened when the Attorney General made that statement and his lawyers representing the Attorney General who was just looking on at the matter and lawyers representing the commission of enquiry and UDeCott? After you made that statement, how could these lawyers go together and make a decision to stay the proceedings out of the court and tell the judge they have agreed to stay the proceedings?

Is the Attorney General not responsible for these matters and if you indicated you do not expect UDeCott to do that, why did they do it and allow the proceedings to be stayed?

Hon. Jeremie SC: Thank you for giving way, Member for Caroni East. Has the position now not been rectified? The position now is that there is no stay against the commission. Whatever happened on that day has been rectified.

Dr. T. Gopeesingh: Mr. Speaker, that has not been rectified. What has happened is that they went back and asked for a reconsideration of the original stay and what has happened is that they asked for a reconsideration of that original stay and every matter going before—for instance, the publication of this commission of enquiry report if it ever reaches that stage, or any matter dealing with UDeCott has to go to UDeCott and will be given 28 days to look at it before anything is done. So UDeCott has 28 days to look at it and during that time it can bring more and more cases before the court and delay this matter perpetually. They are already delaying the publication of the report of the commission of enquiry, which may never see the light of day because it is before the High Court, then it may go to the Appeal Court, then the Privy Council and this may take about six years before anybody can see it.

Commission of Enquiry Bill
[DR. GOPEESINGH]

Wednesday, October 21, 2009

In addition to that, matters may arise in those 28 days where UDeCott may say it does not agree with this and the matter is taken to court again and there is a second round of court matters to tie up this entire commission of enquiry for years and years and this country may never see the result of it. So we want clarification on that. Why did the lawyers agree?

There are four lawyers in that matter who are heavily weighted to being in favour with the Government. There was Mr. Kerwin Garcia whom I am not casting aspersions on anybody's character and competence, I have utmost respect and I have told the hon. Minister that her husband is a very competent attorney. [*Interruption*]

Mr. Speaker, he is a junior attorney to one of my friends and he speaks very highly of him, but you have, Mr. Kerwin Garcia, Colin Kangaloo and his wife and another attorney, Marvo Harper. All four are heavily weighted in favour and biased with the PNM. So what would the ordinary observer conclude when so many of the PNM lawyers are involved? It is the ordinary observer who will make the conclusion, I am not making any conclusion, I am stating the facts.

Mr. Speaker, I want to respond to a statement made by the Minister of Works and Transport and Member for Diego Martin North/East, amongst others; this is the first one I want to respond to. The question that the hon. Member for Diego Martin West raised about the discovery of the non-gazetting of this commission of enquiry, and he indicated that it was his attorney who detected the anomalous situation and sought to have it questioned.

The Member for Diego Martin North/East indicated, and I believe I have his *Hansard* statement here. [*Interruption*]

11.30 a.m.

The Member for Diego Martin North/East said:

“The Member for Diego Martin West said that the reason for this debate on the Validation Bill was a letter dated, September 02, 2009, that came from his attorney. For the record, it is irrelevant as to who the originator was; it is irrelevant.”

That is what you were saying:

“But for the record, my information is that the commissioners were looking at this matter for some time.”

And you went on to say:

“The commissioners themselves were looking at this thing long before this thing came into the public domain; long before.”

You said:

“It was in August, when the commissioners began to look at the rules governing the commission and it was in August that questions began to be asked about the publication.”

And I asked:

“About gazetting?”

And you said:

“Yes.”

And you went on to say:

“No problem. We had a lot of checking through.”

Then he went on to say:

“Wasting my time.”

I want to quote a press statement from Prof. Uff, Chairman of the Commission of Enquiry on September 07, 2009:

“Commission of Enquiry into the Construction Sector, Press Statement.”

This is what Prof. Uff had to say on this matter about the non-gazetting:

“Questions have been asked as to when all this came to the notice of the Enquiry team. The defect in our appointment came to my notice only over the last weekend,...”

And this press statement was September 07, 2009.

“up to which point I and my colleagues were preparing for the short final hearing substantially on the issues set out in the second extension to Terms of Reference dated 21 May 2009. It appears that the defect came to the notice of others one or two days earlier,...”

That is, he was speaking on September 07—that press statement—so one or two days earlier was September 05:

“but the events which led to its discovery are unknown to me.”

This is what Prof. Uff said.

Mr. Imbert: What is the point?

Dr. T. Gopeesingh: The point is that you were saying that it did not come from Dr. Rowley's lawyer and you were saying the commissioners knew about this in August and when we questioned you went on to say, yes, it was in August and long before. But this is Prof. Uff's statement:

“It appears that the defect came to the notice of others one or two days earlier but the events which led to its discovery are unknown to me. Likewise I can throw no light at all on how the omission to Gazette the appointments came about.”

That is what Commissioner Uff said. So when he makes that statement, is he attempting to mislead the House by saying that the commissioners knew about it? Commissioner Uff said in his press statement of September 07, he knew nothing about it. I quote, and it is there in the *Hansard*.

I want to quote a few other issues on Prof. Uff's statement. He said:

“First, I would like to emphasise that it is wrong to say, as reported in the press yesterday, that the Enquiry into the public construction sector had ‘fallen down’ or that it is ‘illegal’.”

He had a different perception and a different view on what was happening. He said:

“If and when action is taken to regularise the Enquiry...”

Which we are trying to do today:

“it is suggested that publication in the Gazette at that stage will not have retrospective effect and that a validating statute would be necessary. I should say that a contrary opinion has been provided to the effect that gazetting at this stage would validate the Enquiry retrospectively.”

“I should say that a contrary opinion has been provided to the effect.” This is what Prof. Uff is saying; the matter is still under review. He went on to make some statements:

“I next deal with what is to happen about the issues which would have been the subject of this week's hearing.”

And he refers to the issues:

“This refers to the issues in a second extension of the Terms of Reference...”

That is the second terms of reference of the commission of enquiry:

“dated 21 May 2009 which concern alleged defective and delayed work at Cleaver Heights. On those issues the evidence and submissions have yet to be heard.”

That is the evidence and submissions of Cleaver Heights:

“It follows that a fresh commission can be issued...”

Mr. Imbert: Mr. Speaker, could I ask you to invoke Standing Order 33(4) so that I can clarify a statement made by me?

Mr. Speaker: Yes, proceed.

Mr. Imbert: Mr. Speaker, the Member for Caroni East read my contribution in the *Hansard* record and attempted to say that I had said that the commissioners had discovered the non-gazetting of the commission in August. I said no such thing. I said a series of events led to the discovery. I indicated that Mr. Khan had resigned and there were questions about a quorum and it was in looking into the question of a quorum that eventually, it was established that the commission had not been gazetted. At no time did I say that Prof. Uff and the commissioners had discovered the non-gazetting way back in August.

Dr. T. Gopeesingh: Mr. Speaker, I quote the *Hansard* again:

“It was in August when the commissioners began to look at the rules governing the commission and it was in August that questions began to be asked about the publication. The commissioners themselves were looking at this thing long before this thing came into the public domain, long before...”

Mr. Imbert: Read the whole thing.

Dr. T. Gopeesingh: "No problem. We had a lot of checking through."

Mr. Speaker, I have made that point and I will move on.

Mr. Imbert: You have not read the whole thing.

Dr. T. Gopeesingh: I want to indicate and ask of the Attorney General whether what Commissioner Uff is asking—he said:

“It follows that a fresh commission can be issued (and Gazetted) at any time. That has not happened and as a result we do not intend to take any action with regard to those issues unless invited to accept a fresh Commission.”

That is Cleaver Heights:

“If a fresh Commission is to be issued decisions will have to be taken as to who should be appointed as Commissioners and those Commissioners will have to decide whether they will accept the appointment. There the matter rests.”

We would like to have some answers, whether the Cleaver Heights issue will be incorporated in this present commission of enquiry. But Commissioner Uff says it seems that the Cleaver Heights issue will have to have a new commission or a fresh commission. Would you let us know whether Cleaver Heights and other issues will come under that—

Hon. Jeremie SC: Thank you for giving way, Member for Caroni East. I would be brief. During the contribution of the Member for Siparia I rose to correct her on the dates with respect to the publications in the *Gazette*. If you would take the trouble to look at the Extraordinary issue of the *Gazette* beginning on Friday September 11, 2009—which she did not take the trouble to look at—and continuing up to reference number 1635, you will see that the question is answered there—

Dr. T. Gopeesingh: And what is the answer?

Hon. Jeremie SC: I will give you the answer, even though I think that it is your duty to check the *Gazette*. The Cleaver Heights project has been gazetted. There are nine—not three or four as you suggest; there are nine specific items which have been gazetted. The Commissions of Enquiry Act provides, at section 15—if you have read it—that it is not simply the appointment of the commission but the revocations of appointment. So every time you have had a secretary being removed; every time you have had a commissioner being removed, all of those things had to be gazetted.

Dr. T. Gopeesingh: Okay. So we get the undertaking that the Cleaver Heights issue is incorporated in this present commission of enquiry.

Hon. Jeremie SC: Just look at the *Gazette*.

Dr. T. Gopeesingh: Yes, sure. But we are happy to know that. In the same context now, we are asking whether other areas related to the construction sector which have not been brought before this commission of enquiry now, whether that would be considered in future, for instance, the Chancery Lane car park in South; whether the boat project; whether Riverwoods projects. All these projects, would they be under this commission of enquiry? Would this gazetting include those or would it exclude those? Or will a new commission of enquiry have to answer on that.

This is what the commissioner was talking about. Cleaver Heights is just one of the issues.

I go on. Prof. Uff, the commissioner said in relation to other issues:

“...we must also consider what is to happen if no action is taken to regularise the proceedings...”

As we are trying to do today:

“In that event it does not follow that the proceedings which have taken place over 8 weeks have been ‘illegal’ or of no effect.”

This is what Commissioner Uff is saying. He believes that it is not illegal:

“The Enquiry which has taken place remains perfectly valid under the common law as an ad hoc enquiry into the issues set out in the Commission issued by His Excellency the President.”

So, obviously, Commissioner Uff has a different view and perspective of this non-gazetting and whether this commission of enquiry is illegal:

“In addition, we have received certain evidence in the form of statutory declarations which remain valid independent of the Enquiries Act.

That being the case, there is no reason why the Report should not now be prepared, as it would have been had there been no defect in our appointment,..”

This is what Commissioner Uff is saying:

“and this is what we intend to do. The Report will be prepared and sent to the President and can be retrospectively validated along with the proceedings themselves.”

Commissioner Uff made that statement on September 07, 2009 in a press statement. Therefore, in the context of what we are deliberating, that commissioner had a different perspective on the legality of the whole publication of the commission of enquiry.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the Hon. Member's speaking time be extended by 30 minutes. [*Mr. S. Panday*]

Mr. Speaker: There was an agreement, I think, but the agreement has nothing to do with me. All I can say is when an agreement is made between the Chief Whip and the Leader of the House, one expects that it would be honoured. That is all I can say.

Question put and negatived.

Mr. Speaker: Unfortunately, the Noes to my right are in the ascendancy and your time has not been extended by the House. [*Crosstalk*] Order, please! Order!

The Minister of State in the Office of the Prime Minister (Hon. Stanford Callender): Thank you very much, Mr. Speaker. Mr. Speaker, I take this opportunity to make a brief contribution in this very important debate, the

Commission of Enquiry Bill
[HON. S. CALLENDER]

Wednesday, October 21, 2009

Commission of Enquiry (Validation and Immunity from Proceedings) Bill, 2009. I want to take the opportunity at the same time to congratulate the Attorney General and, by extension, the Government, for this timely intervention.

I listened to the Attorney General in his presentation when he dealt with the Bill, explaining the reason we are here; the purpose of the Bill and he went through the exercise clause by clause. I also listened to the Member for Diego Martin North/East who spoke to the terms of reference of this very important commission, but I must confess it is extremely difficult to speak after the Member for Caroni East, extremely difficult.

My colleague, the Member for Tobago East might recall some years ago, when the PNM was in the doldrums in Tobago, we went to a public meeting in Speyside—our platform was to educate and inform—and after the meeting a young man came up to me and said: "Look, you all were right, you know; you were correct. Everything you said was true. But, boy, we programmed; we programmed, so nothing all yuh say could change we mind." And the Member for Caroni East reminds me of that young man. [*Desk thumping*] One of my colleagues next to me said, the only thing the young man was missing was a black suit and a golden tie. [*Laughter*]

11.45 a.m.

I give my support to this Bill because of the importance of this exercise. I consider this very important because like the Member for Diego Martin North/East said, this commission of enquiry is not solely about UDeCott. When you listen to the Members opposite you would get the distinct impression that this is a debate about UDeCott. I want to make the point that while a UDeCot debate is important, the commission is to investigate the construction sector in Trinidad and Tobago.

It is against that background that I make a brief intervention because in Tobago, the people of Tobago have been subjected to contractors who have not been performing according to their contract. Therefore, it is important that I take the time—I am not going down the UDeCott road—to speak about some of the challenges and why I support this measure because it might form the basis of providing answers to us, as to why we have suffered greatly at the hands of some contractors. At the end of the day it is the politicians that are accountable to the people when you cannot deliver.

It is important that we come up—I look forward to the report of this commission, its findings and recommendations because I am certain that there might be areas which we could seek to address so that we would not make the

same mistakes we have been making over the past. What is a bit surprising to me is that we seem to be focusing on UDeCott and making judgments when the commission that we have established is to investigate the facts, evaluate them and present a report. I support this measure because I look forward to the report.

The members of the commission did visit Tobago and looked at a number of projects. Among them were the Roxborough Housing Project, Blenheim Housing Project, Scarborough Library, the Financial Complex and the Scarborough Hospital. I will make some comments on some of these projects. One of the projects in Tobago that I am disappointed did not come under the jurisdiction of the commission is the Tobago Hilton. During the tenure of the UNC—the Member for Diego Martin North/East spoke about cartels and collusions—they awarded a contract to Karamath under one of the blue eyed boys, I think Vishnu Ramlogan who was at TDC. Today we have a situation in Tobago, where the Tobago Hilton is in a state. On investigation it revealed that it is poor workmanship and inferior material. Some are alleging that it is where the hotel is being built, but far from it. It is not the only hotel in the Caribbean that is on the coastline. Those who say that should visit St. Kitts and look at the Marriott which is almost in a similar location.

It is the type of inferior material and poor workmanship with which the Government, the Tobago House of Assembly and the people of Tobago are now saddled. As I indicated, I know that the commissioners visited the Scarborough Library. It is a vexing project in Tobago and it annoys a number of Tobagonians. After an earthquake sometime in the late '80s the Scarborough Library was destroyed. It was only when this present PNM administration in Tobago came into office that they began construction. That library has been under construction for more than the last five years and is still to be completed. I am hoping that this commission of enquiry will give some reasons or explanations as to why this is happening.

For years the people of Tobago would have suffered for a modern hospital. I was extremely happy sometime in March 2003, when I was invited to the sod turning ceremony for the construction of the Scarborough Hospital. I was proud to be in the company of the Member for Diego Martin North/East who was then the Minister of Health and my colleague, the Member for Diego Martin West who was the Minister of Planning at the time. The contract was awarded to NHIC at a cost somewhere in the vicinity of \$135.9 million for the construction of the Scarborough Hospital with a completion date of about two years. We are now in 2009 but the whole world knows that within a year of that construction project a number of issues arose.

I do not know who is to blame. Therefore, I am hoping that the commission of enquiry will point us to the direction of blame. I do not know if it is the architects,

Commission of Enquiry Bill
[HON. S. CALLENDER]

Wednesday, October 21, 2009

quantity surveyors, contractors or sub-contractors. We need answers. That is why as a Tobagonian I support this Bill. I look forward to the report. In a matter of two years the cost had reached in excess of \$400 million for a project that was awarded for \$135 million. As I said, I do not know some of the reasons for that. The Government had to intervene because of the importance of this project to the people of Tobago.

Today, I am proud to say for the first time in eight years there is some predictability towards the completion of a project that is badly needed for the people of Tobago. The contract has been awarded to Sunway—China Railway, sorry, and progress is being made. It is a design/build arrangement with a fixed price clause. The contract is so designed that on completion the hospital would be equipped at the same time. There is a measure of predictability. I am hoping that at the end of the commission of enquiry, as a Government we ought to be advised as to what is the best method of treating with major construction in this country. Unless that is done, the people of Tobago would continue to suffer at the hands of some local contractors. This measure for us in Tobago is extremely important.

When I listen to the Members on the other side I get the distinct impression that we are to make a judgment on what any one of them said. That scares me. Do you know why? I remember some years ago—because I have been around for a little while—that there was an incident and I am making reference as to how one has to be extremely careful about the things one hears or is being told. There was an incident where the Member for Fyzabad accused the Member for Diego Martin West of hitting him with a teacup and cuffing him in his face. He was able to convince his colleagues that that was true. It was not until the matter was brought before the Committee of Privileges that the information and facts gathered it was discovered to be untrue. That is why I am extremely careful when one attempts to go down this kind of road. Where it comes from, having been brought up by old people, I understand what processes, fair play and justice mean. I hold no brief for anyone at the end of the day who would become culpable after this investigation. As the Member for Couva North said sometime, "You do the crime, you do the time." But you know, he was afraid to do a time. I am not going there.

It is important in situations like these because this is a very serious matter, as it affects our operation and quest to become a developed country. We must have our systems right. Our processes have to be right. I do not subscribe to finger pointing, name calling and blaming people without information, facts and evidence. I say whoever, and this is one of the things that I look toward to at the end of the day. At the end of the day when the report is submitted, I would be extremely disappointed if the relevant agencies including the Government, do not

take the necessary steps to correct whatever injustices would have been discovered after this commission of enquiry. It is how I was brought up. I was brought up in fair play. My grandmother used to say, "Give Jack his jacket and Jim his jim boots." Therefore, I look forward to this exercise because of the importance that it holds for the country. I am not going down the speculative road.

As I sat here taking in the debate, I found it very ironic that those on the other side seem to have a passion of egging on and creating discord within the PNM. I say to my colleagues that one has to take serious note that while that is happening, they are seeking to coalesce, forgive and move on. There has to be a reason for that. All of a sudden, somebody in the PNM is their friend so they could join and hold hands for the first time. That is just a word of caution and advice that I want to give.

As I said, for me this matter is very straightforward. The issue is very clear. We have had problems in this country, Trinidad and Tobago and more so, we have been suffering in Tobago at the hands of some local contractors. We want to ensure that the information that is garnered by this commission of enquiry is preserved, protected and forms the part of a report to which I look forward. Therefore, I give my wholehearted support to this measure. I look forward to a speedy conclusion, as we seek to take the enquiry forward by protecting its measure and taking the development of Trinidad and Tobago forward with different methodologies of construction in this country, as it affects major development exercises. As I said before, at the end of the day, we are accountable, not the Opposition, for the delivery or non-delivery of development projects in this country.

With those few words, I thank you. [*Desk thumping*]

12.00 noon

Mr. Subhas Panday (*Princes Town North*): Thank you very much, Mr. Speaker. This Government has sent the most persons to the Committee of Privileges, which is really the disciplinary committee for speaking. This Government has, on the most occasions in the history of this Parliament, tried to stifle free speech, and today that was evident in the behaviour of the Government.

Mr. Manning: I thank the hon. Member for Princes Town North for giving way. There was an agreement between the Government and the Opposition that each person would speak for 45 minutes rather than extended time, so that we could conclude the debate by a certain time. Now that we have sought to adhere to the agreement, the hon. Member is seeking to give an impression that is entirely incorrect. Entirely incorrect!

Dr. Rafeeq: Mr. Speaker, there was a suggestion by the Leader of Government Business—*[Interruption]*

Mr. Speaker: Order! Order!

Dr. Rafeeq:—that we should seek to contain our speeches so that we would finish by 4 o'clock. I told him I would try my best to see if that could be adhered to. This morning I met him and I told him that we had a caucus and we agreed that could not be adhered to. I met him behind the Speaker's Chair and told him that we had a caucus and could not adhere to that. As I said, at that time it was a suggestion; we had a caucus this morning and could not agree to that.

Mr. Speaker: This is going to get into another debate, which I will not tolerate. Let me repeat what I have said before. When there is an agreement, perhaps you need to sign off on these things, which is unusual for a Parliament. I would think that if there is an agreement, you need, in future, to have clarity in terms of what you have agreed. It is not the first time this has happened. It is the second occasion it has happened. Perhaps it is sad that a situation could arise when agreements would now probably have to be reduced to writing. I am not going to encourage a debate on this. This is past.

Hon. Member, please do not dwell on this matter now. Get to the Bill.

Mr. S. Panday: Mr. Speaker, I first ask for injury time. This is the problem. This is such a debate that impacts upon PNM corruption, that they do not want the public to hear what we are saying. You want to stifle us. This is the most important debate for this year and you do not want us to speak. The people will decide.

I would like you all to explain something I will raise. You have sent so many people to the disciplinary committee of the Parliament and the day before the hon. Member for Diego Martin West made some scathing remarks on this Government, which are much more serious than the foolishness for which other people have been sent to the committee. Today one would have thought that you would have said he had lied; that his facts were incorrect and that you were putting him before the disciplinary committee. We have the Member for Lopinot/Bon Air West, the Committee of Privileges man, and they have not done that. The conclusion that one can draw on what the hon. Member for Diego Martin West said is that it is true and they cannot rebut it. Rebut it if you want, "nah".

Mr. Speaker, this Government has a way of trying to stifle discussions in this Parliament so much so that it seems that the only thing they know in the Standing Orders is 36(1), but when the Member for Diego Martin West was letting him

have it, they got so "bazodee", they forgot Standing Order 36(1). When we try to talk, they run to the book and say 36(1).

I saw—and I congratulate you, Mr. Speaker—that when the Member for Diego Martin West was speaking, the Member for Diego Martin North/East was giving you a sign to cut him; and you do him so. [*Makes a sign*] Quiet! Quiet!

Mr. Speaker: The only signs I receive now and again, very rarely, is from above.

Mr. S. Panday: I am happy, but you see how he behaves when people are speaking on this side.

I cannot really commend the Government and the hon. Attorney General for bringing this legislation to the Parliament as others did. This validation Bill came to this Parliament, but the first person who asked for it to be validated was the Member for Diego Martin West when he heard what had happened. For the hon. Attorney General to say that they have come here and are a government committed to this and that—the Member carried the fight in public to such an extent that they were forced to bring it. Now they come here and say that they are a government and want a commission of enquiry.

When one looks at the history of the PNM on this issue, one sees that the Government never wanted the alleged corruption of UDeCott to come to the fore. They were trying a cover-up. As a matter of fact, when the public called for an enquiry, the Prime Minister said let it go to a joint select committee, knowing full well—and they give you a few cherries; an Independent Senator will chair it and live broadcasting. However, the Prime Minister knows that the Government will always have a majority in those committees and when they go to them they will come out with a majority report in favour of the Government.

When the Member for Tobago West spoke about the Member for Fyzabad, does he remember what we had in that committee and we accused them of being PNM? Although the evidence came out in such a way, they prepared the report because they had a majority. [*Interruption*] Do not bring her name there because we will tell you what you did on that issue. The population decided that the Government could not hide this. They are coming for you.

I remember that I was in the House when they said they were going to bring a commission of enquiry. But they wanted to dilute the issue from the corruption in UDeCott, so they added other things like the procurement contracts in the whole construction industry. They pushed Prof. Uff in a particular direction so that UDeCott would go on the back burner.

Commission of Enquiry Bill
[MR. S. PANDAY]

Wednesday, October 21, 2009

If one reads all the reports, one would see that the Government was trying to throw a red herring into the process, so they talked about corruption in the construction industry. That is a red herring because the construction industry makes bids to get contracts, but they have the power and authority to reject it. In the case of UDeCott, it is the organization giving the contracts, and you wanted to protect that corruption.

So they want to insult and terrorize the Member for Diego Martin West. You want a commission of enquiry? Take Gordon Deane as chairman of the enquiry. Gordon Deane was chairman of the Integrity Commission, who tried to send him to jail. That was PNM arrogance to cover-up. You want a commission of enquiry? Take that.

When people started to complain about it, Gordon Deane saw what was coming and he gone. Then they got Prof. Uff, but they did not know him, so they stuck in Israel Khan. Israel Khan was the man who had publicly supported the Prime Minister to prosecute the CJ; who had publicly said that the Government spent the money wisely, so they put him on the committee. Israel Khan was placed there—I do not know if he knew what had happened—to scuttle the committee. He was supposed to have been the PNM plant on the committee so that if anybody came with anything against the PNM, he had already said that the PNM spent the money right.

Knowing the character as we do, I do not know if it is by design, but the plan continued. He started to attack. I do not know if it was to create a situation of apparent bias or if he had decided that his integrity was at stake and he was backing out. What is surprising is that when UDeCott said "apparent bias", he said: "Bias, who bias? I am not going anywhere." When one reads, one sees that after that a senior counsel wrote a letter to the lawyers of UDeCott and created a situation of apparent bias and said: "You know what happened. Because I wrote that letter to the lawyers of UDeCott, people can really say it is apparent bias." Created a situation and then reacted.

People asked the question: Was he setting a situation where the population could say the whole commission of enquiry is biased? Was he setting a situation where he could have catapulted the whole commission of enquiry? This is why we say today that when the hon. Attorney General said they are a government and they brought this because they are committed, when one looks at the history, one will see that they are only pretending that they want to deal with the issue of UDeCott, but in truth and in fact they are trying to cover up at every turn.

That is why the public is skeptical. They realize that you do not want to deal with UDeCott and maybe that is the reason for the employment of certain lawyers. I do not know; but I will come to that in a few minutes.

We have to look at the situation and when they had the commission going and saw evidence coming out, up to now we do not know why it was not gazetted. It does not take a rocket scientist to know why. They brought a commission of enquiry into the Airport Authority of Trinidad and Tobago. They gazetted that. They brought a commission of enquiry into Landate. They gazetted that. They brought a commission of enquiry into Biche High School. They gazetted that. Every time there is a commission of enquiry to embarrass someone other than the PNM, they make sure they gazette it, but when they were pushed into a corner to give the commissioner of enquiry, they forgot to gazette it. Some people are saying they did not gazette it deliberately. Some people are saying that they wanted to get a report and then would have sat on it and when the public demanded it, it would have been long after the commissioner of enquiry would have completed its work. Then they would have said that it was not gazetted and everything the commission of enquiry did was null and void and they could not make it public.

That was the plan of the PNM Government, but something went wrong and when, Monday morning, Carl Khan was supposed to give vital information that would have driven a nail into UDeCott and into the PNM support of UDeCott corruption, suddenly what the Member for Caroni East said, Prof. said, I have just been told that.

12.15 p.m.

Was it a leak from the Government? Was it a calculated leak from the Government, so they will block the Commission of Enquiry, so that it cannot go further and Carl Khan's evidence could not have been given, although he had submitted, since May 20, a notice that he intends to appear before the commission? Carl Khan is the link that would drive everything home. What they did was that they decided that everything is invalid. They were caught. The population is looking at you. The population is watching you. This is one time "all yuh cyah get away. Dey coming fuh all yuh." The population and the Member for Diego Martin West demanded, let us pass a Bill in Parliament to validate the enquiry. That is why we are here today. It is the public's opinion—you are cursing the press—that have you in this today.

The Member told us one day: "We could bring this Bill yuh know, we eh 'fraid all yuh, but we 'fraid him." You can steups how much you want, the population is watching.

Imagine you have a state enterprise, which is wholly-owned by the Government, in the hands of Corporation Sole, and they are allowing a state enterprise to behave the way it is behaving. Once you read—I ask my friends on the other side—the statement of Mr. Calder Hart, which he submitted to the

Commission of Enquiry Bill
[MR. S. PANDAY]

Wednesday, October 21, 2009

commission—he said: "I doh have tuh take any direction from the line Minister. We could do what we want, you cannot do us anything." It is as though that runaway horse has the heir of Corporation Sole, at that time when he was the Prime Minister.

As a matter of fact, on page 13 of his statement he said:

“Dr. Rowley, whether as line Minister or otherwise has no authority whatsoever to issue instructions or directives to UDeCott.”

Imagine that!

“And neither UDeCott nor I as the Chairman...you, has any duty to obey his injunction.”

That is a line Minister who is the representative of Cabinet. Hear what UDeCott is saying and this Prime Minister is allowing this thing to happen. This corruption lies in the lap of the Prime Minister.

“On the contrary, it would be a direct dereliction of duty as director of the company to abdicate our function in obedience of Dr. Rowley’s demand.”

That is the company.

We feel today, that as we come to this Parliament and we debate this, it will be passed because everybody had indicated they want to hear the rest of the evidence and they want the report. We are demanding, as a condition subsequent, that the report, once received, is not sanitized and is laid in the House within seven days of receipt, so that the population will know what is taking place. As a matter of fact, this Prime Minister, although he was forced to have a commission of enquiry—do you know what this Government said? Although there are strong allegations of corruption in UDeCott, this Government condoned it to the extent that they said that UDeCott will function as though nothing has happened. They would continue to award contracts, as they have spat in the face of the people.

Only last week, they awarded Sunway another \$300 million contract in the face of the fact that Sunway is one of the companies under investigation in the UDeCott corruption matter. You do not care about the public and what the public has to say. You are high and mighty. You will show the public something. Do you believe hon. Prime Minister—you want to give Sunway so much—when the Commission of Enquiry comes and ends and they make recommendations, Sunway’s belly would have been filled, through its chairman? How else could one explain that they are still giving Sunway contracts, when Sunway—I would show you some corruption in a few minutes. We would show that this Government has done everything within its power to ensure that the Commission of Enquiry is scuttled.

We cannot tell you which lawyers to engage, but what is frightening, according to the Member for Caroni East, is the closeness of the lawyers in the matter. I do not intend to descend lower than that; about the classes of the lawyers in the matter—those who participated in such an important enquiry and varied such consent order.

Imagine, UDeCott has the audacity to try to stymie a commission of enquiry which was appointed by the Government. When they obtained the injunction the hon. Attorney General came here and said: “No, I spoke to the lawyers of UDeCott”—they had to be family or friends—“and have told them to withdraw the injunction.” What have they done? What we got was shadow boxing, in that UDeCott has gotten what it wanted.

How could you say you are removing the injunction? One would have thought that the injunction would have been removed without his conditions, if you are really interested. They, in the PNM, have their lawyers for the Attorney General and their family lawyers for the enquiry and they went behind, in the closed session. The public did not know what was happening. The variation of that order is really no variation, but merely to give UDeCott a leverage to prevent the commission from going further.

Someone asked one of the lawyers, whose name I do not wish to call at this time, to clarify his role.

“The nature of (so and so) consultation with (so and so) and both were advised against the consent order.”

He asked him to clarify the role of the clerks. People want to find out. Clarify why you did that. When the Attorney General came to the other House, he gave an undertaking in the Parliament to remove the injunction, tell us how you made such a deal. He was asked to clarify—

“No comment, you should know better than that to ask me that. Goodbye.”

“Well, is goodbye fuh all yuh soon.” That is the arrogance in which they perpetuate the corruption. That is what is happening. The question is: Why have the lawyers of the Attorney General given the lawyers of UDeCott an opportunity, so the Commission of Enquiry must give them 28 days notice before they can move forward and write the report? Do you know what is the reason for that? That is apart from paying lawyers big, big money. That is really to give UDeCott an opportunity and a window to launch an attack, legal or otherwise, on the Commission of Enquiry; more legal action. Hence, this will happen.

Commission of Enquiry Bill
[MR. S. PANDAY]

Wednesday, October 21, 2009

I am asking the Attorney General, if you are really serious, call them back again. You can always go back to the judge and tell him move all inhibitions and all restrictions on the injunction. Would you like to answer that?

Hon. Jeremie SC: Thank you for giving way, Member for Princes Town North. Just a point of clarification. I know that you are in full flight. This is an action between UDeCott and the commission. The lawyers for the Attorney General were present in court on both days, in force on the second occasion, not in force on the first occasion. The undertaking which was arrived at, was arrived at by consent between attorneys for Professor Uff and attorneys for UDeCott. The Attorney General had nothing to do with that.

Mr. S. Panday: I want to find out, this is public money being spent, not UDeCott's money. When UDeCott hires lawyers, it is taxpayers' money. When the Commission of Enquiry has to hire lawyers, it is taxpayers' money. How can you tell me you want to distance yourself from that? The question I want to ask the hon. Attorney General is: Will you then speak to the lawyers of UDeCott and tell them to remove all restrictions, so that the Commission of Enquiry could conduct an enquiry and complete a report? Would you give this honourable House the undertaking that you would do that?

Hon. Jeremie SC: What I could say is that the consent order which the parties to this action have agreed upon, does not preclude anyone, that is to say the commission, from doing anything. They have to give notice. I suppose it would be subject to people's diaries, of a 28-day period. That, they consider to be reasonable. Professor Uff has considered that as reasonable; 28 days notice of his intention to submit a report or to resume his hearing. The rest that you speak of, in terms of actions which might be taken by UDeCott in the intervening period of time, that is supposition. The fact is that there is no stay in effect.

My concern is to ensure that there was fairness to Professor Uff and that no coercive orders were entered against Professor Uff without giving him an opportunity to be heard. The man had not received papers when a coercive consent order, which in effect amounted to an injunction, was made against him. That clearly could not have been allowed to stand.

Mr. S. Panday: That is the "most lame" and foolish excuse I have ever heard. You are saying Professor Uff will say: I want time for me. This is not the order. The order is Professor Uff must give UDeCott 28 days. What nonsense are we talking? The order is not to give Professor Uff. Are you telling me dairies are the cause of this? They can work out their diaries outside; it did not have to be a part of a court order. You

could have worked this outside. Are you telling me that hundreds of millions of dollars of corruption is taking place and you agree with that?

You came to the Parliament and gave the Parliament the impression that you were going forward to ensure that there is transparency and that corruption is—now you are telling me that is for a dairy? What a joke! That is indeed a joke. You are throwing us another red herring. You have set up a Commission of Enquiry to investigate why the Commission of Enquiry cannot go on. That is a red herring, so that there will be deflection from the issues. The society is focused on you this time. Tell me, has the Commission of Enquiry into not gazetting the Uff Commission been gazetted?

12.30 p.m.

Hon. Jeremie SC: Member for Princes Town North, I am enjoying your contribution. The point is that Cabinet set up Justice Lucky as an enquirer, not under the Commissions of Enquiry Act. He was asked to make enquiry, and now he has come back to us because he wants certain powers in addition to those which he would have ordinarily had under the law.

Mr. S. Panday: Thank you. We know that it is not a commission of enquiry, but merely an enquiry. I just want to tell Justice Anthony Lucky, please do not permit them to make a fool of you. That is all I am asking Justice Lucky. You are telling me that you have all the facilities and you got somebody from the outside to investigate this! Cabinet would have taken a decision. You have a Cabinet secretariat which would have gone to the Office of the Attorney General. I do not know if that is the reason the Prime Minister is not appointing a Solicitor General. How many stages are there before making the decision for the gazetting? Are you telling me that you had to hire a judge to investigate that? You are making a fool of the enquiry!

Hon. Jeremie SC: Was I here?

Mr. S. Panday: I feel so sorry that you were not here. Mr. Attorney General, I do not mean anything personal. I am saying, how many steps are there from the making of the decision to appoint an enquiry to the gazetteing? How many persons' hands this would have to go through? Was it blocked by somebody sitting on the other side? I do not know. I do not want to cast aspersions. That is the issue. The Justice Lucky Commission is really a red herring to play a kind of politics to dilute the effect of the Uff Commission of Enquiry.

Mr. Speaker, we are talking about corruption in UDeCott, and I had the opportunity to read all of Mr. Calder Hart's evidence; both written and so on. I

Commission of Enquiry Bill
[MR. S. PANDAY]

Wednesday, October 21, 2009

recommend that every single person in Trinidad and Tobago read the evidence of Mr. Calder Hart. I want to ask the hon. Prime Minister: How could he appoint somebody like this? What specialty he has? When he was asked:

Q What is your qualification, Sir?

A A Bachelor of Arts in Economics.

Q Also I see that you attended MIT, the Massachusetts Institute of Technology.

A That is correct.

Q What was the scope of your course?

A Well, I think down here it is urban economics and public policy.

That is the qualification he used for this Prime Minister to give him this big job.

Q What was the duration of the course?

A Either two to three weeks.

Q What about Alberta?

A Oh, the University of Alberta! Again, managing human resources.

He was asked:

Q What was the length of that course?

A Two weeks.

Mr. Prime Minister, are you telling me that in Trinidad and Tobago we do not have a young bright person to fill such a position as project manager of billions of dollars of the State's resources?

What went into your head to make him executive director? I ask the Prime Minister: Do you not have faith in the bright young people in Trinidad and Tobago? Do you scorn bright young people in Trinidad and Tobago that you have to do this country this wickedness? It is wickedness you all have done this country. That is why, having regard to what you have put into UDeCott, we are getting it today. I know they are going to block me from talking. How much time do I have, including injury time?

Mr. Speaker: You have until 12.45 p.m.

Mr. S. Panday: Mr. Speaker, I want to show the Prime Minister corruption today. The Prime Minister said to let the commission finish the enquiry and then they are going to take appropriate action. Prime Minister, I am certain that you have been following the enquiry.

By letter dated October 25, 2004, CH Construction Limited thanked Calder Hart, the chairman, not the board, for the invitation to submit credentials of CH Development Construction Limited for pre-qualification as a contractor of UDeCott. How that could have happened when the company law says that a company only gets separate legal entity when its certificate of incorporation is given? That was given on the 19th. So, the company was formed on the 19th and on the 25th they responded to a letter for an invitation. We ask the question and also the population: Was that offer made to the company before it was formed? That is corruption! Real corruption!

When the hon. Member for Diego Martin West spoke he said that Calder Hart said that there was a glitch when the number 624-8239 appeared on the CH Development Construction Limited letterhead. Look it here in writing! [*Letter in hand*] This is the stamp the Member for Diego Martin West spoke about. They never denied up to today that CH Development Construction does not mean Calder Hart Development. The question is: Is it Calder Hart writing to Calder Hart—one hand talking to the other hand? Is it Calder Hart talking to himself? Is that the way you are spending billions of dollars in this country?

Hear how they lied! CH Development Construction Limited was formed only for the sole purpose of obtaining projects incorporated recently for the sole purpose of undertaking projects for your esteemed company. So, Calder Hart formed a company for the sole purpose of taking jobs from Calder Hart Company. Mr. Prime Minister, are you still waiting? It went on to say—I am going to show you corruption here now! It says that the Trinidad company was just incorporated for the sole purpose of undertaking projects for your esteemed company. CHDC is a subsidiary of Sunway Construction Berhad (SUNKON), a multinational corporation and so on. That is not what I want to deal with.

Mr. Speaker, what happened is that before they did that on the 25th—you are saying that they were a subsidiary, but on the notice of the directors there are Lee Hup Ming, Ming Chin Fee and Leong Choong Chee. They are Calder Hart's brothers-in-law, et cetera.

Mr. Maharaj SC: You cannot pronounce Chinese as good as me!

Mr. S. Panday: Mr. Speaker, he is begging you to stop me, but I am going to go with the people with this. It must go on the record. Mr. Speaker, on May 09 which is nine months after, they changed the name of the company to Sunway Construction Caribbean Limited. How is that? I am saying that they could not have been a subsidiary of Sunway at that time. I have checked with company

Commission of Enquiry Bill
[MR. S. PANDAY]

Wednesday, October 21, 2009

lawyers, and before you could become a subsidiary, you must file an annual return for the past year. So, Sunway Construction Caribbean Limited, up to November 06 of the following year was not a subsidiary of Sunway. I do not know how they could have fooled poor Calder Hart. How could he have fooled himself like that—writing a letter like this to himself and it was not going anywhere?

Mr. Speaker, hear this one! They were not really a subsidiary until then, because the law says that in order to become a subsidiary you must file your annual return. The annual return was filed on November 06 and it was then Sunway Construction Caribbean Limited, and they took this limited liability company, so they lied. They could lie how much they want, but what is frightening me is that they got this tender before they were formed or just as they were formed for \$378 million.

When this company was formed only Calder Hart's three brothers-in-law were the directors, and there were only three shares in this company. The type of shares was common shares. The amount of stated capital was \$9,999. So, it was \$3,000 per share. So, when this share moved over from CH Development Construction Company to Sunway, what were the taxes paid? Half per cent! How much is that? Is it \$50? So, it was \$50 and they already had contracts valued over \$300 million. I ask the lawyers: How do you determine the value of the share? They probably defrauded us revenue when they paid the \$50 tax on it. What they said is that the value of the share also included your assets.

Mr. Imbert: Mr. Speaker, we are dealing with the Commission of Enquiry (Validation and Immunity from Proceedings) Bill. What is the relevance in all of this?

Mr. Speaker: Do not worry, it is relevant. [*Desk thumping*] [*Mr. Manning leaves the Chamber*]

Mr. S. Panday: The Prime Minister gone and now he is trying to block me from talking. If the value was increased, what would have happened was that they would have had to pay hundreds of thousands of dollars in taxes. So, what they have done? CH Construction Limited and Sunway have defrauded the revenue department of hundreds of thousands of dollars. [*Desk thumping*] That is why I am asking the Prime Minister why is he waiting for the commission of enquiry to report. When he wanted the Chief Justice he had a commission of enquiry and got the DPP to prosecute him. So, what are you waiting for? Have you not read the evidence or do you want to sink the evidence?

Mr. Speaker, when one looks at this—they sell this—the three men who got all these big contracts from CH Construction Company Limited disappeared from the

scene. They took the contract and they went with it. They defrauded us revenue. That is why we thought you would have brought in Lindquist. We need a forensic research analysis of this. You do not have to wait for any commission of enquiry. You could go at them right now, but this Government is covering up the corruption headed by the Prime Minister, the Corporation Sole. [*Desk thumping*] The only thing that is worse than this is the insider trading and corruption in the Clico issue where the Minister went and withdrew “mammy money, nenen money and everybody money”, Mr. Speaker, and the Prime Minister said that he has confidence in that Minister. The Prime Minister is posing with Mr. Calder Hart listening to steel pan and he was in a PNM convention.

Mr. Speaker, I move now to the next stage; what is the situation now? I am saying that this is not only happening in UDeCott, but this is happening in all the special purpose companies. Companies are being formed today and they are getting contracts tomorrow. Presently, in the South-West Regional Health Authority, a company was formed last week—Gaston. They got a contract of \$3.5 million to refurbish the Siparia Health Facility. This is going on and it is taking place in all the state companies. We know that the Prime Minister is saying this is the way for governance. That is why they want to dissolve the Board of Inland Revenue.

Mr. Speaker, the reason I have such a concern about this matter is that they are going to dissolve local government, and they are going to have these special purpose companies and the corruption will continue. We are alerting the population of all the corruption where the Government is encouraging companies to form today and get PNM contracts tomorrow. Mr. Speaker, I see they are watching the clock. They want my throat. The Prime Minister has indicated that—

12.45 p.m.

The same kind of corruption taking place in UDeCott [*Interruption*] is taking place in special purpose companies and the Prime Minister is trying to have local government reform [*Interruption*] to take away the powers of local government representatives and give it to the hands of these companies which are operating in the same way as UDeCott.

Dr. Gopeesingh: That is right. [*Desk thumping*]

Mr. S. Panday: PSAEL, the roads authority—

Mr. Speaker: I did my best to give you some injury time.

Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

Question put and negatived.

Mr. S. Panday: Mr. Speaker, could you give me my injury time?

Hon. Member: No. [*Crosstalk*]

Mr. Speaker: I gave you— Order! I gave you as much as I could have. The sitting of the House is suspended for lunch—

Mr. S. Panday: Shame on “all yuh”. [*Crosstalk*] Shame on “all yuh”.

Mr. Speaker: Order! Member for Princes Town North, I am on my— [*Interruption*] No, no, listen, I am on my feet—

Mr. S. Panday: I will take my suspension now. Mr. Speaker, “I go take meh suspension now”, I come here to represent the people and—[*Inaudible*]

Mr. Speaker: Well, if you want to go, I can oblige you. [*Interruption*] If you want to leave, I can oblige you, but while I am on my feet you must not misbehave the way you are misbehaving.

Mr. S. Panday: I will give you your respect, but, Mr. Speaker, “meh heart hurting meh”—

Mr. Speaker: No, no, I am on my feet—[*Crosstalk*] Sit please! [*Crosstalk*] Take your seat! [*Crosstalk*] We will resume at 1.30 p.m.

12.47 p.m.: *Sitting suspended.*

1.30 p.m.: *Sitting resumed.*

The Minister of Public Utilities (Hon. Mustapha Abdul-Hamid): Thank you very much, Mr. Speaker. I do appreciate this opportunity to make a contribution to this Bill that is before this honourable House.

Of course, you know that during the course of a debate, statements are made by various Members of the honourable House in their respective contributions and sometimes it is necessary for Members, particularly those of us on the Government side to stand up and respond to some of those very specific statements. There were a number of statements made by the Member for Diego Martin West to which I would like to respond. I would like to start by responding to one that was particularly out of order, and I had for the benefit of this honourable House, I would like to draw the attention of the honourable House to this particular statement. I would read it as it stands in the *Hansard*:

“Let the record show that when this was going on, one Member of the PNM parliamentary line-up stood up and said: In the name of the PNM, this must not go on. It must not go on.”

Mr. Speaker, I found that statement to be particularly out of order, because it suggests that there is something nasty and foul going on. There is something that involves vermin; there was something that smelled to high heavens going on and 25 Members of the PNM were staying quiet in those circumstances. Twenty-five Members of the PNM were being derelict in their duty to their country, and in a sense in the midst of all this foul, vermin, smelly activities the integrity of the 25 Members of the PNM was being called into question.

It is either something is wrong—and my integrity is also being called into question, which suggests that something has to be wrong with me, or something is wrong with the 25 Members of the PNM—

Mrs. Gopee-Scoon: And nothing is wrong with them.

Hon. M. Abdul-Hamid:—and something is right with that one Member of the PNM and something is also right with the other 15 Members of the Opposition. [*Interruption*]

Mr. Speaker, something seems to be wrong with 25 PNM Members of Parliament and something is right with 16 Members seated on the opposite side. In those circumstances—as you know I am an elected Member of Parliament, I have a constituency and I am a Minister of Government, so I have a responsibility to explain to the country; I have a responsibility to explain to my constituency; I also have a responsibility to explain to the PNM, and I, too, like the Member for Diego Martin West, have a family.

I have to explain to my family the reasons I take the position I take. I am sure all hon. Members on this side will be in a position to defend the positions that they take and all hon. Members must respond whenever their integrity is challenged. So I propose to explain why it is that I choose, in circumstances that the former Minister, the Member for Diego Martin West has described, to take the position which I have taken. I must give clear explanations why it is that Member has found himself in the company of 16 other Members of the Opposition.

First of all, the Member said at various points, "We in the PNM". It seems from the look of it, there are 25 Members of the PNM here. No Member of the PNM has expressed an alignment of views with that Member. In fact, from where has his support come? It has come from the Member of Tabaguite [*Interruption and laughter*] and it has come from the Member for Chaguanas West—

Mr. Dumas: Set-up; set-up.

Hon. M. Abdul-Hamid:—and it has come from the Member for Caroni East.

Mr. Dumas: Set-up.

Hon. M. Abdul-Hamid: Mr. Speaker, of all people in the world to find yourself in the company, of the Member of Parliament for Tabaquite, and for Chaguanas West, I would check myself. [*Desk thumping*] Because they have a record you know. They all have a record!

The Member for Chaguanas West, world famous. [*Interruption*] He is the one that gave us two CONCACAFs, four stadia, which the Member for Diego Martin West would know. He is the one who drew it to my attention. When money was available from the IADB at 4 per cent interest, they took a loan on the local market to build four stadia. They had 13 per cent interest [*Interruption*] and the country and the Government would pay for that until 2025. [*Interruption*] At 13 per cent interest. [*Crosstalk*]

Mr. Speaker: Order! Order!

Hon. M. Abdul-Hamid: I still smell that on him. [*Interruption*] I smell that on him. [*Crosstalk*] You know the CONCACAF—there were two CONCACAF; one, the regional body and there was a company registered here called CONCACAF. So when the whole country thought that we were in fact giving the responsibility to CONCACAF, a regional body, there was a local company—

Mr. Manning: Trinidad CONCACAF.

Hon. M. Abdul-Hamid: There was a Trinidad CONCACAF. A local company, a sleight of hand.

If you find yourself in the company of the Member for Chaguanas West, check yourself. [*Desk thumping*] The Member for Tabaquite, what is he famous for?

Hon. Member: Sainthood.

Hon. M. Abdul-Hamid: He is a constitutional lawyer, and whenever the Member for Couva North found himself in trouble he would call for him. In fact, that is largely responsible for his return. That is what was said in the public media. [*Desk thumping*] Whenever you are in trouble and half of your shoe is already inside of the cell, you call for the Member for Tabaquite.

Dr. Gopeesingh: Mr. Speaker, Standing Order 36(1).

Mrs. Gopee-Scoon: You are protecting him?

Dr. Browne: John Cochrane.

Mr. Speaker: What is food for—

Mr. Imbert: Yes, good for the goose.

Mr. Speaker:—goose is food for the gander. I think you need to put some nexus between what you are saying and the Bill before us.

Hon. M. Abdul-Hamid: Mr. Speaker, I am getting there. I am saying the Member for Diego Martin West has said, he is the only PNM who is standing up and saying this must stop, and I am saying, I am examining his company, before I take a decision, before I know if I am to find myself anywhere near the Member for Diego Martin West. [*Crosstalk*]

The Member for Tabaquite, and I am glad that the Member for Diego Martin West knows him. He knows him?

Hon. Member: Well.

Hon. M. Abdul-Hamid: Because I was able to find the *Hansard* of Friday, March 14, 2008. What else is he good for? What else is he competent at? What else has he demonstrated an ability to do? I will tell you. On Friday, March 14, 2008 on the debate on the joint select committees, the Member for Tabaquite was making his contribution, and do you know what is recorded in the *Hansard* as being said by the Member for Diego Martin West? Dr. Rowley—and I know he knows him. This is the name they have here:

“**Dr. Rowley:** Did you or did you not bring down a government?”

Mr. R. L. Maharaj SC: Did you get involved with gravel in Scarborough?

Dr. Moonilal: That is the question.

Dr. Rowley: Did you bring the government down?

Madam Deputy Speaker: Members, could you please allow the hon. Member for Tabaquite to make his contribution?

Dr. Rowley: He is trying to bring down another government”—and he ends up by saying a fourth time on the same page—“Did you not bring the UNC down?”

So when I examine the Member for Tabaquite, I know he has a record, a history and ability, apparently, of bringing governments down. So when I see the Member for Diego Martin West in partnership with the Member for Tabaquite, I have to get concerned. [*Desk thumping*] And I would invite all 25 members of the PNM to watch that carefully. Check yourself.

1.40 p.m.

Mr. Speaker, the three of them have their own unique competencies. There are 25 members of the PNM in this Parliament, representing 25 constituencies and playing significant roles in all of these constituencies across the length and breadth of Trinidad and Tobago [*Desk thumping*] and I can say, not one Member of Parliament on the PNM side will share the view of the Member for Diego Martin West, that this Government is supporting corruption. Not one will share that view. [*Desk thumping*] Not one shares the view that the Prime Minister is out of order, [*Desk thumping*] and none shares the view that the country is going to hell in a hand basket. [*Desk thumping*]

Let me advise this country in case there is any doubt, that this Government stands firm against corruption. We have always. [*Desk thumping*] This Government stands firm. But, Mr. Speaker, it came out in the contribution of the Member for Princes Town North, when he said, "Why are you waiting on the report?" What they would like, all of them, including the Member for Diego Martin West, is to abandon the process. They do not want a process. What they want is a lynching. They would like UDeCott to be lynched now, and they would like UDeCott to be lynched in the square. Hang them now! The Government's position is that there must be process, and the reason that they are taking that view, is that they have all hooked and attached their political fortunes to the collapse of UDeCott. That is what they have done, and so, their political fortunes are at risk. They would not like to see the commission complete its work. What they want is a public lynching today, and they would like the Government to conspire with them to lynch UDeCott in the absence of due process. That is what they are after.

Listen to them carefully. Listen to them. That is what they are saying, because the Member for Diego Martin West is known as having said that if UDeCott is proven to be right, he will resign his seat. That is what he said. So he cannot take the chance that the commission would send a report that UDeCott might be without blame. He cannot take a chance because his political career is on the line, by his own words. He put his political career on that line.

Mr. Speaker, let me also assure this country that our Prime Minister is fit and able and competent to lead this country, [*Desk thumping*] and that this country is indeed in good hands. [*Desk thumping*] Let me continue.

In that same debate when the Member for Diego Martin West made his contribution, apparently in the contribution made previously by the Member for Tabaquite, in the budget debate he had made a criticism that we were trying to

frustrate the efforts of the Opposition to speak, and that we intended to have them speak their time out, and a long list of Ministers would speak after that. The Minister at the time, the Member for Diego Martin West, in his contribution recalled what had taken place when the Member for Tabaquite was the Leader of the House, and this is what he had to say—this is Dr. Rowley speaking:

“We spoke continuously right through the night until the next morning, and when morning came and every Opposition Member had spoken, we went home, had a shower, had breakfast, returned, and the Government spoke for the rest of the debate without one Member of the Opposition being able to intervene.”

At that time the Government was the UNC. That was his record, speaking about the Member of Parliament for Tabaquite. And he has the gall to come here and say that the PNM's attempt to reduce the committees from three to two is somehow disgraceful and detrimental and represents all of that, and he punctuated his comment by saying to the Member for Tabaquite, "You are a hypocrite." [*Interruption*]

Mr. Maharaj SC: I forgive and I forget.

Hon. M. Abdul-Hamid: Those were the words, Mr. Speaker. He referred to the Member for Tabaquite as a hypocrite. I have read that, only to establish that the Member for Diego Martin West knows what a hypocrite is. Only to establish two previous things: he knows the record of the Member of Tabaquite in bringing down a government, and he also knows what a hypocrite is. It caused me to check: what is a hypocrite? Hypocrisy is defined as the practice of claiming to have higher standards or more laudable beliefs than is the case. The practice of claiming to have higher standards or more laudable beliefs than is the case.

It means that you behave in one way, in one set of circumstances, and the minute the circumstances change, you behave in a different way. Different behaviour for different circumstances. It means that your behaviour is not based on principles, but that your behaviour is based on personal convenience. Let me repeat that. Your behaviour is not based on principles, but rather, your behaviour is based on personal convenience.

Mr. Maharaj SC: "It really hurting all yuh."

Hon. M. Abdul-Hamid: Mr. Speaker, let me go to some of the other comments made by the Member for Diego Martin West. And I have established now two things: The Member for Diego Martin West knows the Member of Parliament for Tabaquite, and he knows what hypocrisy is. Rigging of contracts at UDeCott was the first main point that he made. He said that in August 2003, he

Commission of Enquiry Bill
[HON. M. ABDUL-HAMID]

Wednesday, October 21, 2009

went to the Prime Minister and reported to the Prime Minister that there was bid rigging going on at UDeCott and this was proven by a Permanent Secretary to him, and he questioned the conduct of the chairman. These words are his words, reported in the *Hansard*.

Now, Mr. Speaker, this was 10 months after the election had taken place in 2002—very early in the term, 10 months. The election took place around October, and by August, the Member for Diego Martin West, as a Minister, had gone to the Prime Minister and said, all of these things are reporting bid rigging going at UDeCott. Now, I know that the Member Diego Martin West knows very well how to contact the media. He knows that very well. He has been in politics for a very long time. He knows very well. In fact, five minutes after he was fired, he was on the telephone with *Newsday*. The next day in the *Guardian*, a little scribble that he wrote showed up, copied on the front page, "I did not resign, I was fired." So he knows how to contact the media very well.

If he felt so strongly about it, if he stands and stood against corruption in the way that he says that he does, my question is—that was in 2003. There were five months left in 2003; 2003 came and left; 2004 came and passed, another 12 months; 2005 came and passed, another 12 months; 2006 came and passed, another 12 months; 2007 came and passed, another 12 months. If you count only 11 months in 2007, that is 52 months. Fifty-two months and there was bid rigging that the Member for Diego Martin West knew about in August of 2003, and Mr. Speaker, do you know what? Not a word to the public! Not a word!

Is it, could it be, that there was something quite convenient about not saying a word? If you felt so strongly, if you were so upset, if there was so much strong feeling, if you were so offended, as you proclaimed today, how come for five years you could not find an opportunity to make even the smallest comment to the media, or a hint to the media from your mouth, from you as a source, that there was bid rigging going on at UDeCott, as you say you would have spoken to the Prime Minister?

Five years of bid rigging at UDeCott and you had nothing to say. Not a word. My question is for those five years, was the bid rigging not smelling to high heavens? For those five years, how far away were we from hell? And what is the size of the hand basket? Where was O'Hollaran in all those five years? Did he come into existence before or after? These are important questions. Were the wrongdoers not prospering? These are his word. Were the wrongdoers not prospering? Between 2003 and 2005, if today in 2009, the UDeCott situation is 10 times worse than Piarco, how many times worse than Piarco it was in 2007? Only five times? Four times? Six times? I do not know.

Mr. Speaker, where was the voice of the Member for Diego Martin West between 2003 and 2007? And more than that, just to demonstrate the opportunity. We had an election in 2007, you will recall; the hon. Patrick Manning was still the Prime Minister and political leader. He was the one who, according to the Member for Diego Martin West, was supporting corruption and tolerating bid rigging at UDeCott. If that is your political leader, then I would imagine that you had an opportunity to exit. There was an election. Why were you coming to fight an election under the leadership of somebody who is supporting bad behaviour? Why were you accepting a nomination to contest an election? More than that, he fought for the right to contest the election, and he came and bawled up a whole section of PNM people that somebody was conspiring to keep him out of the election. So he was fighting for the right to contest the election.

How in those circumstances of all the smell, or was it not smelling at the time that you could try to be part of that? He had every opportunity to decline. He had every opportunity to decline. On top of that, more than that, he accepted a ministerial position. I have a picture of it. Minister of Trade and Industry, 17th floor in the Nicholas Towers and the official photo, the waterfront is the backdrop—either the waterfront or the other Sunway building, the campus. Big swearing in at the President's House, the media is there and you had an opportunity to say to the media, "I am accepting this position, you know, but there is bid rigging at UDeCott." Say something. Not a word about bid rigging. How many post Cabinet press conferences? Say something, pick up the phone, talk to the media.

Mr. Speaker, in the middle of all of this, my question is where was the voice? And I am explaining to this population why I find it hard to believe the Member for Diego Martin West. Do you know what is worse? I am sorry he is not here. What is worse, I am advised that somewhere between 2003 and 2004, this same Calder Hart, about whom comments were being made as being responsible for bid rigging and so on, the Member for Diego Martin West on two occasions, escorted Mr. Calder Hart to view property in Tobago which the Member for Diego Martin West—his family business—had property available for sale. On two occasions, once as Minister of Planning and Development and once as Minister of Housing, he escorted Mr. Calder Hart to view property with a view to Mr. Calder Hart purchasing a plot of land on that property. This is the same man who in August of 2003 was responsible for bid rigging. Twice, you know—[*Interruption*]

Mrs. Gopee-Scoon: Twice you know of.

Hon. M. Abdul-Hamid:—and both of them driving around in the car all over Tobago. The same gentleman, who in August was responsible for bid rigging in

Commission of Enquiry Bill
[HON. M. ABDUL-HAMID]

Wednesday, October 21, 2009

2003, and again in 2004. So it cannot be that it was before August 2003, because once he was Minister of Housing.

Mr. Speaker, where was the moral high ground on which the hon. Member for Diego Martin West is now perched? Where was that moral high ground? Where was all the righteousness that I heard on Monday? I am sorry, but it seems to me that the words of the hon. Member for Diego Martin West are indeed the words of a self-serving hypocrite, in my view, and I have used those harsh words because those were the words he used against the Member for Tabaquite. Self-serving! That is the only explanation I can give. If after all these years you had nothing to say on the matter because you were quite comfortable, how it is now you get this loud voice would be my question. How is it? Is it that circumstances have changed? What are the circumstances that would have changed?

1.55 p.m.

Mr. Speaker, let me tell you what the circumstances are that would have changed. In that same debate, the joint select committees, the hon. Member for Diego Martin West had these words to say:

“I spent 10 years in the Opposition, so I understand the strategy. Opposition politics require that you paint the worst face and the face that they painted... ”—responding to them—“ is about the Government wanting to hide its wrongdoing.”

I read that only to point out that the Member for Diego Martin West understands very clearly Opposition strategy and he has now deployed Opposition strategy in his words and in his partnership with the Member for Tabaquite and the Member for Chaguanas West. The three have a combined strategy, which is what we are seeing. *[Interruption]* Mr. Speaker, I am defending my Government; I am defending against vicious, treacherous, treasonous attacks. *[Desk thumping]* What is this attack on the Prime Minister? We must understand our Prime Minister; I have to defend my Prime Minister. Let me explain my Prime Minister, as I understand it.

The GATE Programme, Government Assistance for Tuition Expenses—*[Interruption]*

Mr. Speaker: I think you are beginning now to wander outside the realm of the Bill before us. Before you were responding to comments made. *[Crosstalk]* Order! It is not a question of what is that; it is a question of enforcing the rules. Before you were responding to the Member for Diego Martin West, but GATE—I think that you are outside the gate at this point. *[Laughter]*

Hon. Member: "Close de gate!"

Hon. M. Abdul-Hamid: The Member of Diego Martin West had said that while this was going on, I have chosen to remain quiet. He alone has spoken; I am explaining to the country why I have not joined with him and shared his views. I am explaining to my country why I have opted not to say anything that would be aligned to what he was saying. Part of that is my understanding of who my political leader and Prime Minister is. The point I am making is that, in my view, all the wrongdoing of which my political leader and Prime Minister has been accused, I would like the population to get a clearer sense as to who the Prime Minister and the political leader is, and so it is the totality I must explain.

If you would allow me, I will explain that there are a number of major projects, undertakings of the Government, for which the Prime Minister himself has been responsible, looking after the interest of the people. That is why I am comfortable and satisfied that the Government is in good hands. The Government is, indeed, in good hands. I am satisfied that the hon. Member for Diego Martin West was wrong when he made the statements he made, because I am confident that this Government's main concern is the national development of the people of Trinidad and Tobago. [*Desk thumping*]

All of these programmes, free tuition for our citizens; higher education loans, CDAP, the Chronic Disease Assistance Programme, is to help poor people. Who is responsible for that? Do you understand the point I am making? I will move on.

Mr. Speaker: I hear what you say, but you are, in fact, taking this debate to some lengths that I do not think is permitted.

Hon. M. Abdul-Hamid: Mr. Speaker, there are many who have political interests in the failure of the Government. Their political interest is in the failure of the Government, and so they attack the Government on every front. This is no different. They attack the Government on every front and at every point, because their political fortunes are tied to the failure of the Government. They pray for failure of Government projects. [*Interruption*]

Mr. Peters: "All yuh doing enough for yourself."

Hon. M. Abdul-Hamid: They mobilize in favour of civil disobedience and, of course, they know how to paint the worst face. They have done it with a number of projects. They have done it all the time, and what is happening now is no different. They did it with CEPEP: creating employment, painting every pebble; they did it with the MuST Programme. They even attacked free tuition as wasting money. They even said, at some point, that we had too many street lamps and that we exercised discrimination in the distribution of street lamps. These are the kinds of things they say.

Commission of Enquiry Bill
[HON. M. ABDUL-HAMID]

Wednesday, October 21, 2009

It tells you about their motive; on an ongoing basis they attack the Government. It is what they are made of. But their aim, at the end of the day, all of them, is to shut down delivery and create failure. It is political objective to create failure. The Member for Tabaquite would like us to fail. The Member for Caroni East would like UDeCott to fail. The Member for Chaguanas West would like us to fail. We aim to succeed. [*Desk thumping*] If we fail, they would then laugh at us and report to the people that we have failed; so our responsibility is to make sure that we remain focused.

The Member for Diego Martin West criticized state enterprises and said that it was contrary to what electoral systems were meant to deliver. He criticized the Special Purpose State Companies. Again, many were established before 2008; I never heard him object. Many were established long before 2008; I never heard him object. Could it be, again, that this different view is related to his different circumstances?

In fact, in August 2003, a note came to Cabinet to restructure the National Housing Authority (NHA). One of the paragraphs in the note spoke about the fact that the eventual outcome was the creation of a new company, HODEVCO:

“This is a lengthy process which involves, inter alia, the following:

- Establishment of a limited liability company;
- Development of a business plan;
- The transfer of assets and liabilities to the new company.”

The Minister of Housing, as I recall at this time, was the Member for Diego Martin West; coming to Cabinet with a note to establish a company to deal with the business of the Ministry of Housing. Now I am hearing that somehow what UDeCott is and what our Special Purpose State Enterprises are doing are inconsistent with the electoral system and what the electoral system was intended to deliver—different circumstances; different principles.

Somehow every time members of the PNM decide that they want to launch an attack on the political leader, we always have to hear about their PNM credentials; how long "dey in de party"; how much "cuss dey take for de PNM"; how they went door to door representing the PNM. Whenever people seem to be dissatisfied with the leadership and they intend to launch an attack on the leadership, we have to hear how their mother and father were PNM and how many years, and who now come; not realizing that everybody comes sometimes. [*Desk thumping*] Everybody comes at some point in time.

Before the hon. Member for Diego Martin West was as established, he came. Do you know how he came in or who first appointed him to the Senate? It was the hon. Member for San Fernando East, as political leader, who appointed him and took a lot of blows for making some of those decisions at the time, because there were others who were asking, "Where he come from?"

Hon. Member: That is right!

Hon. M. Abdul-Hamid: It was in 1987. Whenever people intend to attack the PNM, especially persons who have their own objectives, they tell you how great a PNM they are and how they are more PNM than the PNM itself. We have heard it before.

The former Member for Arima, Rupert Griffith, my understanding is that the Sunday in a general council meeting, he stood up and said that his father would turn in his grave if he ever left the PNM and that he was so dedicated and loyal. By the next week, he was in the UNC; the next evening he was in the UNC, propping up a government that would have collapsed. The same could be said of Vincent Lasse.

Mr. Peters: "You was in the UNC too!"

Hon. M. Abdul-Hamid: I have never been a part of any dysfunctional organization, Sir. [*Desk thumping*] [*Laughter*]

The same could be said of the former PNM Minister of Health, Mr. Kamuluddin Mohammed. He contested the position of chairmanship, lost and then found himself with the UNC. If I could use the words of the Member for Diego Martin West, "We have seen where some of them have been and we see where they are going." We have seen it before. It is clear for all who want to see, to see where they would end up.

The Member, again, used the words, on a number of occasions, "We in the PNM"; four occasions I was able to cite. "All the members and supporters of the PNM who are opposed to this." "I am breaking the mould on behalf of all the PNM people who in 1986..." "There are those of us in the PNM, for the PNM, who want no part of this; I speak for them." Do you know what that sounds like to me?

Mr. Speaker, I am the MP for Chaguanas East. Chaguanas is not an easy seat; it is a tough seat to contest and to win. I could hear a campaign and detect a campaign from a distance; that sounds to me like a campaign. It is for that reason that the Member for Chaguanas West would not enjoy my company; that he stands alone. This is what I am explaining to my people; to the people who are wondering why Hamid is remaining quiet. Hamid is remaining quiet, because Hamid has no confidence that the Member for Diego Martin West believes what he is saying, but that the Member for Diego Martin West is on a political campaign.

Commission of Enquiry Bill
[HON. M. ABDUL-HAMID]

Wednesday, October 21, 2009

I have listed the issues he has raised: The rigging of contracts by UDeCott; the contract for the Princess Building grounds; the fax number in Cascade; the Valsayn project; UDeCott borrowing from the Home Mortgage Bank and that the UDeCott ignored legal advice. All these issues are before the commission, and everybody wants to take credit for this commission.

Members have even invited us to applaud them for the existence of this commission. Let the population know that this commission was put in place by the Government of Trinidad and Tobago. [*Desk thumping*] The Government set it up; the Government funds the commission; this Government is responsible for the live broadcast of the actions of the commission; [*Desk thumping*] we are responsible. This Government has allowed it because the Government has an interest in the development of the sector and ensuring that right and just prevail. This Government is the one that brought the Validation Bill. I cannot find it fit and reasonable to applaud anybody else, other than the Government, in this particular case. [*Desk thumping*]

This Government respects the commission. I have said before that there are some who only want the commission, if the commission could give them the result they want. The minute they suspect the commission might not give them that result, they start to get jumpy and they start to ask that the lynching takes place before the commission submits its report. The Member for Princes Town North said that today. "We doh want any report."

I cannot join the Member for Diego Martin West, because I detect some bitterness in his voice; I detect some bitterness in his words. Some people have a view that they have a sense of entitlement to ministerial office and some persons might think that they were born a minister or born to be a minister. Let me say in public, anytime the Prime Minister decides to terminate my employment, that is the Prime Minister's prerogative; that is his constitutional right. [*Desk thumping*]

We have an election, the election produces a Prime Minister; there is a formula to produce a Prime Minister. After that, the Prime Minister decides alone who would form the Executive. That is how it is; that is the position of the Constitution of Trinidad and Tobago. So if I, or anybody else, were to think that they have some kind of entitlement to ministerial office, that is to fail to understand the Constitution.

2.10 p.m.

When the Member for Diego Martin West spoke, he raised some issues but about 30 per cent of his time was spent on the Prime Minister: The Prime Minister fired Dr. Rowley, the Prime Minister slandered Dr. Rowley, the Prime Minister

slandered Dr. Rowley's wife; the Prime Minister made comments about Cleaver Heights; the Prime Minister slandered Dr. Rowley in and out of the Parliament; the Prime Minister slandered Dr. Rowley's wife again; the Prime Minister took away his good name and the Prime Minister sleeps in Parliament. All of that suggests to me that there is some bitterness going on here that I care not to join.

Mr. Speaker, you know in politics there is something called a political ego. Politics can be quite tough you know. Sometimes as citizens you want to be a Member of Parliament, so you get a chance and you become a Member of Parliament; when you become a Member of Parliament, you want to be a Parliamentary Secretary, so you become a Parliamentary Secretary; then you want to be a Minister of State, because it is a notch above to become a Minister of State; then you want to be a Cabinet Minister, you become a Cabinet Minister; then you look around and you see that ministry looking better, so you want to be the Minister of Foreign Affairs, you want to be the Minister of Trade and Industry, Minister of Finance. Always trying to move and when you get to a point, you want to become the Prime Minister.

People only remember the Prime Minister you know; they do not really remember Ministers so. Most times people remember Prime Ministers so everybody wants to be the Prime Minister. Especially if you think you are the smartest, you are bright, a lot of people think they would like to be the Prime Minister but most of us will not become Prime Minister and so we must learn to manage our own psychological and political ego, and one thing we must be very clear about is that some matters really belong to God, those are his business and the people have a voice in those matters as well.

Mr. Speaker, the Member for Diego Martin West also seems to me—and this is why I have difficulty joining in his campaign—to be quite obsessed with UDeCott's lawyers. He made five references to them: UDeCott's team headed by a foreign British QC paid in pound sterling; UDeCott is paying another team of lawyers for the Chairman; a team for UDeCott paid for by the State and a team for the Chairman paid for by the State, both led by senior counsel; UDeCott paid Queen's Counsel; they hired senior counsel. I presume senior counsel's money is big.

Mr. Speaker, everybody has a right to legal representation, that point has to be made and, Mr. Sharma, the former Chief Justice, had legal representation paid for by the State as I understand it; Mr. Panday had legal representation. And your legal representative—and the Member for Tabaquite could clarify— has a responsibility to argue every point in your favour, that is what I understand lawyers have to do. Dr. Rowley himself, the Member for Diego Martin West, has had legal representation.

Commission of Enquiry Bill
[HON. M. ABDUL-HAMID]

Wednesday, October 21, 2009

Mr. Speaker, we are not defending UDeCott, but I am defending UDeCott's right to defend itself because it has a right as a person as they call it in legal terms, to defend itself, and has the right to argue every point to its advantage.

All I want to say to close is sometimes you have a situation where some people, if they have a house and in that house there is a throne and they cannot get to sit on the best seat in the house they are quite happy to burn it down and everybody in it.

Mr. Speaker, I am comfortable that my place is with my 25 Members of the PNM because I am also satisfied that this Government is on the right track, and the population has a proper Government looking after the interest of all the people governing this country with integrity and heading towards prosperity and achieving the goals of Vision 2020.

Mr. Speaker, I thank you.

Mr. Winston Peters (*Mayaro*): Thank you very much, Mr. Speaker. Mr. Speaker, I am not going to be 75 minutes, I would not be 45 minutes; as a matter of fact, I may only be five minutes, but I rise to say that I support this validation Bill totally and unconditionally. [*Desk thumping*]

You see, Mr. Speaker, in this country we complain about every single thing. I am not here to lay aspersions at anybody's door, or fight my internal political wars in the Parliament of Trinidad and Tobago as I see going on here with my good friend, the Member for Chaguanas East. But I am here just to say for the people who voted for me and put me in this Parliament to speak on their behalf, it would be remiss of me if I did not lend my voice to say, like most of the people in Trinidad and Tobago, I believe that UDeCott is the most corrupt entity in Trinidad and Tobago right now. [*Interruption*] I say that like most of the people in Trinidad and Tobago, I believe that UDeCott is the most corrupt entity in Trinidad and Tobago right now, and hence the reason I am supporting this Validation Bill.

Trinidad and Tobago wants to know, right now we are just looking at what is happening into UDeCott as lay people, but when we have a commission that delves deep into the business and workings of UDeCott, we will understand if we are right or wrong but, as it is now, the perception is that it is the most corrupt entity now or as my colleagues say, ever.

Mr. Speaker, when I listen to the number of contracts being given to UDeCott and when I listen to the number of portfolios that one person in UDeCott holds, I cannot see anybody being that kind of superhuman in Trinidad and Tobago that

this one person can be so good while everybody— [*Interruption*] Those portfolios are nothing compared to UDeCott, but we try to figure out why. And the reason I am supporting this is because we want to know.

When I look at all the money they are spending, I believe if these moneys that were given to these people were spent right, the people in Mayaro would have water, houses and roads. I want to know if UDeCott is really and truly depriving them because of the wanton waste that is perceived to be going on within UDeCott and the corruption that they are being deprived of these things. Hence the reason I have to support this Bill.

Mr. Speaker, I told you I was not going to be long and I would not be long, but I want to say to the Government that in Trinidad and Tobago, having commissions of enquiry is nothing new and nothing that we are not accustomed to. Even though we understand that UDeCott virtually usurped the wishes of the Attorney General and went to court to prevent the commission of enquiry from going on, and I do not know if it was done reluctantly but however it was done, the Attorney General got it back on track. I commend him for it too, but I am saying that while we are good at having commissions of enquiry, we are not good in bringing them into the public domain. So my admonition to this Government is now that we are supporting the validation Bill, when it is passed we want the result of the commission of enquiry to be laid in the public domain so the layman, those who cannot be here and not understanding will have a good understanding of where their money went, if it was wasted.

My colleague, the Member for Tabaquite, earlier in the debate gave some recommendations to the Attorney General in terms of ensuring that the clauses in that Bill—

Hon. Member: It is only one clause.

Mr. W. Peters: One clause? If it is one clause that is all right. But the safeguards that should be put in there to safeguard the business of the people of Trinidad and Tobago, we must leave no stone unturned, we must leave no loophole for those who are culpable to escape in any way whatsoever. I know the hon. Prime Minister always says "let the chips fall where they may" and I agree with him. Let us make this as tight as we can—that is why we are here; the people put us here to see about their business—to ensure that those who are culpable would be punished for it.

That is really the length of my contribution to this whole debate. I am just saying again, Mr. Speaker, let us have this commission, let us validate it, I would vote twice, three, four times if I can.

Mr. Manning: No once, you cannot vote more than once.

Mr. W. Peters: Only once I can? "Yuh feel I from San Fernando East or what?"

Mr. Speaker, I want to make sure that this Bill is passed and supported so the people of Trinidad and Tobago can feel comfortable knowing that we have done our best to ensure that not only their rights have been protected but their moneys.

The Prime Minister (Hon. Patrick Manning): Thank you very much, Mr. Speaker, and I am grateful to hon. Members for this opportunity to make an intervention in this very significant debate that is taking place at this point in the history of the people of Trinidad and Tobago.

Mr. Speaker, in the year 1970, there was an attempt to overthrow the government. On the morning of April 22, the army mutinied and it came after weeks of demonstrations largely by young people all over Trinidad and Tobago.

Demonstrations had been taking place for weeks but which had their genesis in the year 1967 when under one Michael Als, it was the young power movement, and then it moved into the Black Power movement under Makandal Daaga formerly Geddes Granger and others at the time, and it followed similar developments in the United States of America.

In the case of Trinidad and Tobago it came because there was dissatisfaction largely with the economic circumstances of the people of the country at the time. May I remind you that the objectives the PNM had set for Trinidad and Tobago in 1956 had largely been achieved by 1962, it was the decolonization movement as you recall, and we had already gained internal self-government and Independence. In fact, the Federation which had been put together had already collapsed.

2.25 p.m.

By 1962, the 31st of August, we gained Independence and the political objectives had largely been achieved. But then the attention of the population shifted to economic objectives, so that by 1970, when all these demonstrations took place, culminating in the attempt at the breach of the country's democracy, it was taking place largely because the people of Trinidad and Tobago were not able to achieve the economic circumstances to which they aspired and which they confidently expected would have been an outcome of the achievement of the political independence attained eight years earlier.

It was on the heels of that and a call for young people to have a greater involvement in the politics in the country, that I came into Parliament in 1971,

and at the time I recall very well that the unemployment in the country was so high that we never formally measured it. It was in excess of 25 per cent.

I remember the dark days of 1971, 1972 and 1973. As I would go to the constituency office then—as I do now—and I would listen to people coming to talk to me, talking mainly about jobs; the creation of jobs. That was the issue at the time and it was coming in 1972, in particular, at a time when prices worldwide were also on the rise and so were they in Trinidad and Tobago.

That was the economic and social situation that existed. I could remember as a young parliamentarian asking myself: how are we to get out of this? And then in 1973 there was the first oil price shock and all of a sudden the financial circumstances of the country changed and the government of the day began to do a number of things which many of us thought was a dream; to many of us it was something to which we could aspire but which we did not feel was achievable in any significant timeframe or relevant time frame, but it began to happen.

As the Government began to increase its social spending, so unemployment in the country began to fall. We began to measure it then. And by 1980, for the first time, unemployment hit single digits in Trinidad and Tobago. It reached 9.8 per cent. But then you know what happened. There was a second oil price shock in 1979; the prices stabilized in 1981 and collapsed in 1983 and as it collapsed, the State had to withdraw its expenditure and as it did that, the unemployment began to rise.

Two things happened: The oil prices went to \$9 a barrel in 1986; unemployment hit 17 per cent in 1986 and the Government fell. I found myself in a situation where I became leader of the PNM. It was the will of the people in the PNM and that is what emerged. I had to consider: how do we move; what do we do? We were consumed with this question of unemployment and job-creation, because if people did not have jobs, then they could not aspire to a future that had any significance, with any optimism that they could aspire to that future, because they did not have jobs. So a job was a necessary prerequisite to a certain basic standard of living which the PNM felt was the right and the entitlement of the people of Trinidad and Tobago.

So in Opposition we began to consider this thing. Then we got into government and what we had contemplated in Opposition, we started to put in place. We faced the slings and arrows of many people when we decided to liberalize the economy. Do you remember it? We faced the slings and arrows when we took the decision that we would make a change in PNM policy and we would allow natural gas to be exported without additional value added, except in the liquefied form in the first instance. We faced the slings and arrows. Everybody felt we should not do that.

Commission of Enquiry Bill
[HON. P. MANNING]

Wednesday, October 21, 2009

We faced the slings and arrows of the population when we took the position that we were going to float the currency—currency liberalization. We faced it again when we took the decision that we were going to open the economy. We were going to move from a situation where the domestic market was used as the basis for—well, as a guaranteed market for domestic industry and all that went with that, the goods and all of that, and we would open it up to competition and, therefore, the strong would survive and those who could not meet a minimum standard, would fall and by that mechanism, we would get better quality goods in the country and the population would get better service. We faced the slings and arrows.

But we remained steadfast to that cause. We were convinced of the rectitude of our cause and we stood our ground, because we felt that if you wanted a sustainable position in relation to jobs and therefore a sustainable social situation of the future, you had to take certain steps even if it would cost us the government at the time. And it did, because we lost the election again in 1995. But we were certain when we came out of government in 1995 that we were going to get back into government within a short time. We were certain of it. It took us longer than we expected. It took us one year more than we expected. So that by 2001, we were back in government.

It is a matter of record that when I became Prime Minister and when the PNM got back into government in 1991, the unemployment in the fourth quarter of that year stood at 20.3 per cent. When we left office in 1995, it stood at 16.4 per cent. But the steps had been taken. The economy was on a virtually self-propelled track of growth and we experienced successive years of economic growth, and when we came back into government the unemployment was down to about 12 or 13 per cent, not as a result of what hon. Members opposite did.

We laid the foundation; we took the hard decisions; we paid the political price so that they would live and they lived. [*Desk thumping*] And how they used it is not a matter for this debate. How they used the time available to them in the six years in which they were in government, is not a matter for the Parliament at this time, except to say that they stand out because of corruption in the Piarco Airport. They stand out! Whenever you talk about the UNC government, of the years 1995 to 2001, the first thing that comes to your mind is the Piarco Airport, to their eternal shame.

Mr. Bharath: Mr. Speaker, a point of order; Standing Order 36(1).

Mr. Speaker: Well, I imagine the Prime Minister is laying a very elaborate philosophical underpinning to what he is coming to, so I will allow him.

Hon. P. Manning: Mr. Speaker, and indeed you are correct. You see, hon. Members opposite may not be accustomed to this approach, but I would suggest—*[Interruption]* Please, you will see.

So we came back into Government in 2001 and the unemployment level was 12/13 per cent. But we laid our plans in Opposition and we knew that when it fell to 9.8 per cent in 1980, it was largely as a consequence of the Government's intervention in the construction sector. But the government did not maximize it. We created about 55,000 jobs. The Government did not maximize it, and we knew we had room for much more activity in that area and it was to that area that the Government turned.

The Government also took the decision that if we were to bring unemployment down and to bring it down to acceptable levels we had to accelerate the rate of the country's development, and that was the crux of the matter. And to be able to do that, we knew that the traditional arrangements in the public service could not suffice. The public service was designed not as an executive agency, but it was designed as an administration, and the minute you start to use the public service as an executing agency, something for which it was not designed, then you are running into serious problems, as we did and as governments before us did.

So what we decided was to try to find some other mechanism which would allow us to develop the country at the rate which was consistent with our aspirations, which at the same time would be consistent with all the norms of propriety that are applicable to work in a democratic state.

The instrument that we identified was the Urban Development Corporation of Trinidad and Tobago. That was the major instrument. There were others, but UDeCott was the major instrument that was designed, or that was identified to accelerate the country's rate of development.

There was something else. We anticipated that the job situation, the unemployment would fall and it could fall to such an extent that we could run short of labour in Trinidad and Tobago. Do you know something? Exactly that happened. And as the unemployment figures started to fall and dropped into single digits, we began to experience a shortage of skills, and as we experienced shortage of skills, the price of those skills began to rise.

Therefore, if somebody wanted to build a house, a simple man in San Fernando wanted to build a house, he had to pay \$400 and \$500 a day to get a tile man, because the tile men were taken up elsewhere in the economy, because we had accelerated the rate of development of the country.

Commission of Enquiry Bill
[HON. P. MANNING]

Wednesday, October 21, 2009

So to protect the average citizen we had to do something else and we turned, in those circumstances, to the use of foreign labour, recognizing that if you did that, you were not doing it at the expense of jobs for the people of Trinidad and Tobago at all; you were not doing it at the expense of them at all; you were doing it because you wanted to maintain a certain rate of development.

Those are the facts. So when people and hon. Members opposite and when others outside pick up the refrain and argue that foreign workers are in Trinidad and Tobago at the expense of local workers, that is not so. With the number of foreign workers here at this time, I hasten to point out to you that in the fourth quarter of last year, unemployment fell to 3.9 per cent with foreign workers here. [*Desk thumping*]

And when in 1995 I talked about—on behalf of the Government—our desire to create full employment, we were laughed at. We were laughed at! “Manning living in the clouds as usual.” You see, the one thing I have realized, not enough people have vision, you know; not enough people have vision and the mistake some of us make is that those of us who can see into the future assume that everybody can. That is not so. Therefore, all the misconceptions have settled around some of the prescriptions that we have utilized because of that fact.

So 3.9 per cent; 5 per cent we targeted as full employment; it fell to 3.9 in the fourth quarter of last year. Then an economic situation hit the world and recession hit the world and unemployment begins to rise. In the first quarter of this year it was 5 per cent; in the second quarter of this year unemployment in Trinidad and Tobago, in the face of all that was taking place in the world and the shortage of cash and people having to cut back and so on, employment in the second quarter of this year stood at 5.1 per cent, which is a credit to the Government of Trinidad and Tobago. [*Desk thumping*] Facts! Facts are stubborn things. Therefore, if we say that full employment was 5 per cent or thereabouts and unemployment stands at 5.1 per cent, then once again, whatever foreign labour you have in Trinidad and Tobago is working here not at the expense of local labour at all, because we are still in a situation of full employment. That is the reality of it.

Just for the record, when inflation hit 15.4 per cent last year and everybody thought that the sky was about to fall in, do you know what it was last month? Last month inflation in Trinidad and Tobago stood at 4.3 per cent. I was asked today whether I believe that Trinidad and Tobago has now come through the recession in good shape and I said, without a doubt, because the oil prices have begun to rise. They are now back to \$80 a barrel; gas prices are in the \$5 range and things are beginning to turn. [*Desk thumping*]

Therefore, the worst of it appears to be over and Trinidad and Tobago can stand tall and can stand proud and the Government of Trinidad and Tobago can stand proud, because notwithstanding high employment in Japan, the United States, Western Europe and in some of the more developed countries of the world, we were able to get through it, keeping our unemployment down and keeping our inflation down. We had intervened and brought that about by and large addressing the two major concerns that attracted the attention of citizens in the context of recession, which was unemployment and inflation. I have taken the time to go through all of that to make the point that foreign labour in Trinidad and Tobago is working here not at the expense of local labour but to supplement it, so that the country can maintain a certain rate of development.

But there is a second question. The Government of Trinidad and Tobago is convinced that we were not getting value for money. The local construction sector had developed some practices and methods of operation, the effect of which was to take away from the people of Trinidad and Tobago the value for money to which they aspire and to which they are entitled.

2.40 p.m.

The Government took the position that it would change that. What were the basic issues? That in the construction sector, a project is led by the architect. It is architect-led. The architects design the project and in designing the project, the practice that has developed here is that they specify certain materials not by quality but in many instances by brand name. To buy the material you have to go to a particular supplier and since the project is architect-controlled, the architect ensures that. In many instances, some of the local industries have tie-ups with the suppliers to which we have to go. The effect of that is price gouging because of the high prices we have to pay because the architect specifies certain types of materials. That is one.

In addition to which, you never get a complete design. You always get designs in which there are provisional sums. Do you know what that means? Seventy per cent of the project is fully designed and 30 per cent is not. Wherever you see provisional sums what in fact that means is that the agent or owner loses control of the project. What the architect then does is designate sub-contractors at prices that are a matter between the sub-contractor and the architect and you, as the client would have to pay for it. The Government of Trinidad and Tobago considered that a practice that is unacceptable.

You look around it. In those circumstances you could never be guaranteed of the price at which any project is to be constructed or the time frame in which you get it. They were talking about the Prime Minister's Residence and the Diplomat

Commission of Enquiry Bill
[HON. P. MANNING]

Wednesday, October 21, 2009

Centre. While that was going on we were looking at the Belmont Police Station. Do you remember it, Mr. Speaker? Look at it. I am not trying to cast aspersions on anybody. These are the facts and this is what the Government of Trinidad and Tobago is trying to treat with. If we chose UDeCott as a State enterprise we know that we are trying to change the established order.

Since there are persons who were profiteering as a result of that order, they are not going to easily give up that to which they have become accustomed. That is the fact. The minute UDeCott was singled out as the agency through which the Government would work, UDeCott was marked. I could go into the details. My colleagues here have spent some time on some of these things. I do not want to go into the details of it but that is the reality of it. The attacks on UDeCott came fast and furious from the word go because what UDeCott was trying to do acting as the agent of the Government, not on its own, was to bring about a new order in the construction sector. We are still trying to do that. We are determined in the interest of the people of Trinidad and Tobago to succeed. "We're not going to give up." [*Desk thumping*] "We're not going to give up." We are not going to give up. When they do not have facts they try to slander. Look at all of them! They try to slander.

We set up a commission of enquiry. [*Interruption*] The Member for Cumuto/Manzanilla calls it corruption. We set up a commission of enquiry to determine that. The commission of enquiry has not completed its work. The commission of enquiry has not reported what they know. That is the impression. That is what they are doing. My colleague for Chaguanas East has put it very well. It is the lynch mob. It is the tyranny of the mob. That is the mechanism to which hon. Members opposite subscribe. When the Government says that it would have no part of that, they do not like it. Then, the Government is corrupt. That is how they see it.

It is not equity. It is not fairness. It is not truth. They are not subscribing to any of that. They want to get Calder Hart and get him, but let me tell you, it is not Calder Hart. It is not Calder and not UDeCott. They want the Prime Minister and the Government of Trinidad and Tobago. That is what they are after. [*Desk thumping*] They cannot understand how we "doh fall yet". They cannot understand how come this Government has not yet fallen. Let me tell you. We shall not fall. [*Desk thumping*] We shall not fall. We shall not fall notwithstanding all the efforts of others.

That is the reality of it. When we set up a commission of enquiry we want the commission to enquire into the practices in the construction sector. Those practices have to change. Mr. Speaker, they have to change. The Scarborough Hospital, the hospital in Tobago—you would hear about that—is a perfect example of it. I do not want to go into all the details. What I will tell you is this:

Contract was awarded; contractor goes in; the contractor decides for whatever reason, things have not gone well, you have to take him out. The contractor says, "Okay, let me negotiate a settlement with you to get him out. You want me out ah going." He negotiates a settlement for about \$180 million. After he wastes all your money and does not perform, you must then pay him \$180 million to get out of that.

It is a credit to the Minister of Health that he was not prepared to accept that and decided to fight the case. Do you know what the upshot of it is? The outcome of it is that instead of the Government having to pay the contractor, the contractor had to pay the Government. [*Desk thumping*] So we saved. That is the reality. I look at Members opposite. I wonder if you do not understand or if politics is so important to you that truth does not matter. I wonder what is your objective. You are Members of Parliament. You are here to look after the people's interest not your own. [*Desk thumping*] That is what you are here for. It does not matter. We have saved the Government over \$180 million because we decided that we are not giving in to negotiated settlement, we were going to contest the matter in court which we did and won. [*Desk thumping*] The public interest is served as a result of that. Hon. Members opposite, all you can hear them say—we set up a commission of enquiry to find out the facts.

Where is the Member for Mayaro? He has gone. I am very careful. I do not want to be in the same, well I have to be in the same Chamber with him, but I do not want to be in anything next, outside of the Chamber with the Member for Mayaro, but I share his view. We set up a commission of enquiry because the Government wants to know the facts. What the Government does not want is people to stay outside of the commission and carry on and carry on and carry on and obfuscate the whole thing and try to get the Government to act before the commission reports. We shall do no such thing. [*Desk thumping*] We set up the commission to find out the facts.

In the face of all that—all of what I said is known by my good friend, the Member for Diego Martin West. We sat here on Monday to hear a contribution from the Member for Diego Martin West. Mr. Speaker, all kinds of things are being said. What was said then and what has been said before, that he was fired because he was talking about UDeCott and the Prime Minister would have none of that. He was trying to expose wrongdoing in UDeCott and the Prime Minister would have none of that. That is what the Member would have us believe. It had nothing to do with that.

I have with me here a copy of the *Guardian* of yesterday. Look at it. This is the front page of the *Guardian* of yesterday. Look at it. There is a photograph of the Member for Diego Martin West in full flight. This was Monday. This is the

Commission of Enquiry Bill
[HON. P. MANNING]

Wednesday, October 21, 2009

photograph. Examine the picture. What do you see? Examine it. Tell me what you see, Mr. Speaker. Look it there. If you cannot see from that distance I would bring it to you, but I do not want any answers. It is a rhetorical question. Let me tell you what I see. I see hate. I see bitterness. I see acrimony. I see animosity. I see a man completely out of control. Completely out of control, Mr. Speaker. That is what I see.

That problem is not a new problem to me. I was aware of the tendency for the hon. Member to go out of control since 1987. Let me tell you something you may not know. Mr. Nello Mitchell was the general secretary of the PNM and as you know, I was not his favourite. He came to me once and he told me, "I can't deal with the Senator" at the time, "Dr. Sen. Rowley. I can't deal with him. His attitude I cannot take so that let me deal with you and you deal with him for me please." He was a deputy political leader of the PNM. This is Nello Mitchell. God bless his soul. I have evidence that the Member for Diego Martin West understands his problem because I saw efforts to control it, but something happened in 1996. It is from 1996 onwards that I noticed an unbridled attitude that would do none of us any good. Something happened to him in 1996. I do not know what it is.

Mr. Partap: What it is?

Hon. P. Manning: "Doh know. I eh no doctor." I do not know what it is. Unbridled. Do not believe that I am being pusillanimous. Do not believe that I am being pusillanimous at all. That attitude has affected the Government of Trinidad and Tobago. I will tell you how. When the UNC was in Government we were in Parliament here and the UNC brought integrity legislation, it might have been 1999 or 1998. The UNC brought a net of persons to be captured on the legislation that was a narrow net. I sat in this Parliament and watched the Member for Diego Martin West on my side rail and rant and argue that we should expand the net. I knew at the time that that was the wrong thing to do. I knew it. The Member was so out of control that if I tried to control him at the time, it was being led by the Member for Diego Martin West, all that would have happened is that I would have ended up with a problem with my colleague in the Parliament which I did not want. So we allowed it to go.

Do you know what the upshot of that is? Today, we cannot get anybody to sit on boards of directors. We cannot get. The Integrity Commission itself, persons are declining to serve at those levels because of the Integrity Commission. My friend, the Member for Diego Martin West is not like Caesar's wife in this matter. It is largely as a result of what he forced on the government at the time—it was you all, he forced it on you all and you all accepted it—that we are in that position today. Mr. Speaker, I do not want you to feel that I am being pusillanimous. I see

these things affecting the Government. We have paid bitterly for that attitude. When you hear that the Member for Diego Martin West was fired because of UDeCott, it had nothing to do with UDeCott. In our Government, and all Members here will tell you, freedom of speech is a given. [*Desk thumping*] You are free to say what is on your mind. We also say that nobody gets their ideas through in this Government based on who they are. It is not who you are. It is the strength of your argument. Handle your case. Everybody has a chance to do it, but not like my good friend.

The minute you oppose my good friend, he gets very, very angry and if you oppose him strongly, he becomes a raging bull. That is what this Government is not prepared to accept. That is what it was. We just were not prepared to accept that. Mr. Speaker, you do not know the trouble I see. You do not know the trouble I see. I have had to live with that for 12 years. I took it in silence. I took it in silence. I did not complain to anybody. I took that for 12 years in silence, but last year I had enough of it. Do you know why? Because a new Government was in office. Look at them. Look at them. Many of them are new to politics. Few of them are in Parliament for more than two years to come into a situation where an experienced Member is behaving like that and for some of them get the impression that that is the norm in the PNM. It is not the norm in the People's National Movement. It is not the norm.

When he cannot have his way his method is to bully. That is what it is. His method is to bully you. That is what I fought against. That is why his appointment was terminated. We do not tolerate bullying in the secondary school system and we are not tolerating bullying in the Cabinet. We are not tolerating it. If the Member for Diego Martin West wishes a Cabinet in which bullying is the order of the day, he is going to have to form that Cabinet himself. "It eh go happen in dis one." It is not going to happen. He must learn to behave. Do not go and give people the impression that it is wrong. [*Interruption*] What does it have to do with you? Some people just do not know when they are out of order. Some people just do not know. We are talking serious business and he is talking frivolities.

Hon. Member: School master.

Hon. P. Manning: No. It is not that. Hate. I do not know if the Member realizes it. I do not know if the Member realizes it. When you carry on with the amount of hate that you have, it impairs your judgment. It impairs your judgment! That is what it does. Therefore, your prescriptions are not straight. You could hear some of the prescriptions. It did not take much for the Member for Diego Martin North/East to debunk the argument of the Member for Diego Martin West when he said that UDeCott is worse than Piarco Airport.

2.55 p.m.

It took the Member for Diego Martin North/East 10 seconds to debunk it. There are people in jail for Piarco. Who is in jail for UDeCott? *[Interruption]* It is not that. You can say what you want. Leave all of them. The Member for Diego Martin North/East said it. It is Calder Hart today and you tomorrow. Just remember that. You are, therefore, well advised that it is right or it is wrong; it is not political expediency. We subscribe to truth and that is why we are here to revalidate the commission of enquiry. We want to know the truth. They want UDeCott so badly that they do not care what methods they use.

Let me show you how far this has gone. In the *Trinidad Guardian*, June 05, 2008, there was a publication referring to an article in a Malaysian newspaper, which published an email that was making the rounds in Trinidad and Tobago that was very uncomplimentary to the wife of Mr. Calder Hart. In fact, it was libelous and slanderous and nobody would put their name to it. The next thing you know, an article appears in the *Trinidad Guardian*. When the lawyers wrote and asked where they got the article and on what basis they were quoting it, they said they quoting an article from a Malaysian newspaper and they were kind enough to send a copy of the page of the newspaper. It was page 13 of the particular Malaysian newspaper, dated May 13, 2008. *[Interruption]* The name of the newspaper is *The Edge*.

Out of an abundance of caution, the lawyers decided to contact the newspaper in Malaysia. They did and asked them to send a copy of the newspaper of that day, which they did. Mr. Speaker, you would not believe what emerged. Let me show you. This is what the *Guardian* said to the lawyers. See it? *[Holds up a document]* Page 13. "What's in a name?" is the name of the article. Beside here is the season forecast, drop in earnings and higher raw material cost; "Kenwood Victor to form holding company on October 01; Singapore Telecom to offer I-phone in four Asian markets."

This is what the Malaysian newspaper said. They have the same thing: The drop in earnings, Kenwood and Singapore Telecom; all of them on the same column on *The Edge*. When you go to the articles next, you know what that one is called? "What's in a name?" is the article from which the *Guardian* drew its information and this article in fact was a rehash of the email that was circulated, that was libelous when published in the newspapers here. When you get *The Edge* newspaper from Malaysia, it has nothing like that. Look it here! You see? *[Holds up documents]* HSBC sets aside RM 10.2 billion in first quarter for US loans. That is what *The Edge* published.

Mr. S. Panday: That was a computer glitch.

Hon. P. Manning: You would say that. I am saying that for the benefit of the media. Let me see how they will report it this time. This is what the newspaper published and this is what the *Guardian* used as its base. Somebody sent this to the *Guardian*. They skilfully took out the basic article that the newspaper published and inserted the offending email and they published that.

I would like to know what hon. Members opposite think about that. It is before the courts. Mr. Speaker, I have raised it here so that people in this Parliament will understand the extent to which some people are prepared to go to deal with UDeCott. My colleagues and I would like to know the facts. That is what we are after. We are not after "ol' talk" and innuendoes; we would like to know the facts. Hon. Members opposite should be interested in nothing else.

You do not, on the basis of a statement you make at the commission of enquiry, come to the Parliament and repeat the statement as fact. That is what is happening. One side of the story is two sides. The latest one to do it is the Member for Princes Town North. The Member talked about CH Development. He gave one side of the story. UDeCott has denied the matter more than once, but it is not convenient either for the Member for Diego Martin West or the Member for Princes Town North or anyone on that side to point that out.

On May 23, 2008 there was a release from UDeCott. I am not defending UDeCott; I am putting the facts on the record. Mr. Calder Hart, Executive Chairman of the Urban Development Corporation of Trinidad and Tobago, his wife, members of UDeCott board and its management staff have never had any beneficial, financial and/or legal interest whatsoever in CH Development Limited, Sunway Construction Caribbean Limited or Sunway Construction SDN BHD, whatever that is. UDeCott will in due course address all the allegations which were made in the House yesterday.

Which one of them made reference to this? And this is in the public domain because it is a public document. They did not make reference to it because it is not convenient to do so. They are not interested in truth. They are interested in what my good friend, the Member for Chaguanas East describes as a lynching. They want UDeCott lynched now. We will have nothing to do with that. Let us look at the next UDeCott statement.

The Executive Chairman of the Urban Development Corporation of Trinidad and Tobago and his wife, Mr. and Mrs. Calder Hart, categorically deny any interest or involvement in CH Development and that any member of their family was involved in the award of the contract for the construction of the Ministry of Legal Affairs towers.

Commission of Enquiry Bill
[HON. P. MANNING]

Wednesday, October 21, 2009

The spurious and untrue allegations levelled by an Opposition Member of Parliament, under parliamentary privilege, are a blatant attempt to publicly tarnish the reputations of private individuals and were unfortunate. Furthermore, UDeCott refutes mischievous allegations that it acted in breach of its tender rules. UDeCott did not in any way manipulate the tender process employed for the selection of a firm for the construction of the MLA tower. UDeCott did not breach its tender process in the pre-qualification of Sunway, CH Development and Sunway Construction Caribbean Limited.

Additionally, the Opposition MP was misinformed when he stated that the pre-qualification period was three weeks, as nowhere in the tender rules does it stipulate a time frame for pre-qualification. All tenders received for the construction of the MLA tower were evaluated by UDeCott and its project managers.

Mr. Speaker, this is in the public domain. Which one of them decided—at least tell the population the truth.

Dr. Gopeesingh: It has to continue; it has to go through.

Hon. P. Manning: That is the point I am making. I am going to have to ask my colleagues for an extension of time.

Hon. Member: You are breaking the rules.

Hon. P. Manning: Which rules? The rules that the Member for Caroni Central said does not exist. [*Desk thumping*] What is wrong with you? That is how they are. He just said that the rules do not exist; now I am breaking the rules. That is how they think.

Mr. Calder Hart had no executive role at UDeCott at the time. The problem is that the source of the information that has led to all of this is the former husband of Mr. Hart's wife. They prefer to rely on the evidence of a jilted lover—[*Laughter*] That is what it is. In case they did not know it, those divorce proceedings in the court were so acrimonious that the proceedings remain sealed to this day. They cannot publish it. Yet it is on the say-so of that individual that they choose to hang their case. True or false? That is what they are doing.

Let me also say something else. Monday was very instructive for me and I hope every citizen saw the contribution of the very distinguished Member for Diego Martin West. I hope that they would have seen a man out of control and would better understand why I had to act the way I did to protect my government. I will tell you what else I saw. I saw the team relationship between the Member for Diego Martin West and the Member for Tabaquite.

I notice that the Member for Tabaquite is getting a little antsy. Relax. The method of operation, as the Member for Tabaquite knows, is one that is not unfamiliar to me. It is a method that resulted in the fall of a government in 2001. True or false?

Mr. Maharaj SC: Will the hon. Prime Minister say whether he depends upon the evidence of Mr. Calder Hart? Has he read the evidence in the commission of enquiry? He comes here to defend Calder Hart.

Hon. P. Manning: There he goes again. It is not for me to determine innocence or guilt. The court decides that. That is why we are here. We are here to validate the commission of enquiry and ensure that it is able to complete its work. Contrary to all that was said, we set up the commission of enquiry. The Government did it. That is why we are here.

Let me get back to my good friend if he thinks that I have forgotten him—tag team relationship. I have known it for some time.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mrs. K. Persad-Bissessar*]

Question put and agreed to.

Hon. P. Manning: Mr. Speaker, I really am in the debt of the distinguished Member for Siparia, but there is a piece of advice that comes out of that.

Mr. Speaker: [*Inaudible*]

Hon. P. Manning: And him too, Mr. Speaker.

It is not hate; it is love. I would advise my friend, the Member for Diego Martin West on that matter in a short while.

Coming back to the Member for Tabaquite, the method I saw existing between the Member for Tabaquite and the Member for Diego Martin West is a method that is not unfamiliar to me. I saw it in 2001 when it was used to bring down the government of the UNC. I was here. I was part of it. I know it. I know the mechanism, so when I see it, I recognize the hand of the man I describe as "el capo di tutti capi". [*Laughter*]

Mr. Speaker: For the benefit of the *Hansard*, you will have to translate.

Hon. P. Manning: It is a term that the mafia uses to describe the boss of all bosses.

3.10 p.m.

Mr. Speaker, I see the hand. I will now advise this Parliament, for those who did not know, that what you thought was "Ramjack-G" is now "Ramjack-G and Rowley". That is what it is. They are destructive in the UNC. They are trying to destroy the UNC and now they are trying to destroy the PNM, but no such thing will happen. It is "Ramjack-G and Rowley", that is what it is. I have known it for some time. *[Interruption]*

Mr. Peters: "Anytime he come here all yuh dead!"

Hon. P. Manning: We will take them on any day of the week, you, your whole—everybody. We will take on any one of you any day of the week, day, night, evening or morning. Do you know why? It is because we subscribe to truth. You all do not subscribe to that at all. I was only waiting to see how it will manifest itself. It has begun to manifest itself and what we are seeing is an attempt to destroy the UNC and now an attempt to destroy the PNM and the man in control is "el capo di tutti capi". That is the man pulling the strings. *[Interruption]*

Dr. Rowley: Mr. Speaker, would the Member give way?

Hon. P. Manning: Me? All right, okay.

Dr. Rowley: Mr. Speaker, I want to thank the Prime Minister very sincerely for being so gracious to give way while in full flight. I would like to ask him the name of the brand that he was drinking, so that I can avoid it.

Hon. P. Manning: The brand from which I was drinking was the *Holy Bible*. Let me tell you—*[Interruption]* you believe you are God, you are not God. Let God decide that. Let me tell you what I was drinking from. I was drinking from the first book of Corinthians, Chapter 13; St. Paul's Letter to the Corinthians. This is what it says, that love is the greatest. If I appear to be drunk, I am drunk on God and on love. Here it goes. I quote it for the benefit of my friend. Before I actually quote it, let me also say we have always taken the position that if politicians do not attract the level of esteem in the national community to which they believe they are entitled, they have nobody to blame but themselves, by their behaviour and the things they do and should try to avoid that.

As we prepared our candidates for the election, we talked to them about these things. One particular Saturday morning, we discussed Corinthians I, Chapter 13. The one candidate who was not present was the Member Diego for Martin West, for whatever reason. Perhaps, he might have been playing golf, I do not know. He might have been busy. He gave the impression that he did not need to be there

because he knew it all. Since he did not hear it then, I want him to hear it now. This is what it says:

“If I could speak all the languages of earth and of angels, but did not love others, I will only be a noisy gong of a clanging symbol.”

How did my friend sound on Monday?

“If I had the gift of prophecy and if I understood all of God's top secret plans and possessed all knowledge and if I had such faith that I could move mountains, but did not love others, I would be nothing.

If I gave everything I have to the poor and even sacrificed my body I could boast about it, but if I did not love others I would have gained nothing.”

Mr. S. Panday: Amen!

Hon. P. Manning: It is important to hear this, because he is consumed with hate, acrimony and animosity and that cannot do it, my friend. Love changes everything. Mr. Speaker, it is important that my good friend knows that because that is the problem that we have had.

The members of the media, I am sure that members of the media—shout? No, no it is love. Love changes everything. [*Interruption*]

Mrs. Persad-Bissessar: Unless it is jilted love.

Hon. P. Manning: If it is jilted love, you are like a bull in a China shop. What I am saying therefore is, that I am sure that there are members in the media who are aware of that which I speak; who have been on the wrong side of the tongue of the Member for Diego Martin West when he gets out of control, unable to control himself. For his own benefit, I am asking him, as my friend from Chaguanas East has said, to stop and check himself.

The Government of Trinidad and Tobago was elected by the people of Trinidad and Tobago. We have been quite successful and we are proud of it. The country has a long way to go. The country cannot get where it wants to go, if we are unable to change the order in the construction sector. We just cannot achieve it. Therefore, when you see us trying, it is not that we are against any individual.

The Member for Diego Martin East, by his own admission, is in the back pocket of one of the key protagonists in this matter. [*Interruption*]

Dr. Rowley: Standing Order 36(1).

Mr. Speaker: No, you do not have to.

Hon. P. Manning: I withdraw, Mr. Speaker.

Dr. Rowley: Do not withdraw it.

Mr. Speaker: You also have to apologize to the Member.

Dr. Rowley: No, say it again.

Hon. P. Manning: Mr. Speaker, I apologize.

Dr. Rowley: Say it again.

Hon. P. Manning: I apologize unreservedly to my good friend from Diego Martin West, Mr. Speaker, and I ask that the comment be struck from the record. Love, that is love. What I am saying is that we have to change the established order and if that order does not change, then the aspirations that we legitimately have set for ourselves are unlikely to be realized.

Thank you very much.

Mr. Vasant Bharath (*St. Augustine*): Mr. Speaker, I thank you for the opportunity to contribute to this very lofty high-sounding Bill, Commission of Enquiry (Validation and Immunity from Proceedings) Bill. I am not quite sure how to respond, because I had not come here prepared to deal with the book of Corinthians. The only validation that the Prime Minister seems to have been involved in was validating his position as political leader of the PNM.

A more appropriate title for this Bill would probably have been a "Bill that Testifies to the Corruption, Nepotism and Incompetence of a Failed PNM Regime". It is a Bill, unfortunately, that has been alluded to by my parliamentary colleagues, that is occupying very important legislative time, both in this House and the Upper House, simply because of a simple issue that should have taken place, that for some reason, whether deliberate or not, did not take place; that is the gazetting of this Commission of Enquiry.

What we have seen at this Commission of Enquiry, the evidence as it unfolded itself in the Commission of Enquiry over the last 12 months, would make our biggest ever corruption buster, Jean Miles turn in her grave. The evidence that has unfolded itself would make John O'Halloran, the high priest of PNM bobol, blush with embarrassment. It would make the PNM poster boys of sleaze and bribery, from LABIDCO to the Caroni Racing Complex, from Project Pride to Petrotrin, seem like mere choir boys.

Mr. Speaker, the evidence of fraud, treachery and duplicity that has unfolded itself before this Commission of Enquiry makes a mockery of the fact that

Trinidad and Tobago is supposed to be heading for 2020 status in a short space of 11 years. In fact, the way that this country is going, we may very well institutionalize corruption in public offices before we get to 2020 and we may do so voluntarily if this PNM Government has its way.

The evidence of bid-rigging and overall lack of public accountability with the public purse is making this county look as though we have a split personality. On the one hand we are the home of the world's greatest cricketers, who we must publicly applaud, of course, and on the other hand, the home of some of the most corrupt public officials, who we must publicly shun. I would return later to some of evidence we are here today to validate through this piece of legislation.

First of all, I want to dissect the legislation a little, in terms of what has caused us to be here. The hon. Attorney General, in presenting this Bill, both to the Upper and Lower House, rhapsodized in steering legalese for, I guess 45 minutes or more in both Houses, seeming to bring himself almost to some sort of orgasmic crescendo, in terms of the legal language that he was espousing. He quoted chapter and verse ad nauseam, about the reason why this Validation Bill is before us; the very fact that the matter was not gazetted. He also said that it was inconceivable that we should restart the hearings. Of course, we on this side, roundly applaud that position.

He also said that the purpose that we were here and the purpose the gazetting did not take place was a simple administrative oversight. No details were provided, with regard to how this oversight took place. It is simply an administrative oversight. *[Interruption]* Sorry, you were saying that you were not here? Okay, the Attorney General is stating publicly that he cannot take the responsibility for it, because he was not here. In any event, he simply said it was an administrative oversight that caused it and no further details.

This Government cannot hide behind the fig leaf of providing a probe within a probe that has been set up by Justice Lucky. They simply cannot, because that is the substantive matter before this House: Why was this allowed to take place? We all know that it did take place. The Attorney General has told us so. Why did it take place? The Attorney General did not say that. Is it, for example, he must know, the Government must know, a simple procedural matter? I am sure the Attorney General must be well versed in law. Is it a simple procedural matter that—*[Interruption]* the Attorney General has admitted that he has done three and they were all gazetted. Therefore, he must know what the procedure is for gazetting in this particular case. You cannot explain further public funds in another probe to decide a simple issue like who is responsible for it.

Commission of Enquiry Bill
[MR. BHARATH]

Wednesday, October 21, 2009

Is it—[*Interruption*]

Hon. Jeremie SC: It is free.

Mr. V. Bharath: If the Attorney General knows who is responsible, maybe he would like to stand up and say now, in the three enquiries that you are involved in, who was responsible for gazetting. I would give you the opportunity. You said that you were involved in three.

Hon. Jeremie SC: My experience is that the secretary and the Attorney General would take responsibility for that.

Mr. V. Bharath: Therefore, you are saying that the previous Attorney General and the secretary and/or or both are responsible for the non-gazetting of this matter. Therefore, there is no need to spend millions of dollars to launch another probe to find out who it is. Take the necessary—[*Interruption*]

Hon. Jeremie SC: I think I have said on maybe 100 occasions but, I would say it again, that Justice Lucky is doing this exercise free of charge to the Government of Trinidad and Tobago. It is costing us nothing, that way.

Mr. V. Bharath: Well, it is costing us time, hon. Attorney General. The fact is, if you know who is responsible, take the necessary action now. You do not need to have a probe to do that if you know who is responsible. If the Government is aware of who is responsible, why are we prolonging this issue? Why are we prolonging the population's agony to try to find out who is behind it or who is responsible when you know who it is? You have just stated that you know. You know the answer.

3.25 p.m.

Mr. Speaker, if this Government is at all sensitive or responsive to the people of Trinidad and Tobago, they will know that the majority of the population of Trinidad and Tobago does not believe one single word that it says with regard to why this was not done.

Survey after survey has shown that the population is extremely cynical with regard to why this matter was not undertaken. The population believes that the Government is intent on destabilizing the work of the commission so that it could prevent this commission from going any further. When you read the newspapers on a daily basis and you look at the opinion polls and what people have to say, it is clear that the people of Trinidad and Tobago do not believe that this Government is intent on carrying this commission and the work of the commission any further.

Mr. Speaker, that is also in line with the MORI poll results in April this year where 74 per cent of the population actually stated that they were unhappy with the work of this Government. The governance of this Government was very poor. A poll conducted by themselves; the MORI poll—they paid for it themselves. I find it astounding, deeply disturbing and distressing that none of the high-priced attorneys who were attached to the commission were not able to also determine that the gazetting had not taken place. These attorneys are costing us millions and millions of dollars, and they were not able to unearth the fact that a simple administrative matter had not taken place like the gazetting of the commission. I am belabouring this point simply because this is the way this Government does its business. This is an example of how this Government continues to do its business, and the kind of culture that it cultivates, not just in Government circles, but throughout the workforce, particularly with regard to CEPEP and so on.

Let me come back quickly to the point the Prime Minister made about unemployment being at an all time low. What the Prime Minister failed to tell the country is that currently CEPEP and URP account for 15 per cent of the workforce. If tomorrow morning we have to curtail funds in some way to these organizations—the unemployment rate is not 3 per cent, 4 per cent or 5 per cent, but 20 per cent. We have done nothing to put these people into productive employment. [*Desk thumping*] That is why we have to import Chinese labourers. They are the persons who are at risk and affected. When the Prime Minister says that our workforce is not affected, of course, it is affected, because we are shunting people into unproductive and sustainable jobs with no training that gives them the life skills to be able to come out and do something productive for themselves and their families. We are keeping them in dependency. So, those are the people; the 15 per cent of the population that is affected.

Mr. Speaker, with regard to the initial stages of this commission, when it first started you would recall that the Government was very much against setting up this commission of enquiry. In fact, they wanted a joint select committee which we felt and the population felt did not have the legal teeth to be able to deal appropriately with this matter. We then had a situation where commissioners were appointed—Mr. Keith Sirju and Mr. Israel Khan—and their tenure on the commission was jeopardized simply because it was felt that they may not have been independent enough.

At every step of the way, there is an appearance that this Government is attempting and has always attempted to engineer and destroy the credibility and integrity of this commission. Maybe that may not have been the case and may have been unintentional but, certainly, the population believes that has been the case, and the Government has done nothing to convince them.

Commission of Enquiry Bill
[MR. BHARATH]

Wednesday, October 21, 2009

When the Prime Minister stands in this Parliament today and goes out of his way to publicly defend Mr. Calder Hart, despite the evidence that has come out in the commission that also speaks volumes to the population that this Government is intent on ensuring that this commission goes no further. [*Desk thumping*]

Mr. Speaker, on the one hand, you have the hon. Attorney General breathing fire and brimstone about white-collar crime and, on the other hand, you have a situation where this Commission is funding the attempt to wreck this investigation by the board of UDeCott by funding their court matters.

The point was made, I think it was by the Member for Diego Martin North/East, that everybody has a right to defend himself. He alluded to the fact that the Member for Couva North had a right for judicial review. The Member for Couva North did not use state's fund to defend himself and to go to court. [*Desk thumping*] These people are using state's funds. They are using state's funds to wreck an enquiry into themselves, and that cannot be right.

We are here to validate evidence that tells of a company where relatives of the wife of the executive chairman put themselves in a position where they got a hefty contract within a very few short days of incorporation. The evidence that came out of the enquiry shows very clearly that CH Development, which the Prime Minister just spoke about, was incorporated on October 19, 2004. They were pre-qualified as a preferred bidder on October 25, 2004. Six days later this company that had absolutely no track record in the construction industry was a pre-qualified bidder to bid on the Ministry of Legal Affairs towers. Mr. Speaker, not only that, but they actually lied about their credentials.

When I looked at the documentation CH Development said in their tender document that they were the builder of the year in 2003. This is a company that was not yet formed, and yet they were the builder of the year in 2003. How is that possible? Members opposite sit here and defend that kind of thing. In 2003, they were the builder of the year, when they were not even formed. Members on that side continue to support them and prop them up.

On Friday June 06, 2008 in the *Newsday* it says:

“Imbert: UDeCott checks Sunway

Leader of Government Business Colm Imbert yesterday said the Urban Development Corporation of Trinidad and Tobago (UDeCott) has asked Sunway Construction of Malaysia to investigate allegations that its subsidiary, Sunway Caribbean, was formerly a company called CH Development, run by relatives of UDeCott chairman Calder Hart.

Imbert said UDeCott should be able to provide that answer to Government by next week...

‘I am reasonably confident that this exercise will be completed by the end of the week and a response will be made, treating with each one of the allegations...’”

This was on Friday, June 06, 2008, and we are now in October and we have had no response whatsoever, but continued defensive of UDeCott.

In its incorporation documents there is absolutely no reference to Sunway Construction of Malaysia, yet a mere three months later on January 27, 2005, the three directors of CH Development transferred their shares to Sunway Construction, SDN BHD. The three shareholders apparently or allegedly are the brother and brothers-in-law of Mrs. Sherrine Hart, the wife of the chairman of UDeCott, which begs the question: What was the consideration paid by Sunway Construction, SDN BHD to CH Development? No company who has a \$368 million contract is just going to hand it up just so!

If it is that you have a contract in your hand for \$368 million, a contract which was \$45 million above the next bidder, you are not going to hand that over for nothing. Where is the consideration for that? Has anyone attempted to trace the consideration and to trace the money? Have we done any forensic exercise to trace where those funds are? Was it paid in TT dollars? Was it paid in US dollars or South African rands? How was it paid? Does CH Development have a bank account in Trinidad? We do not know. None of these things are being asked. Yet the Prime Minister stands in this House—I have to tell you that I am certain that when the ordinary citizens of Trinidad and Tobago looks at the Parliament channel and looks at the news tonight and sees the Prime Minister behaving in that manner and defending UDeCott, they are going to make an assumption that he has a vested interest. [*Desk thumping*]

Mr. S. Panday: True.

Mr. V. Bharath: They are going to make that assumption. Mr. Speaker, despite all of this overwhelming evidence, Members on the other side continue to support UDeCott. In the *Newsday* dated May 03, 2008 it says:

“No problems with UDeCott

Planning and Development Minister Emily Gaynor Dick-Forde has defended UDeCott’s chairman Calder Hart and says she was not aware of any problem with any of its projects.

Commission of Enquiry Bill
[MR. BHARATH]

Wednesday, October 21, 2009

...she had no problems with UDeCott and was in regular contact with Hart...

According to Dick-Forde, she receives regular updates on UDeCott's projects.

'Normally we get quarterly reports...the reports focus on expected completion dates give status updates and any commentary that might be useful...'

'I' am aware of the projects because we are regularly discussing them at Cabinet...'"

So, they are discussing these projects at Cabinet, and they are still unaware that these massive overruns and irregularities are taking place. So, she said that it is not an issue of concern to her.

Mr. Speaker, the Uff Commission of Enquiry was told during evidence that the Chancery Lane project had escalated from a cost of \$296 million to \$477 million. That is cost overrun or an escalation of \$181 million. The evaluator on that project is still very much around within UDeCott system. Do you know what caused the increase in cost of \$181 million? UDeCott claimed that they had forgotten to put a cost for removing the occupiers of the premises and for removing the old electricity lines. Imagine you have surveyors, architects, planners and analysts doing this, presumably not for the first time—presumably these are high-paid surveyors and high-paid professionals doing an exercise—so how can you forget about the cost of removing electricity lines? How could you forget about the cost of removing the existing occupiers? Are these people being taken off the road? Again, it raises significant questions as to whether in fact there was any real intention of really getting to the facts of this matter.

The legislation that we are about to validate—that is why I support my colleagues with regard to this matter, because we do not have a choice. We have to validate this legislation, despite our reservations with certain issues, we have no choice—will also tell about the rising construction cost with the centre for the Performing Arts.

Let me read here from the *Newsday* again, and it is quoting Israel Khan and it says that the National Academy for Performing Arts in Port of Spain was yesterday described as a “spider web”, apparently only being able to accommodate dancers who use small Chinese steps. [Interruption] Israel Khan, the commissioner said that. Maybe you have small Chinese feet. He went on to say that Khan's comments came as the commissioner queried several apparent irregularities in the project, including the failure of UDeCott to obtain all relevant planning permissions.

Mr. Speaker, according to the dossier in the project, the estimated cost of these academies has gone from \$260 million to \$864 million.

Mr. Imbert: Where did you get that from?

Mr. V. Bharath: I am going to tell you where I got it from. Mr. Speaker, it says that the figures do not include cost for the installation of fixtures and fittings at both academies. So, this exercise in validation would give us further information of why there is cost overrun, not including fixtures and fittings, that has gone from \$260 million to \$864 million. Mr. Speaker, \$604 million more; 300 per cent increase.

3.40 p.m.

Mr. Imbert: That is not true.

Mr. V. Bharath: Well, if you want to call Israel Khan a liar that is entirely up to you, but that is what the man has said.

Mr. Imbert: He never said that.

Mr. V. Bharath: Mr. Speaker, in all of this, the mother of all scandals, the Tarouba Stadium, a mascot to PNM financial impropriety and corrupt activity where the initial cost has moved from \$275 million to over \$1 billion and counting—the Minister of Sport and Youth Affairs has come here, very boldly as most of his colleagues do and say that he is not sure when the stadium is going to finish and he is not sure what the final cost is going to be. [Interruption] This is the public purse we are playing with and they are brazen enough to tell us, we do not know what the final cost is going to be, whatever "it's gonna be, it's gonna be" and we do not know when it is going to finish. It could finish in 2011, 2012, 2015, it may never finish. Like the Caroni Racing Complex, it may never finish. [Interruption]

There are many other projects. Let us take the Waterfront Project, an article in the *Trinidad Guardian*: "UDeCott finds magic formula on waterfront project". A quotation from Dr. Krishna Bahadoorsingh who is the deputy chairman of UDeCott; he said everybody is talking about all the other places where we have overrun and we are talking about corruption, nepotism and so on, but you know what, and I quote:

“Nobody looks at the waterfront project. Here’s a project, \$1.8 billion, the largest project in the history of Trinidad and Tobago done within budget and within time. That project was equivalent to Hasely Crawford winning a gold medal.”

Commission of Enquiry Bill
[MR. BHARATH]

Wednesday, October 21, 2009

That is what he said, but the true facts are not that. In fact, I am quoting here from the House of Representatives, the meeting of the Finance Committee on January 09, 2009. In that it says:

In accordance with the terms of the agreement "—between the Waterfront Development Limited, UDeCott and the Commissioner of State Lands—" the State had to enter into one or more subleases with UDeCott for a term of 50 years, with an option to renew.

It goes on to say:

“Sublease (1) was executed on January 02, 2008 and sublease (2) was executed on December 31, 2008. By deed of ratification the terms of the sublease has since reduced to 30 years with an option to renew.

It was also agreed”—Mr. Speaker, and this is the important part—“that US \$15,660,541 in respect of sublease (1) and US \$4,951,139 in respect of sublease (2) be payable semi-annually in respect of the installment rent reflecting payment of UDeCott debt service obligations to its lenders for a period of 17 years.”

Mr. Speaker, when you add up \$15,660,541 and \$4,951,139 you come to a semi-annual payment of US \$20,611,680. When you multiply that by 34 payments, because it is semi-annually, you get a figure of US \$700,797 000 and when you convert that in TT dollars, the cost is TT \$4.4 billion. So when Mr. Krishna Bahadoorsingh from UDeCott tells us that the cost is \$1.8 billion, he is not telling the truth. He is trying to mislead, both the population and—

Mr. Imbert: You are trying to mislead the House.

Mr. V. Bharath: Well, maybe he has already misled the Member for Diego Martin North/East, because he seems to have believed it, hook, line and sinker, but I do not believe that too many people in Trinidad and Tobago are going to believe that. The actual cost is \$4.4 billion and not \$1.8 billion.

When the Prime Minister stands and talks about UDeCott being the agent of Government, that is exactly who they are, the agent of Government, funnelling funds out of these major projects with no tendering procedures into channels that we do not know where it is going in. So, that is why it is important that we validate this Bill and allow the commission to continue to do its duty, so that we can find out these channels and where these moneys are going to. Despite all of that, you have a situation where, again, Government Ministers—now we see the Prime Minister, the highest office in the land is defending them and we see also across the board you have others.

Again, same Member for Diego Martin North/East called for UDeCott probe, tainted on May 15 and he says:

“It appears to me that the *Express* is missing the point, since a commission of enquiry is a very serious matter and it would be irresponsible of a Government “—this is when he was trying to ensure that the commission of enquiry did not get off the ground—” to accede to calls for such an enquiry on a whimsical basis. All of these issues I am talking about here, billions and billions of dollars.”

The Member for Diego Martin North/East is saying that these are whimsical issues, and it goes on:

“Indeed, if such a precedent were established then we would have a commission of enquiry every Monday morning in Trinidad and Tobago “— [Laughter] and he goes on to support the Prime Minister in what the Prime Minister said here today, talking about the fact that—” At the forefront for the calls of the enquiry I see consultants, I see contractors and suppliers who are engaged in dispute with UDeCott in one way or another respected their performance or participation.”

From where I sit, this is a hypocritical campaign designed to destabilize, discredit and damage the Government's development programme, and in my view, the protest is all about the maintenance of vested interest, cartels and monopolies and the construction sector.

Mr. Speaker, I will tell you that the protest on that side is because of vested interest. That is where the vested interest is, that is where the protest is coming from them. They have a vested interest in ensuring that this commission of enquiry is shut down and shut down forever.

Hon. Member: True.

Mr. V. Bharath: This is flying in the face of everything in Trinidad and Tobago that we hold to be dear to our hearts. You have a situation where despite what is taking place the Government continues to dish out multi-billion dollar contracts and multi-million dollar contracts to UDeCott and despite the evidence that we have before us.

I want to mention briefly that up to today, five years later the procurement procedures that were presented here—five years ago, April 2004, if I remember correctly—have not been brought to this House and we know why. We know why this procurement procedure has not been brought and it is coming out over and over again in the evidence showing itself in the commission of enquiry.

Commission of Enquiry Bill
[MR. BHARATH]

Wednesday, October 21, 2009

[*Interruption*] Yes, and my colleague from Princes Town North had showed it, in fact, I remember the date, June 2004, Reform of Government's Procurement Regime, that they continue to say that they are going to bring and has not come as yet. [*Interruption*]

Mr. Speaker, where else would a Prime Minister in the face of incontrovertible evidence stand in a Parliament and defend the chairman of a taxpayer-owned organization to the hilt, when we are undergoing probably the biggest political—not probably, certainly the biggest—stench in the history of Trinidad and Tobago. Where else, which other country would a Prime Minister share the social company of such a chairman who is under investigation, openly? Where else would such a chairman, dare to attend a party political conference of the ruling party when he is under investigation—

Mr. Panday: And sit in the front seat.

Mr. V. Bharath:—and sit in the front seat. Proud to be sitting in the front seat as a member—

Mr. Panday: Spitting in the people's face.

Mr. V. Bharath: Where else would such a chairman visit regularly the Prime Minister's official residence? You see, Mr. Calder Hart is no ordinary man, as they know there. None of them on that said could stand up and say boo when Calder Hart talks.

Mr. Imbert: Is that so? Boo.

Mr. V. Bharath: Looking again at the evidence when Mr. Calder Hart gave his witness statement to the commission, he said he has been residing in Trinidad and Tobago for the last 22 years. He also said he came to Trinidad in 1986 to live and he applied and received his Trinidad and Tobago citizenship in 2004. He has dual nationality.

Mr. Calder Hart was on UDeCott board since its inception in December 1994. In other words, when Mr. Hart was appointed as a director he was not a Trinidad and Tobago citizen, when he was appointed by this Trinidad and Tobago Government. In fact, when he was appointed as chairman of UDeCott in 2004 he still was not a citizen of Trinidad and Tobago. [*Interruption*]

So for 10 years you had a Canadian citizen operating at the highest level in an organization charged with billions and billions of dollars, who is not even a Trinidad and Tobago national. On page 8 of Mr. Hart's statement to the commission, he submitted to the commission, he said this and I quote:

“I take this opportunity to make the following matters absolutely clear. I am not a politician, nor a citizen; I am not even a member of any political party.”

Again, that is not true. For the year 2003, UDeCott chairman, Mr. Calder Hart disclosed to the Integrity Commission, that he was a member of the ruling People's National Movement.

Hon. Member: What?

Mr. V. Bharath: Yes, he did. The disclosure was made in his statement of registrable interest for the year 2003, dated November 30, 2004. Under the heading—

Hon. Member: Nothing wrong with that.

Mr. V. Bharath: Nothing wrong with that, but do not lie!—he said, I hold membership in the following political trade or professional associations, Mr. Hart declared the People's National Movement, No. 1 Tranquility Street, Port of Spain. If that was not enough his continued presence at PNM functions and PNM convention on July 13, 2008, proudly sitting in the front row grinning, represent an active and clear alignment of the PNM.

Let me remind the public, for reference, because my colleague from Mayaro alluded to it. Let me remind this honourable House, that Mr. Hart currently serves as UDeCott—and remind many of you there, you may not know—executive chairman, chairman of the Home Mortgage Bank, chairman of the National Insurance Board, chairman of the Trinidad and Tobago Mortgage Finance Company Limited and chairman of National Insurance Property Development Company Limited.

Mr. Panday: And NIDCO.

Mr. V. Bharath: He is the chairman of six boards in Trinidad and Tobago. He has also been a director of National Enterprises Limited (NEL) and Tobago Fairways Villas Limited, Tobago Plantation House Limited, First Citizens Bank FCB Holdings Limited, FCB Limited, FCB Trust and Assets Management Limited and the Home Mortgage Bank. One man! One man controlling the purse strings of Trinidad and Tobago and supported to the hilt, it all appeared, by the Prime Minister and the Government of Trinidad and Tobago. [*Interruption*]

All of this in the face of the fact that this Government comes here with a very pious stoic look on their faces to try to convince this population that they are here to protect the public's interest.

Hon. Member: Fooling people.

Mr. V. Bharath: I will have none of it. They are here to protect themselves. That is what they are here for. Because corruption and incompetence is part of the DNA of the PNM. It is part of the DNA. [*Desk thumping*]

Commission of Enquiry Bill
[MR. BHARATH]

Wednesday, October 21, 2009

Somebody told me the other day that they are like a “spranger” looking for a fix, looking for money all over the place, taking people's money. That is why they are coming to bring property taxes and all of these different things.

Mrs. Gopee-Scoon: Who told you that?

Mr. V. Bharath: Yes, that is what they are. They are like a “spranger” looking for a fix all over the place taking people's money. They have now lost all touch with the people of Trinidad and Tobago. They have lost the ability to rationalize and to think logically and they have certainly lost the ability to speak on behalf of the people of Trinidad and Tobago.

This brings me to the issue with the removal of the board that has been much touted in the national forums. The Government has taken the very high and moral ground, saying that someone is innocent until proven guilty. Yes? But what happens if it is discovered in the Uff Commission that there had been gross irregularities with regard to the public purse and the operations of the board? What happens if the board is found to have misappropriated public funds? What happens if the board is found to have committed malfeasance in public office? What recourse would this nation have at that stage? What recourse would they have, particularly with regard to contracts that continue to be dished out without proper tendering procedures?

Is there not sufficient circumstantial evidence before the commission to be able to remove the board? Does the sworn evidence that has been so vehemently argued under vigilant cross-examination, does that not amount to a prima facie case? [*Interruption*]

You know, I can find no similar case of this ilk anywhere in the world and certainly not anywhere in the Caribbean or the Commonwealth. In fact, in most countries across the world, if this had happened the Government would have resigned by now. We in the Opposition want to place on record our deep and abiding concern over the unfettered manner in which Calder Hart and the UDeCott board is permitted to continue to manage the public's purse.

You know, Mr. Speaker, if our allegations or the allegations that have come out prove not to be true, we would be the first to call for Mr. Hart's reinstatement and the reinstatement of the UDeCott board. I am demanding that the Government remove Mr. Hart and remove the board of directors of UDeCott today.

Hon. Member: Forthwith. [*Desk thumping*]

Mr. V. Bharath: If for no other reason but to reaffirm the population's faith in this state organization. It would also be a very symbolic message the

Government is sending that they are prepared, in a very serious way, to tackle the issue of crime and white-collar crime and they are prepared to ensure that there is good governance; there is transparency and accountability in the system.

3.55 p.m.

[MADAM DEPUTY SPEAKER *in the Chair*]

Madam Deputy Speaker, I want to go on record as publicly offering an apology to Prof. John Uff, for the fiasco he has found himself in. Prof. Uff as we all know is a respected British jurist, with a string of credentials taller than—I was going to say, taller than the Member for Diego Martin North/East, but I will not be uncharitable.

Mr. S. Panday: Much taller than him.

Mr. Imbert: I will accept that.

Mr. V. Bharath: It is not my intention to be uncharitable.

Mr. Imbert: It is not uncharitable.

Mr. V. Bharath: Prof. Uff's international credentials and reputation has led to many appointments as arbiter arbitrating in many continents across the world. He has presided over similar investigations to the one he is doing in Trinidad and Tobago. He is an expert in the field. When I use the word "expert", I do not use it in the term that the Member for Diego Martin North/East would use it. I use in the proper sense of the word.

Mr. Imbert: Would you give way? Madam Deputy Speaker, I thank the Member for giving way. You know all this "ol' talk" about me being an expert, it was the said Prof. Uff, who invited me to testify as an expert. Okay? So cut that out. [*Desk thumping*]

Mr. V. Bharath: But in his witness statement, he stated that he was giving these statements as an expert. He said it himself in the statement.

Mr. Imbert: I was invited as an expert.

Mr. V. Bharath: That does not mean you are an expert. If the man made a mistake, [*Laughter*] which he clearly did— But, nevertheless, coming back to it, I am unsure how the non-gazetting slipped past this expert. Everybody is distancing themselves from the gazetting of the commission.

Hon. Jeremie SC: It is my fault. I was in England.

Mr. V. Bharath: It was your fault?

Hon. Jeremie SC: I was in England.

Mr. V. Bharath: Okay, if you insist. Well, now we know where the fault lies. Now we know where the fault lies, Attorney General.

Hon. Jeremie SC: [*Inaudible*]

Mr. V. Bharath: Well, I hope you are not casting aspersions on anyone who went before you. But nevertheless, I am sure that the probe being done by Justice Lucky will unearth who exactly is to blame.

But, Madam Deputy Speaker, Prof. Uff has now found himself mired in a mess caused by a stalled investigation, non-gazetting of the commission, and by sustained efforts by UDeCott to topple the probe. You know, I am wondering what Prof. Uff's view of Trinidad and Tobago must be. Does he think that we are some kind of banana republic with more money than an administrative sense, or competence? What must he be saying to his postgraduate students at King's College in London, about Trinidad and Tobago? What would he write in his memoirs? To Prof. Uff, we say that we are deeply sorry that this has taken place.

Madam Deputy Speaker, I want to take this opportunity to remind this Government, that in light of all that has taken place over the last six years, that Trinidad and Tobago standing as far as the corruption perception index, has significantly decreased over the last seven years.

Dr. Gopeesingh: Worsened.

Mr. V. Bharath: Yes, worsened over the last seven years. The world is seeing Trinidad and Tobago as an increasingly corrupt country. The UDeCott scandal will do nothing to begin to repair that issue at all, or repair that perception. Imagine what Commonwealth leaders who are due here in November, will be thinking as they hear that the Prime Minister of Trinidad and Tobago ignored a colleague, who since 2003, told him about bid rigging at UDeCott. How would the leaders of the Americans, who we have just recently entertained, think when they read what the Prime Minister said yesterday, that all these revelations of overwhelming corruption are just "ol' talk"?

Madam Deputy Speaker, what the leaders whom the Prime Minister addressed at the United Nations recently would say about the issue of the fax number being the same for Calder Hart and for CH Development?

Mr. Imbert: Not the same.

Mr. V. Bharath: Madam Deputy Speaker, I ask this Government to ensure that all legal loopholes are now closed, so that the attorneys for UDeCott, who may come sniffing around for another loophole, may not be able to find such a loophole to further create a situation where they may want to torpedo this very important investigation. And, I respectfully ask that the Government give its commitment today in the House, that the report will be subject to immediate release in the quickest possible time, otherwise there is no point doing it.

Without sanitizing the study, most importantly, the Government must give a commitment that the recommendations of the commission are implemented post-haste. I am asking for these commitments, not on behalf of the Opposition, but on behalf of the people of Trinidad and Tobago who are seeing the trust that they have put in this Government betrayed. They have seen their hopes dashed and they have seen their faith quashed over the last seven years. They have witnessed in horror, the machinations of this Government trying to foil this most important piece of work, and it is probably the most important investigation in this country's history.

This Government has brought morality in public life and public office to a despairingly low level, and a huge remedial job is now required, both on the part of UDeCott, as well as the Government of Trinidad and Tobago. I want to reiterate what all of my colleagues have said. We have been placed in a position very much as we were with the Financial Intelligence Unit Bill, where we were railroaded into a position, that on behalf of the country, and as patriots of Trinidad and Tobago, that we are forced to support a Bill that should not have ever had to come to this House for validation.

We support the measure, Madam Deputy Speaker, simply because, we support the people of Trinidad and Tobago, and it is in the interest of the people of Trinidad and Tobago that this validation takes place.

I thank you very much. [*Desk thumping*]

The Minister of Science, Technology and Tertiary Education (Hon. Christine Kangaloo): Thank you very much, Madam Deputy Speaker. Madam Deputy Speaker, I rise to support this Bill, and as I do, I wish to appeal through you, to Members of this honourable House, to separate what is fact from emotional frenzy, to apply reasoning as opposed to stirring up hysteria. And we just got a very good example of that, when we listened to the contribution from the Member for St. Augustine.

I appeal to Members to encourage analysis, and avoid the bacchanalia that has thus far characterized many of the contributions of Members of the Opposition,

Commission of Enquiry Bill
[HON. C. KANGALOO]

Wednesday, October 21, 2009

including the hissy fit that we saw demonstrated by the Member for Princes Town North. He threw a hissy fit.

Hon. Members: A tantrum. [*Laughter*] A total tantrum. Tantrum.

Hon. C. Kangaloo: Madam Deputy Speaker, we have heard it time and time again, from the hon. Member for Lopinot/Bon Air West, and we heard it from the hon. Prime Minister, when he said that facts are stubborn things, and I want to focus on the facts. There are at least four facts that we need to bear in mind as we consider this Bill.

The first fact is that this Bill deals with a commission of enquiry that has been set up by this PNM administration.

Mr. Bharath: Because nobody else would do it.

Hon. C. Kangaloo: We keep hearing over and over the way that the Members of the Opposition present it, you will swear that somebody else set up this commission of enquiry. It was set up by the Government of Trinidad and Tobago. [*Desk thumping*] Madam Deputy Speaker, roar as loudly as the Member for St. Augustine is choosing to do, roar as loudly as they might, nothing the Members on the opposite side can say, can alter that fact.

This administration has set up, I think at least six commissions of enquiry, so that we understand what a commission of enquiry is about. The UNC in their term in office set up, I think about three.

Mr. Imbert: None!

Hon. C. Kangaloo: I think it could be three.

Mr. Imbert: None.

Hon. C. Kangaloo: But the one that I remember the most, is the commission of enquiry that was set up by the UNC government to look into the administration of justice, which up to today, many believe—because that is the legacy of the hon. Member for Tabaquite—that it is was set up to harass the Judiciary and for no other end. So on each occasion, when this Government set up the commission of enquiry, they were done to enquire into matters of national concern. So if governance were a football, as the Member of Parliament for Chaguanas West would sometimes wish it were, the score would be as far as commissions of enquiry go: PNM administration, five; UNC, half. [*Desk thumping*]

Mr. Bharath: Because you have more to investigate. You have more to investigate now.

Hon. C. Kangaloo: The point is that this Government is not afraid of any commission of enquiry. We understand the proper use of commissions of enquiry, and we are committed to resourcing the commission of enquiry in the national interest. What we have been hearing from the Opposition, they are trying to portray it in some other light, but that is the fact.

So when Members of this honourable House allow themselves to get carried away into suggesting that this Government is somewhat thwarting the Commission of Enquiry into UDeCott and into the Construction Sector, this country must be reminded of the fact, and see the suggestion for what it is. And I have to coin the phrase that the Member for Diego Martin North/East always uses, "arrant nonsense".

It is absurd to suggest that this Government is not about transparency or accountability. It would do us well to remember that the Commissions of Enquiry Act is an Act which allows the Government, through the President, to set up the commission of enquiry for the public welfare, and I want us to focus on those words, "for the public welfare". Having acted for the public welfare in respect of commissions of enquiry on at least five previous occasions, and with the greatest respect to the Members opposite, the facts and history are quite clear that this Government acts in the interest of the public, and included in that public interest, is the interest of all the people of Trinidad and Tobago. [*Desk thumping*] It does so, on its own motion.

The second fact I wish to talk about, is the technical defect in the constitution of the commission. I am calling it a technical defect. That technical defect lies in the omission to publish in the *Gazette*, notice of the establishment of the commission. The relevant section is section 15 of the Commissions of the Enquiry Act which provides that:

“All commissions under the Act and all revocations of any such commission, shall be published in the *Gazette*, and shall take effect from the date of publication.”

So the purpose behind publication in the *Gazette* is to give notice to the world that a commission of enquiry has been established.

Madam Deputy Speaker, let us understand this. One hundred and seventeen years ago, when the Commissions of Enquiry Act was passed in 1892, the most effective means of giving notice to the world was publication in the *Gazette*. In today's world, clearly, that is no longer so. There are circulation in newspapers of wide readership, wider than the *Gazette*; there is the electronic media; there is the Internet. Publication in any of these media is undoubtedly more effective, than the publication in the *Gazette*.

4.10 p.m.

It is critical to remember the fact that notice of the establishment of the commission of enquiry has been given to the world through publication in daily newspapers, via electronic and other print media, via live television broadcast of its daily sitting and, for the first time in the history of Trinidad and Tobago, with a dedicated commission website. This has all been provided by the Government of Trinidad and Tobago. [*Desk thumping*]

On that website, the terms of reference, the procedural orders and directions made by the commissioners, as well as the evidence led at the hearings, are available to the public. There is no question that the public has been given effective notice, and more, of this commission of enquiry and what it is doing on a daily basis. If anything, there has been notice overkill, and the purpose behind section 15 of the Act has been really attained many times over. That is why I say that this Bill seeks to address a technical defect. It is a most technical defect in the extreme.

Those who would suggest that the omission to publish the *Gazette* is part of an evil conspiracy involving the Government, are blinding themselves to the fact that it is this Government that has ultimately paid for and resourced the massive publications of notice of the appointment of this commission of enquiry via all the media I have just spoken about. So it is ridiculous, and they keep doing it over and over. When each Member of the Opposition stands, they keep doing it over and over; it is ridiculous to suggest that in the face of all these facts that it is the Government's intention to do anything, other than to achieve the purposes of section 15 of the Act.

Equally, and we all know it, there was an omission to publish in the *Gazette*. Equally, there is the fact that there was a Privy Council decision on an entirely different set of facts coming out of St. Vincent, which suggested that non-publication in the *Gazette* was a critical matter. That is the case of *Joachim and the Attorney General* of St. Vincent. That case, if it were to be decided on the facts of the widespread publication of the commission of enquiry in Trinidad and Tobago, might have been decided differently.

But this Government of Trinidad and Tobago, in its commitment to protect what has happened in the commission of enquiry, has moved very quickly to gazette the appointment and to also bring the relevant legislation here. All that signifies is this Government's intention to protect everything, to not run from anything in the commission of enquiry. We have to keep making that point, because those on the opposite side constantly seek to give a different impression. Hopefully, the actions that I have just spoken about are sufficient to put to rest the nonsense about any conspiracy to thwart the commission.

There is another fact which also needs to be considered, and that is the fact that the Government has commissioned its own enquiry into the circumstances which led to the non-gazetting of the commission. If the Government was really interested in thwarting the commission of enquiry, would it have done this? Would it have commissioned an enquiry to understand what has happened? That is why I said, let us listen to the facts, and the facts are very clear, and the facts, as my friend would say, are stubborn things.

I want to touch briefly on the contribution of the hon. Member for Tabaquite. I have noted that the hon. Member was fulsome in his praise for the Attorney General in presenting the Bill. I need to say something about that. Firstly, it is not praise that the Attorney General can and would want to accept as belonging to him alone. As the MP for Tabaquite correctly appreciated, this particular Bill that is before this Parliament could not have been brought unless the Cabinet—and it is a point that has to be made—headed by the hon. Prime Minister, which includes the hon. Attorney General and the other Members of the Cabinet, were behind it. That is how this Bill has come here. [*Desk thumping*] Again, that shows the nonsense that we have been subjected to in the arguments presented by those on the other side, but those are the facts. \

I want to say to the Member for Tabaquite that on behalf of the hon. Prime Minister, on behalf of hon. Attorney General and on behalf of all of us on this side, we accept the praise that has come our way and the expressed recognition that the hon. Member for Tabaquite has given to this Government, because he has seen and commended this Government for its unswerving commitment to transparency.

Hon. Member: It is in the *Hansard*.

Hon. C. Kangaloo: We are not taking away anything. Did you hear the comment, Madam Deputy Speaker? Let me point out as well that unlike the Member for Tabaquite, who heaped upon himself self-congratulation—because he always does that—about his standing alone in his fight against corruption, and who always has to point that out—the hon. John Jeremie SC stands side by side with all the other Members of Cabinet in treating with all these issues. [*Desk thumping*]

Mr. Sharma: You have 13 more minutes before tea; you have nothing to say.

Hon. C. Kangaloo: Previous speakers have dramatically said why they were going to support the Bill before this Chamber. Everybody, after they go through the long, long discourse on the conspiracy theory and why the Government is thwarting the commission of enquiry, after they give us 45 minutes of that, at the end of it they say to us that they are going to support the Bill, because of what they want to see in the

Commission of Enquiry Bill
[HON. C. KANGALOO]

Wednesday, October 21, 2009

commission of enquiry. I must tell you what I want to see and why I am supporting this Bill and why I want the commission of enquiry's work to continue.

I want an explanation on Cleaver Heights, particularly because my colleague from Lopinot/Bon Air West, in whose constituency that development is situated, is inundated with requests about certain issues on the Cleaver Heights project. That is why I want the commission of enquiry to continue. He wants to be able to answer why people cannot get their mortgages finalized; why they are being told that the land has not been handed over to the Housing Development Corporation; why the project has been stalled so many times and how many houses are there really in Cleaver Heights. Those are issues I want to see addressed by the commission of enquiry. The Member for Lopinot/Bon Air West is anxious to get those answers. The hon. Member for Lopinot/Bon Air West, in his capacity as the Minister of Information, who has the line responsibility for libraries, wants to also understand when we would be able to offer to Tobagonians library services that are comparable to what obtains in Trinidad. He wants to have that answered as well.

There is also something else I want to get answered. I want the commission of enquiry to report on one John Connon's evidence that was given under cross-examination in respect of the Cleaver Heights project. This gentleman, John Connon, I think that is his name, is the Managing Director of NH International Caribbean Limited. Under cross-examination this gentleman indicated that the valuation was deliberately changed in respect of price per unit to cause NHIC's summary of the price to equal \$143,449,000, which apparently is a figure which NHA or HDC had erroneously put on its letter of award. I want to understand how the commission of enquiry would treat with what came out under cross-examination.

I want to point out that this said John Connon, in his evidence, initially had said that they did not pick up the mistake; so there was a mistake that they did not pick up. Then he turned around and said under cross-examination that the valuation was deliberately changed. I want this Bill to be passed so this the commission of enquiry could continue its work, so we could get a report on these critical issues.

That evidence of John Connon is very strange, because that evidence, I believe, would vindicate the hon. Prime Minister who had raised a particular issue on Cleaver Heights. If that evidence is analyzed, that would vindicate the hon. Prime Minister. Madam Deputy Speaker, I want to understand all that from the commission of enquiry.

There are other issues. We want the commission of enquiry to continue, because we want to deal with the other terms of reference of the commission of enquiry. We want to deal with the procurement practices in the public

construction sector; we want to understand the effect of the use of provisional sums, prime cost sums, nominated suppliers and nominated contractors in construction contracts in the public sector. We want to understand what the commission of enquiry is going to produce. We want to understand the effect of incomplete designs, design changes, variations, poor supervision and poor management on the cost and delivery of construction projects in the public sector.

We want to understand about the performance of local and foreign contractors and consultants on public sector projects. We want to understand the effectiveness of the turnkey approach, which is also known as the design/build approach for the delivery of public sector construction projects, as compared to the traditional design and tender approach; and we want to understand the reasons for and the effects of cost overruns, delays and defective workmanship in public sector and construction projects.

Why do we want all of this? Because this Government is determined to achieve its Vision 2020 development programme. As part of that programme, we need to build police stations; we need to build community centres; we need to build schools; we need to build hospitals; we need to build sporting facilities and, at the same time, we want to get the best value for money as we complete this very ambitious development agenda that we have for the people of Trinidad and Tobago. [*Desk thumping*] That is why I want to support this Bill and I want the commission of enquiry's work to continue.

I also want the commission of enquiry's work to continue, because when the report is produced, I want to understand all the fiction that has been presented to us. I keep hearing in this Parliament about evidence being presented, not understanding that two persons could go before a tribunal and say two completely different things. You cannot accept that as evidence of the truth until the determination is made by a commission of enquiry. [*Desk thumping*]

Madam Deputy Speaker, those are some of the issues that I feel we need to see addressed, and that is why we on this side are committed to having the legislation passed and having the commission of enquiry continue the valuable work it is doing. That is what we are about.

4.25 p.m.

Madam Deputy Speaker, before I close I need to address some of the issues that were raised by the hon. Member for Diego Martin West, and an important date to note when the hon. Member for Diego Martin West spoke is August 2003. That date, according to hon. Member, is the date he said he went to the Prime Minister and told him that there was bid rigging taking place at UDeCott.

Commission of Enquiry Bill
[HON. C. KANGALOO]

Wednesday, October 21, 2009

I ask you to take note of August 2003 because the record of *Hansard* will show that on Wednesday October 13, 2004 the hon. Member for Diego Martin West in this Parliament, in giving an account of his portfolio as the Minister of Housing talked, among other things, about the number of houses UDeCott was building in furthering the Government's housing programme. It seems, Madam Deputy Speaker, that the public position that the Member of Parliament took was not consistent with what he now says were his private views, and that is why I am highlighting the dates for the House's attention.

On October 16, 2006 the hon. Member of Parliament was speaking in the Senate on the Appropriation Bill as Minister of Housing and he said this:

“In the period 2003 to 2006, the Housing Development Corporation, with the support from UDeCott and...the Sugar Industry Labour Welfare Committee which falls under the (HDC) was responsible for building 18,829 housing stocks.”

He then went on to say:

“I want to assure you... that these are not just... abstract numbers... many of them come from grossly substandard situations. That is development!”

So Madam Deputy Speaker, what was part of development at that stage in 2006, the support of UDeCott is now being called corruption. That is what the Member for Diego Martin West alluded to on Monday.

On the August 29, 2007 in Parliament as the Minister of Housing, the hon. Member of Parliament for Diego Martin West spoke with pride about his previous efforts to restructure—I think the financing package for the Waterfront Project—and he ended by pointing out that it was owned by the people of Trinidad and Tobago, and inherent in what he was saying was that this was a source of pride—the Waterfront Project—belonging to the people of Trinidad and Tobago.

Madam Deputy Speaker, when the Member of Parliament should have been raising his recently revealed private conviction, he was praising the subject of his condemnation. He praised when one thought he would have raised; he was praising when he should have been raising.

I speak of all this as I am about to wrap up more in sorrow than in anger, because the Member of Parliament for Diego Martin West was part of the PNM team which presented itself to the people of Trinidad and Tobago in 2007. The hon. Member and I actually appeared together on a few national platforms which were all headed by our political leader, the hon. Prime Minister. Our collective campaign in 2007 was founded on the principles of integrity and morality and I

just want to say that we of the People's National Movement and members of this Government continue to adhere to those principles. There is absolutely no need for any mould to be broken, we understand what we are about, we understand morality and integrity in public life and we hold and subscribe to those principles.

So Madam Deputy Speaker, in conclusion, I once again want to restate my support for this Bill, restate my support for the commission of enquiry to continue its work and I urge all Members to support the Bill unreservedly without any condition whatsoever.

PROCEDURAL MOTION

The Minister of Works and Transport (Hon. Colm Imbert): Madam Deputy Speaker, in accordance with Standing Order No. 90, I beg to move that Standing Order No. 10(2) be suspended to allow us to continue with the debate until conclusion without taking the tea break at this point.

Question put and agreed to.

COMMISSION OF ENQUIRY (VALIDATION AND IMMUNITY FROM PROCEEDINGS) BILL

Dr. Rowley: Thank you very much Minister for giving way. I just want to ask a question to clarify. Clearly you have scored my contribution in the House, but on the matter that you raised quoting me saying that the Waterfront is owned by the people of Trinidad and Tobago and you incurred that was in praise of UDeCott which I now condemn, are you prepared to admit that that comment about the ownership of that project was in the context of me saying that the previous arrangement for the Waterfront, which was a UNC project, that some of those buildings would have been owned by the private sector on terms that were not acceptable? What I was talking about was that the current arrangement, those projects are now owned by the State.

Is that what you infer as praise of UDeCott, or am I correct in my context?

Hon. C. Kangaloo: Madam Deputy Speaker, I think I made it quite clear, and I gave the context in which the Member of Parliament had made the pronouncement. But the point is, who played a part in the Waterfront Project that the people of Trinidad and Tobago—you were very proud at that time to talk about the fact that the people of Trinidad and Tobago owned the Waterfront Project. It was a source of pride for you then, and UDeCott played an integral role in that project.

On Monday, there was also some sarcasm addressed to the hon. Prime Minister with respect to, I think, functions at the Waterfront Project and I thought

Commission of Enquiry Bill
[HON. C. KANGALOO]

Wednesday, October 21, 2009

I needed to bring that and put it into perspective for Members of this honourable House. The fact of the matter is that the Waterfront Project was hailed as something we should be proud of and something that is owned by the people of Trinidad and Tobago.

Madam Deputy Speaker, as I was winding up, I just want to say that there are critical issues involved. I find when we hear people saying that they want the commission of enquiry to continue, they seem to be focusing on UDeCott alone, it is more than UDeCott and I have said to this honourable House why I would like some of the issues that we want answered and we want to see generated in the report in respect of the commission of enquiry.

We have our work to do, we have the development agenda for the people of Trinidad and Tobago and we intend to move to Vision 2020 and provide all levels of service consistent with that vision to the people of Trinidad and Tobago. So I just ask that everyone support the Bill without reservation.

I thank you.

Mr. Chandresh Sharma (*Fyzabad*): Madam Deputy Speaker, the Leader of Government Business only moved that the tea break be suspended so I can speak because I am sure the Prime Minister may have advised him it would be a very intelligent contribution for the next 45 minutes.

Madam Deputy Speaker, I feel a degree of sadness on what obtained in this Parliament this afternoon. I thought the contribution of the hon. Member for Chaguanas East was very sad. I have never seen in this Parliament an attack on a fellow Member of Parliament as I observed today. If you are dealing with issues, you are dealing with issues. If one Member of the ruling party departs—and we have had that experience, the Member for Tabaquite in a previous manifestation was disengaged from the Government, and that kind of hate never obtained.

When listeners on national television today—in fact we all receive an average of five or six messages on our cellphones from citizens from Trinidad and Tobago who are very disturbed. This is not how we conduct business. It cannot be.

If the hon. Prime Minister, who preaches about love as a born again Christian, which we all accept, because there is only one Prime Minister in this country, he will tell you when he visits the Opposition constituency of Fyzabad he is well received by the people because he is the Prime Minister of Trinidad and Tobago, and he is received by the hon. Member of Parliament who leads a delegation and presents gifts as well because he is the Prime Minister.

The Member for Chaguanas East is a colleague and this Parliament cannot be used—this Caribbean country of Trinidad and Tobago is becoming a leader country, many countries are looking at us. We just hosted President Barack Obama and we are going to host the Queen of England in a few days. Imagine if the persons who are coming to Trinidad were to switch to Channel 11 and see the Member for Chaguanas East, they would be puking wherever they are.

I want to suggest this is not how we conduct business. I hold absolutely no brief for any Member of Parliament, including the Member for Diego Martin West, absolutely none. I cannot understand what may have contributed to what goes through the mind of a Member of Parliament. And the hon. Prime Minister reminded us that there was a discomfort in the country in the early 1970s, which started in 1969, which led to the Black Power revolution in 1970 where there was bloodshed and the loss of lives.

In 1989, a similar kind of discontent started which led to 1990 and the distinguished Member for Chaguanas East was a part. The only Member of Parliament, who had lost his life in this House since 1956 as a result of an invasion of this Parliament, is the photograph of the Member there, des Vignes and the Member for Chaguanas East was part of that movement.

Madam Deputy Speaker, behind that curtain there is a bullet hole and the Member was part of that organization, that is public knowledge. [*Interruption*] And the Member for Tobago East confirms, thank you. So they are aware of this. We are in 2009, if the pattern continues, Madam Deputy Speaker, it means that something is going to happen in this country next year which is only three/four months away and we must do everything to avoid that.

Mr. Imbert: "Like yuh planning something or what?"

4.40 p.m.

Mr. C. Sharma: We must do everything to avoid this. The Leader of Government Business is asking if we are planning something. It happened in 1970; it happened in 1990. If it is a 20-year span, it is going to happen in 2010 and the Prime Minister has a singular honour to prevent this from happening.

I am making an appeal to the Prime Minister—

Mr. Manning: What I do?

Mr. C. Sharma: I am saying that you are the leader of the country and what obtained in the Parliament today certainly signals: not good. I am speaking to you from my heart and we represent people. This commission of enquiry that we are

Commission of Enquiry Bill
[MR. SHARMA]

Wednesday, October 21, 2009

here to validate—we have had many commissions of enquiry. The PNM came into government in 1956, but as early as 1951, we had a commission of enquiry relating to something in Marabella in 1951. We have had many commissions of enquiry.

When you look at the origins of commissions of enquiry, it was really to treat with issues that the national community is not happy with. You do not go to enquire if you love your wife or if you treat her well; you go to enquire if you treat her wrong. [*Interruption*] You are not aware of that? You have not been treated well, I can see. But that is how the system is designed. The system is designed to treat with ill issues.

Mr. Imbert: Ask the Member for Caroni East about that; he know "bout dat".

Mr. C. Sharma: Do you treat yours well? [*Crosstalk*]

In 1968 we had the commission of enquiry surrounding the Sales, Leases and other Transfers of Gasoline Stations, and a young lady lost her life—Gene Miles. The PNM was in government.

In 1978, there was a commission of enquiry into the Licensing Department of the Ministry of Works and Transport. In 1979, a commission of enquiry into the case of the *State v Mohan Ramjatsingh, Colo Seecharan, Moonesar Maharaj and Frederick Parker* for the murder of Rajiv Mohammed, 1979. Also in 1978, there was the British West Indian Airways, and you saw what happened later. They gave away the airline. There was a commission of enquiry into the extent of the problems of drug abuse in Trinidad and Tobago—House Paper 2 of 1987; the Scott Drug Report.

So on every occasion—I heard the Member for Pointe-a-Pierre boasting that under the PNM there were so many commissions of enquiry. It was because people were discontented in the country; they were not happy and this led to the commissions of enquiry in many instances.

In 1965: Report of the Commission of Enquiry into the marketing of petroleum products, Part I; in 1980, a commission of enquiry into the dairy meat industry; interim report and the specific use of an interim increase subsidy payment to the processing subsector of the poultry industry. In 1979: Report of the commission of enquiry into the conduct and evidence given by Dr. B.K. Bootra and Assistant Superintendent of Police, Bobb in connection with the case of the *State v Mohan Ramjatsingh*. So commissions of enquiry have been with us. It is a provision of our Constitution, but we, the people of Trinidad and Tobago, have been saying for the last number of years that there is too much corruption in Trinidad and Tobago in all the sectors.

I heard the hon. Prime Minister say that the Chinese labourers came in to treat with the construction issues. But as we heard today, 15 multi-purpose companies are giving contracts to all the local contractors and they are delivering. All the police stations that the Member for Pointe-a-Pierre spoke about, have been built with local labour; all the health centres; all the schools. What has happened today? Let me walk you through a few of the projects under UDeCott and in every single one of them there are massive cost overruns.

Mr. Manning: Is it local contractors or foreign?

Mr. C. Sharma: UDeCott.

Mr. Manning: Not UDeCott; local contractors.

Mr. C. Sharma: No, I am saying in this particular one, some are local—

Mr. Manning: Madam Deputy Speaker, I thank the Member for Fyzabad for giving way. When you are pointing it out, just indicate, please, in each project, whether the contractor was local or foreign.

Mr. C. Sharma: Thank you, Sir. You know, the National Academy of Performing Arts is really a flagship building; it looks that way. I have not seen the inside. But, Madam Deputy Speaker, through you to the Prime Minister, do you know the cost per seat for that building? It is going to seat 1,500 people. In the commission of enquiry thus far, the cost has been calculated at \$864 million.

Mr. Manning: Madam Deputy Speaker, for the benefit of the very distinguished Member for Fyzabad, the Academy for the Performing Arts is, in fact, three facilities in one and the concert hall is merely one aspect of it. On the south side you have the academy and the number of students that would teach—why do you not calculate the cost per student? Then on the northern side there is the hotel; then you have two restaurants inside it. So to give a calculation on the basis of seats in the main auditorium—and, plus, there are two other auditoria that are slightly smaller than that. So your statistics are completely wrong.

Mr. C. Sharma: Hon. Prime Minister, I am not disputing what you are saying, I am saying the industry standards, if you build a hotel with 10 accompanying buildings, you calculate number of rooms. [*Interruption*] Hold on. You are not an expert witness. I want to make the point and you will correct me if I am wrong. When you look at a hotel that has a conference centre and a badminton court, the industry standard is that you say the number of rooms divided by the total cost.

In the case of the Hyatt hotel, it is, I think, 428 rooms. We heard today it is about \$4 billion. Based on that, if that is correct, that is \$800,000 per room. In the

case of the Academy for the Performing Arts Centre, it is 1,500 seats. If it is inclusive of everything the Prime Minister said, but if you look per seat, it is hosting 1,500 seated, and they say you could add another 500, at that, it would be \$600,000 per seat.

Mr. Imbert: I thank the hon. Member for giving way and I thank him for giving me the opportunity to educate him. If you want to work out the cost per seat—and I have no problem with using that as your benchmark—then you have to disaggregate the cost of the entire project and determine what is the cost of the concert hall in the entire cost and then divide by the number of seats. You cannot take the cost of the hotel, the cost of the school, the cost of the restaurants, the cost of the three concert halls and divide all of that by the seats in one concert hall. That is false arithmetic. Similarly, with the Waterfront, the Waterfront involves three buildings: two 26-storey towers plus a 400-room hotel, plus a multi-storied car park, plus conference facilities. Each one represents part of the cost.

By the way, the cost that the Member for St. Augustine quoted is also false arithmetic. The capital cost is \$1.8 billion. The cost over 50 years includes all of the interest payments on the loan financing.

Mr. Bharath: Not 50 years; 17 years.

Mr. Imbert: Whatever period of time it is. [*Interruption*] Hold on, I am not finished. So that it is an indisputable fact that the construction cost of the Waterfront Complex, which I want to repeat, involves two 26-storey buildings, a hotel, conference facilities and a multi-storied, car park, the construction cost is \$1.8 billion.

Dr. Gopeesingh: Four point four billion dollars is the total cost—the Finance Committee meeting.

Mr. C. Sharma: Thank you. But, you see, in fairness, you have not agreed or disagreed. I asked you, which I was hoping you would answer honestly, that the industry standard, when you do a hotel, you divide the total cost by the number of rooms. That is the industry standard all over the world and you are aware of that. Monday we will have the Youth Parliament coming here. If the Youth Parliament has to be advised by the experts, they will say you take the number of rooms and you divide it by the total cost. And if you are building a theatre, you take the number of seats and you divide it by the total cost. That is the industry standard that obtains in the United Kingdom and elsewhere. So at the end of the day, you have to take the total cost divided by the hotel rooms.

Now, having taken into consideration what you have said, that does not dismiss the fact that there were massive cost overruns on both projects. I will

identify—I do not have the information on whether it is Chinese labourers or local labourers for everyone, but the Arima Regional Administrative Complex under UDeCott, the Brian Lara Cricket Centre, we know it is close to \$1 billion—

Mr. Imbert: Is it local or foreign?

Mr. C. Sharma: That was designed for 25,000 spectators; it is in excess of \$1 billion. When you divide 25,000 into \$1 billion, do you know the figure you are getting? Much too high; massive cost overruns. Canaan Place in La Romaine, cost overruns; Chaguanas Regional Corporation Complex—local—cost overruns; Chancery Lane Complex, massive cost overruns. Again, when you look at the dollar per square foot, the industry standard in Trinidad and Tobago is \$1,100. At present it is in excess of \$3,000. Diego Martin Administrative Headquarters, cost overruns.

Mr. Imbert: Your figures are wrong.

Mr. C. Sharma: Edinburgh 500—highway completed—cost overruns; Government Campus Plaza, cost overruns thus far; Green Street Housing Project Development, cost overruns—

Mr. Imbert: Local or foreign?

Mr. C. Sharma: A combination, I think: Invaders Bay Development, Port of Spain, cost overruns; Lady Young Road Apartments, cost overruns. It cannot be by accident that every one of them is cost overruns. This is what the national community has been saying. We are happy to see projects; we are happy to see development—

Mr. Manning: Local or foreign?

Mr. C. Sharma: The information is not provided.

Mr. Manning: That is the point.

Mr. C. Sharma: But the point is, the Ministry of Education Tower, cost overruns and you are not talking about 10 per cent or 25 per cent, you know. The Ministry of Local Government Building, the same; the Ministry of Public Information, Naparima Bowl, cost overruns; Office of the Director of Public Prosecutions, Winsure Building, same; Oropune Housing Development; Palmiste Development in San Fernando; Pan Trinbago Headquarters, not yet finished.

Mr. Manning: Madam Deputy Speaker, I would like to set my friend from Fyzabad right. UDeCott is not a construction firm; it is a project management firm. It organizes things and companies construct under the auspices of UDeCott. The problem is not with UDeCott, you know, the problem is with the contractors on the one hand and with the supervision and design on the other. Many of the

projects of which you are speaking, even where you have foreign contractors, you have local architects. That is the problem; that is what we are trying to change. So it is not a question of UDeCott, UDeCott. Take the Brian Lara Stadium in San Fernando, it is not UDeCott, you know; it is Karamath. It is local contractors. That is the problem and that is what we are trying to change.

Mr. C. Sharma: You are the Prime Minister of the country and you are the Minister of Finance at large. If there is mismanagement, you cannot blame the Minister of Works and Transport. It is you. If there is mismanagement at Tourism, they have to blame you. If UDeCott is managing, it is responsible. Give me the job and I will do a much better job. [*Laughter*] No, let us be serious.

The point is that you, as head of the Government, have agreed to appoint UDeCott. In fact, the Leader of Government Business said they did not award contracts to certain contractors because they did not have the capacity; they were overloaded. How come you did not recognize this with UDeCott? How come you did not recognize that UDeCott cannot manage so many projects? Maybe they are excellent, but only with a few projects.

Mr. Imbert: Listen, the fact of the matter is, UDeCott is handling a lot of projects—

Mr. C. Sharma: Too many? And why are you allowing more?

Mr. Imbert: Hold on. It is a fact that they are handling a lot of projects and when you are handling a lot of projects there are always capacity issues. We are not unmindful of these things.

Mr. C. Sharma: But you see, you accept that and we all agree with that, but what is the cost at the end of the day? The taxpayers are paying too much money. You calculated earlier—or it might have been another Member; I do not recall—that we are losing X amount of billions. But if you are managing \$15 billion and you are losing 10 per cent, it is \$1.5 billion. That is too much. If it is 20 per cent, it is \$3 billion. That is too much. We can use that money elsewhere.

The People's Mall in Port of Spain, it is the same story; the Princes Town Regional Corporation, same. If it is that it has come to the attention of the Government of Trinidad and Tobago that UDeCott is incapable of doing so many projects, let us revisit it; let us change it. Why are we allowing it to continue and frustrate the community, create all this hate and blame?

4.55 p.m.

You will recall when the hon. Prime Minister caused to be appointed the commission of enquiry, at first we heard about Gordon Deane then there was

protest. The *Sunday Guardian* dated October 04, when the commission collapsed, carried: A National Disgrace; No Transparency; The Worst; It Is Embarrassing; Government Slammed For Uff Commission Fiasco; Big Conspiracy; International Shame; We Want Answers; Trinidad and Tobago Will Cry; Vexing; Enough Is Enough; Huge Cover Up. It tells a story. This is the story of the people of Trinidad and Tobago. So I do not see anyone, whether Government Member or back bencher raising these issues and getting up with a personal attack. It does not make sense: "Mark calls AG to go after Hart". There was some evidence that suggested that we need to revisit how we do things. It has been happening for a while.

I want to continue on the projects because I am hoping that the Government is agreeing that UDeCott does not have the capacity, maybe, the manpower, intelligence level and time. The Tobago House of Assembly, Scarborough Market, Roxborough—I heard the Member for Tobago West. The Member is aware that these projects have cost overruns, the Transit Hub in Tobago, the library and the financial complex. Of course, we heard of the Port of Spain International Waterfront Centre, the new Breakfast Shed, Siparia Administrative Complex, Sangre Grande Complex, San Fernando Waterfront Development Project, King's Wharf, not yet off the ground, San Fernando Transit Hub and the San Fernando National Academy for the Performing Arts. The same thing obtains for the San Fernando National Academy for the Performing Arts for long periods. This is under UDeCott with foreign labour. Very embarrassing is the restoration of the President's cottage. We are seeing work going on all over. The President, the Head of State is now living in maid quarters or something of the kind.

All this information was circulating to the Government for a long time. The Members of Chaguanas East, Pointe-a-Pierre and others say, "we want answers" and they keep going after Cleaver Heights. Why does the Member for Point-a-Pierre want the commission of enquiry to provide that information when the Minister of Planning, Housing and the Environment has that information and the Bob Lindquist investigation is completed and the report is available? The information is there. One hundred and sixty-three houses were constructed on 50 acres of land, ranging from \$949,000 to over \$1 million and people have not had their houses. We do not need the commission of enquiry to tell us that there are Members opposite, Ministers of Government who have acquired houses there. They should tell us. Mr. Prime Minister, it has come to our attention that in the Cleaver Heights Project, Ministers of Government have gotten houses ahead—[*Interruption*]

Mr. Speaker: Order!

Mr. C. Sharma: Every time the Opposition raises something the quickest answer is that it is a lie, it is untrue. It will surface that Ministers of Government have gotten houses there. It is not only Ministers of Government but also former ministers of government ahead of persons who paid down. People were required to pay down their money and they paid 10 per cent more than three years ago and are still waiting, although there are houses that are finished. To hear the Member for Pointe-a-Pierre say that she wants answers on those on behalf of the Member for Lopinot/Bon Air West and they are in Government.

I want to read a letter written on behalf—maybe, the Member for Lopinot/Bon Air West is not aware. This was written by a Member of this House whose name I will not reveal today.

I am advised that your organization is responsible for the above mentioned project and therefore, I write this complaint. This letter is to draw to your attention the fact that several constituents over the last year have visited my office complaining about the fact that moneys were deposited in relation to the purchase of homes in the project, but to date, the project remains incomplete.

The majority of constituents visiting are angry due to the unfilled promises of delivery of their homes.

The Government is asking for answers and it wants the commission of enquiry to provide those answers. The Government has really collapsed if the Ministry of Planning, Housing and the Environment cannot give these answers to the Government. The Member for Pointe-a-Pierre is asking these questions on behalf of the Member for Lopinot/Bon Air West, a Member of the Cabinet of Trinidad and Tobago. If the Government has to depend on the commission of enquiry to give answers, then the Government is not at work. They are able to find out so many other things.

[MR. SPEAKER *in the Chair*]

It is clear that from what transpired today in this Parliament there is a serious breakdown in Government. Over this weekend, a few days ago, more than 173 million persons assembled at what is known as Stand Up Take Action End Poverty Now event, setting a new world record for the largest mobilization in history. What they have found in many situations where there is poverty in countries is that there is a lot of mismanagement of the public purse. A Guinness World Record shattered this weekend when 173,045,325 citizens gathered at over 3,000 events in more than 120 countries demanding that their governments work on removing extreme poverty. Stand Up Take Action End Poverty Now, now in

its fourth year has been certified by the Guinness Book of Records. An increase of 57 million persons from last year.

This is happening in so many countries where there is poverty, but in many of the countries the research has shown including Trinidad and Tobago, that too much of our money goes into corruption. We lose too much of our money. When you look at the budgets over the last five years as it relates to construction, you would see that in every project undertaken by this Government, from road paving to the laying of water mains—I heard the Member for Chaguanas East say that people are complaining about the distribution of street lights. That may have been so, but they were also complaining about the cost. There is a report in the AG's office now that shows levels of corruption and the AG is aware of it. People are disturbed by the corruption in T&TEC. The T&TEC Report.

Hon. Jeremie SC: It is a complete fabrication to say that the report shows corruption. I am looking at it now and I have not come to that conclusion. It shows inefficiencies but I have not come to that conclusion as yet.

Mr. C. Sharma: Then, your statement is premature. The report was sent to you because there are concerns about corruption. The OWTU also presented a factual report that showed corruption. [*Interruption*] It does not matter to whom. You have it too.

The point is that on every occasion when you raise the question of corruption, there is too much defence. Why do you not start saying that there must be some element of truth in it? It cannot be that WASA, corruption; T&TEC, corruption; NGC, corruption. Look at Petrotrin! From \$3 billion to \$9 billion. Is that cost overrun? It is not possible. Nowhere in the world you ever hear about that. When we raise it treat with us. We are not your enemies. We are in government together. Government is made up of Government Members and Opposition Members all over the world. We also live here. The Prime Minister preaches that. We want to live here. While the Prime Minister is the Prime Minister he would obtain our respect and support. When things happen we have to raise them. We have no other place to raise them. Do not hate us for raising them. [*Interruption*] It comes over that way. You want to shoot down everybody. [*Interruption*] I hope you have no funny ideas with that love. "Ah watchin yuh ah lil while." [*Interruption*] Say again. You want to be Mrs. Sharma?

Mrs. Nunez-Tesheira: Not at all!

Mr. C. Sharma: I know. I know you would love it. You would really love it. [*Laughter*] You see all that "yuh sufferin". Mr. Prime Minister, do you see the kind of love we have here?

Mrs. Nunez-Tesheira: Neither Mrs. Gopeesingh.

Dr. Gopeesingh: "I didn't kill my husband, yuh know. Sweetheart, I didn't kill my husband for insurance money yuh know, so doh go dere."

Mr. C. Sharma: Mr. Speaker, we know that Sunway—if it is that there are concerns about Sunway, let us deal with them. Within the organization let us deal with them. Every time a debate comes up it cannot be that we sweep it under the carpet and dismiss it so lightly. Suddenly, this debate comes up and all Ministers who spoke want answers. Where were they before this debate? The Member for Chaguanas East went to task with the Member for Diego Martin West. Why did you not ask this last year and the year before? How come the Member for Pointe-a-Pierre is asking it today, not only on her behalf but also on behalf of the Member for Lopinot/Bon Air West? Where were they last year? Where were they last month?

It cannot be so. Do not try to use this debate to destroy another Member. It does not make sense. Do not try to use this debate to score points. You do not score points. The country is too much involved now. You must appreciate the last election. It tells a very good story. For the first time in the country less than 35 per cent of the voting population voted for the Government in power.

Hon. Members: Nonsense.

Mr. C. Sharma: Less than 35 per cent. You add it. Look at who voted for COP and UNC and you would see. When this is happening it is telling you a story. Every day you are seeing levels of protest and dissatisfaction. Why are people so unhappy in the country? They are unhappy because of the governance that is not meeting their needs, shortage of water and increased costs in everything.

I identified a few projects. I want to identify what appeared in many websites all over. It has to do with the freezing of the commission of enquiry into UDeCott until the High Court hears UDeCott's case for judicial review which is expected in May 2010.

It may look like a bolt out of the blue but to seasoned observers it should come as no surprise.

This is a very instructive thing to note.

While on the surface there is a lot of confusion as to how lawyers for the commission could possibly have ended up agreeing to such a consent order with UDeCott lawyers.

Here you have in the country what appears to be a very bright aggressive Attorney General. How come the Attorney General did not have control in this instance? Was it calculated to be so? It seems so.

Hon. Jeremie SC: Thank you, Member for Fyzabad. I am tired of rising to my feet to explain this very point. There was an undertaking given by UDeCott and somehow that was not translated. It was not reflected in the order which was made by the court on that Friday. UDeCott went back to court. That order was vacated and an order which was acceptable to Prof. Uff and to UDeCott replaced the objectionable order. I agree that the order was objectionable but you must understand that the Attorney General was not directly a party to those proceedings. I was exercising suasion.

Mr. C. Sharma: Thank you, AG. Prof. Uff is a servant of ours. We pay him so he has no choice. You have a choice. You should have caused the board to resign or you should have resigned. I prefer if the board had gone. You are the Attorney General and you must command your space.

5.10 p.m.

You know, when the Member for Siparia was the Attorney General, they would not tolerate those things in the Cabinet. You must look at other Cabinets. You are a young man; you want a future. At the end of this session, you may end up driving a maxi because you are not commanding the space. I hope you do not come to work in south.

Mr. Speaker, I want to make the point that what has come out of today's debate is that previously you would have heard Standing Order 36(1) about one thousand times and you may have been become involved in keeping Members in line. It went all over the place.

We both came into this House at the same time and so did the Member for Diego Martin West and the Member for Diego Martin North/East. Of, course we have our challenges and differences, but what obtains in this Parliament is that we have lost an opportunity. The country is looking at us. How will we rescue this country? What obtains today, I am not aware if there are opportunities for the Speaker to intervene when there are attacks on other Members. Perhaps you were not in the House for some of it.

Mr. Imbert: Are you challenging the Speaker?

Mr. C. Sharma: I am not challenging the Speaker. That is the last thing I will do. I am simply saying that, as a Member of this House, I remember in a budget debate when that Leader of Government Business attacked the Leader of the Opposition. We talked after and said this was not the way to go. We have kids; we have young people. On Monday, there will be a youth debate here and they will

Commission of Enquiry Bill
[MR. SHARMA]

Wednesday, October 21, 2009

want to see how we perform. We will be guiding them and if this is the conduct we display, it will not be good.

I think we need to be reminded of the UNC's position when it hosted a media conference some time ago, Call to Action. We made it very clear that we wanted the UDeCott enquiry to continue. So the country and the Government knew our position from day one.

We also ask questions on behalf of citizens. One of the things we are required to do is to keep in contact with constituents and some of the questions that came to us from constituents all over, not just from our constituencies. The Member for Barataria/San Juan when he sees people at his constituency sees PNM, COP, NJAC; so does every Member of Parliament. That is our requirement. When they come to our offices, we do not ask them to show us an ID to ascertain which party they belong to. They are there to be attended to.

Some of the questions they ask are: Did the Prime Minister ask UDeCott to continue its court action through the Attorney General? If the Attorney General says that he himself was surprised by the move of UDeCott, who advised UDeCott? In fact, the Attorney General told the Parliament that UDeCott would take no action to cause the commission of enquiry to be buried. The opposite obtained.

Mr. Speaker, you will recall what obtained at TSTT and the Public Transport Service Corporation on that same day when the Minister failed to intervene. You saw a calculated effort by the Government to destroy all institutions.

The national community is also asking: Why did the Attorney General choose to make a statement in Parliament on that Thursday, in which he assured the country that UDeCott would do nothing to affect the continuity of the commission of enquiry? They further told us that the Attorney General, in response to a question posed in the Senate, said that he had met with UDeCott's Attorney General the day before, while he was in the House of Representatives, for the purpose of ensuring that their claim did not proceed in the manner in which it was crafted against certain actions of the President. That was one.

Secondly, in respect of the application to seek interim relief, he expressed his view: "My view is that of the Government of Trinidad and Tobago". The Attorney General was not acting in his private capacity. We are paying him a lot of money to act on behalf of the State. In addition, we give him many expensive lawyers.

Sen. Jeremie SC: How much money do I get?

Mr. C. Sharma: About \$60,000 plus your telephone and travelling. I understand that you have a very good appetite. Your restaurant bills are rather hefty.

I expressed my view that it was unfair for them to proceed with those claims at the time before the commission had a realistic opportunity to be heard in request of the application for interim relief.

Here is the Attorney General speaking. The Attorney General he replaced, at one time we thought she was a little weak, but you both seem to have the same cut.

I asked a question yesterday of the Member for Princes Town South/Tableland and the Member for Arima. Are the law degrees you both have from the same university where all the lawyers here practise? The answer was yes. When I look at the briefs, Attorney General, they go to friends and family. It must not be so.

I am surprised that the Member for Point Fortin always pretends these things are not real. Have you looked at the briefs? Are you an attorney in this country? Share it around. It must not all be PNM members. Do only the Kangaloos have law degrees? Are the Garcias the only ones with law degrees? What happened to the Taylors, the Sharmas and the Sinanans? I do not mean your family, Sir. It cannot be this way. When you look at all the consultancies in this country, it is one group of people.

Mrs. Nunez-Tesheira: What are they?

Mr. C. Sharma: Friends and family of the PNM. If you were not a Minister, do you think you would have gotten a consultancy? It is because of your relatives in New York that you got to be a Member of Parliament. You know that. You were rejected on a previous occasion.

The commission of enquiry has cost this country a lot of money, so in the two or three minutes—I am not taking more than 45 minutes today. When the Member for Caroni East raised the matter of UDeCott in this Parliament, do you know the personal attacks they came with? The Member for Chaguanas East was telling him about his family, his house, his motor car; poor. When you have nothing to say, stay home and say it. Do not come to the Parliament and say it. When you cannot lift the level of the debate; when you cannot deal with issues and you want to deal with personalities, it takes you nowhere.

Governments come and governments go. You will not be able to function and survive in opposition. You have to have a degree of love and care and embracing and you do not have that. You are carried away with this jacket. It gives you power. Minus your ministerial title, for the majority of you, it is 000+.

Commission of Enquiry Bill
[MR. SHARMA]

Wednesday, October 21, 2009

In closing, we are renewing the call we made long before this debate that we want the commission of enquiry to continue and the Government to make a concerted effort to treat with the national community in more meaningful ways, to reduce the wastage and corruption and to make sure that—Members of the Opposition have taken an oath of office to raise issues without fear and favour and your personal threats and threats to family. My good friend, when I raised this somebody said: How your daughter or son got a scholarship? Those things do not scare us. We will do our duty regardless.

Some time soon the government will change. We will be on that side and you will be on this side. You will have issues to raise and we will treat with them.

Thank you, Mr. Speaker.

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. Speaker, let me thank all Members of the House who have contributed to the debate over the past two days. Let me begin by assuring the Member for Fyzabad that I do not have much of an appetite and do not submit hefty dinner or lunch bills to the Ministry. I do not know what he used to do.

Secondly, I see nothing wrong with driving a maxi or taxi in Fyzabad, but I do not think I will be good at it. I know there is a life after politics as there was for me a life before politics.

Mr. Speaker, I throw myself back to where we started on Monday. I piloted this Bill in such a way that I stuck to the nine clauses of the Bill; I analyzed nine clauses. This is a short and simple measure which seeks to validate and immunize the commission of enquiry and the commissioners. I stuck to the nine clauses of the Bill. I was extremely careful in doing that.

The second thing I did was that I explained in meticulous detail the need for a constitutional majority because that occupied a great deal of time and debate in the other place. I spent some time discussing the cases on what is reasonably justifiable in a society that has a respect for democratic rights.

Mr. Speaker, you would remember that I did not once stray from those twin themes: one, the constitutionality of the Bill; and, two, the particular measures in the Bill. The reason was that I did not wish this debate to go into areas affecting the commission of enquiry. That was opened up for us by the Member for Tabaquite when he seized on clause 6 and spoke to the evidence before the commission. He said that we are validating the evidence and then my colleagues opposite went into the evidence before the commission.

We on this side have set up a commission of enquiry to do precisely what a commission of enquiry must do, that is, it must report on its terms of reference. It must keep with its terms of reference; it must keep faith with the people of Trinidad and Tobago and it must report to us faithfully in respect of the matters that His Excellency the President has charged it to report on.

I did not think that a debate in this House was the best way to treat with the matters before the commission of enquiry. So, in the circumstances, UDeCott was excoriated and the debate took a turn in respect of which Members felt that there was a need to respond to allegations which were made, but that is behind us.

I will just speak briefly to some of the comments which were made by Members opposite on the Bill. Before I even brought the Bill, I made a statement in this House on the necessity for the Bill. I remember vividly the Member for Siparia asking and making the point: Where is the Bill? All we need is a one-clause Bill that will validate everything that has been done before the commission. If I had followed that counsel, it would have been a dereliction of my duty.

5.25 p.m.

That is nothing short of legislative indolence, because it would not have addressed the fact that there was no established media at the time the Commissions of Enquiry Bill was enacted, over 130 years ago. There was, as a consequence, no need for media protection in the original Bill. There is one in the Validation Bill and it would not have dealt with the requirement to immunize the commissioners, the witnesses and the media from suit, which we have sought to do.

The Bill before us was carefully thought out. It did not take the route of a one-clause blanket immunity; that is not the way we went. We thought about it, we addressed each of the specific items that we needed to address and we came in good faith and with clean hands to the Parliament, asking the Parliament to validate what was supposed to have taken place, that is to say, the gazetting of the commission.

The Member for Diego Martin West, I dare say, my colleague from Diego Martin West, suggested that a Bill was required. Professor Uff, in his press conference, expressed the view—I think that was read out by the Member for Princes Town North—that publication in the *Gazette* might have had retroactive effect. My advice to the Cabinet was that both steps were required. We took steps to publish in the *Gazette*, beginning on September 11 and continuing until the September 14 and we took steps to pass this measure, which is before us this afternoon. We started our publication in the *Gazette* on September 11, by publishing the appointment of the Commission of Enquiry, so it went in sequence.

Commission of Enquiry Bill
[SEN. THE HON. J. JEREMIE SC]

Wednesday, October 21, 2009

That was item 1631 of the extraordinary issue of the *Gazette* on September 11. In item 1631, there is contained, the original charge of His Excellency the President, appointing the Commission of Enquiry into the Construction Sector.

In item 1632, as is required by section 15, there is published the Revocation of Appointment of the Secretary to the Commission.

In item 1633, there is published, as is required, again, by section 15, the Appointment of the Secretary to the Commission.

In item 1634, the first alteration of the terms of reference of the commission is published.

In item 1635, a further alteration to the terms of reference to the commission was published; all of this as required by section 15 of the parent statute.

In item 1636, a further alteration was published.

On September 14, we published the alteration to the terms; the composition of the commission, that is the recusal of Mr. Khan; and the non-involvement of Ken Sirju, in respect of the Cleaver Heights Project. All of this has now been gazetted, as is required by law, beginning September 11 and concluding on September 14. We then took steps, right away—the Government did not, as was suggested by the Member for Siparia, sit on its hands—to bring the Commissions of Enquiry (Validation and Immunity from Proceedings) Bill. [*Interruption*]

Hon. Member: We are supporting.

Sen. The Hon. J. Jeremie SC: You, sit and hear me out as I sat and heard you out. The Government did not sit on its hands. This Bill was put in the other place on the 1st, I believe, and even with the travel of Members in this House, we are here today on October 21, to vote on the Bill and to pass it.

If I could just speak briefly to the conspiracy theory, which was advanced several times by Members opposite—I think this theory goes something like this, it morphs, depending on the speaker—that there were PNM lawyers or lawyers who were associated with PNM persons appearing for various persons before the Commission of Enquiry and somehow those lawyers, even though they were appointed subsequent to the initial Commission on His Excellency, managed to foul up the gazetting and trip up the commission in its work. That just has to be repeated for it to be rejected. I do not think that Members opposite were doing anything but creating mischief, when they spoke of the conspiracy theory.

My colleague and friend, the Member for Tabaquite, made a few remarks, which I would like to repeat, even though I know the hour is late. I would like to get my position on record, in respect of a few matters. He said, in his contribution, that he is going to support the measure.

“This is a measure in which whenever there is a an issue in a Parliament in which an Attorney General is taking an initiative to fight corruption and misconduct in public life, every Member of the Parliament would have a duty to support it and to support it without conditions.”

He then goes on to say:

“So, I know from my experience how difficult it is for an Attorney General sometimes to take measures like these. I have been a victim of fighting to expose official corruption in Trinidad and Tobago.

Mr. Warner: You got fired.”

This is in the *Hansard*.

That, of course, was not my experience. My experience is, once the advice was given to my Cabinet colleagues, they not only took the advice, they ran with it. There is no question of me. I serve at the pleasure of the Prime Minister, as does the Member for Chaguanas East, but I do not think that I have done anything that would warrant his wrath in bringing this legislation. What I have done is a reflection of the position which the Government takes, in respect of corruption, generally.

We, as a Government, came into office when my colleagues on the other side collapsed under the weight of the Piarco scandal. That is what we came into office on. We came into office on that basis. We hold the moral high ground, when it comes to corruption. We are here to validate the Commission of Enquiry, because we want to find out what took place before this Commission of Enquiry.

If I can turn, rapidly, to my former Cabinet colleague, the Member for Diego Martin West. My colleagues would have spoken at length to the Member this afternoon and I do not wish to belabour the point. He said in his contribution these words:

“I want to tell you, Mr. Speaker, that as we validate this today we are validating hopefully, to save the PNM.”

We are not validating to save the PNM, Mr. Speaker. The Government is validating because it is the right thing to do.

Mr. Manning: Precisely.

Sen. The Hon. J. Jeremie SC: He goes on to say:

“I heard the Member for Tabaquite congratulating the Attorney General. I hope for the Attorney General's sake he can save himself through this action because he too, has a lot of questions to answer, but he can still be redeemed.”

Mr. Speaker, the Member is not here, but my redemption does not come from him and from anything that he says; it comes from my God. That is where my redemption comes from. I am not the saviour of the PNM. This Government stands on the moral high ground. We stand for integrity in public life. No one told us to, to set up this Commission of Enquiry; we set up this Commission of Enquiry. When we discovered that the Commission of Enquiry was flawed, we took immediate steps to remedy that fact. When we discovered that the commission was flawed and not gazetted, we took steps to gazette the commission. I am proud to be a Member of this Government.

I am authorized by the Prime Minister to give an undertaking that the Government will take all steps to ensure that the Commission of Enquiry will complete its work and that the Government will take the appropriate action on the report of the commission. What we are doing this afternoon is no more than what is required of us as a responsible Government. [*Interruption*]

Mr. Peters: Does that appropriate action mean to lay it in the House as soon as it is finished?

Sen. The Hon. J. Jeremie SC: We will take the appropriate action; responsible and appropriate action.

Mr. Speaker, I am not here to repeat any of the arguments made by my colleagues this afternoon. They made quite substantial contributions, unlike the Member for Fyzabad. I think today was a red letter day in the Parliament of this country and I feel proud to be, I reiterate that point, associated with the Member for Chaguanas East and all of my colleagues on this side.

Mr. Speaker, with those few words, I beg to move.

5.40 p.m.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 6 ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Chairman: The question is that clause 7 be amended as circulated:

Delete and substitute the following:

“7. Subject to section 9, the evidence validated by section 6 may be—

- (a) relied on by the commissioners in the conduct of the Commission and in their report to the President; and
- (b) used in any civil or criminal proceedings in any court.”

Mrs. Persad-Bissessar: Mr. Chairman, I am very happy to see this amendment. I would just like to ask, through you, whether this would cover, for example, the evidence taken by the commission could be used by the Integrity Commission. You have particularized here that it could be used by the commission for its report and in the conduct of their proceedings, and now civil and criminal proceedings. Would this—given how this Bill is now seeking to validate—cover, for example, evidence being looked at and considered by the Integrity Commission?

Sen. Jeremie SC: No. The Integrity Commission, as you know, would not be a prosecuting agency in any event. So, it is our status similar to the commission of enquiry. So, in my view, there is no need for that. Once the evidence as validated can be used, which is the point the Member for Tabaquite was making, in a civil or criminal court, I think that is sufficient.

Mrs. Persad-Bissessar: Hon. Attorney General, you pointed out, for example, that you have included something here to protect the media because when that Act was placed in 1892, we did not have what you have with the media, so you put in something new. I am not certain if the Integrity Commission was taken into account under the Commissions of Enquiry Act—

Sen. Jeremie SC: I am saying that in principle there is no need for that. All that the Integrity Commission does is receive reports. They gather information and then they would pass it on to the prosecuting authority, so you would end up in the court in any event.

Mrs. Persad-Bissessar: They consider matters placed before them, and then they would make a finding whether to refer it to the prosecuting authority. I am asking whether we cannot, in some way, find the words to include for the Integrity

Commission to be able to have use of and cite this evidence. There is already evidence there that some may see as being in breach of the provisions of the Act.

Mr. Manning: A finding has to be made. The mere fact that evidence may be before the commission does not mean to say that it is true. The commission has to make a finding and, therefore, we have to be careful of what we are trying to do and we ought not to do anything that goes outside the ambit of a normal commission of enquiry. We are trying to validate, and in trying to validate we are not trying to give additional powers over and above what a commission of enquiry would have. It is a commission of enquiry.

Mrs. Persad-Bissessar: You have specifically put here—

Mr. Maharaj SC: Mr. Chairman, since I had proposed this amendment, I may be able to give some light, if you do not mind. What it had before was that the evidence could be relied upon by the commissioners in the conduct of the commission and in presenting the report. The proposed amendment was that it should not only be used by the commissioners, because the commissioners would have to make a finding to give a report. I requested that it be put for civil or criminal proceedings in order to ensure that if the evidence has to be relied upon in a court of law, it can be relied upon. The Integrity Commission—I could understand the point—really investigates like the police and the prosecutors and then they send it in order to act, but they do not make a judicial finding. What we wanted to do was to ensure that the evidence which was taken before the commissioners could be relied upon at a judicial hearing, a civil court or a criminal court.

Mr. Chairman: I understood the point the first time you made it.

Mrs. Persad-Bissessar: I was asking if we could go further. We are not against the amendment. We are agreeing with the amendment that you have proposed. I think it does take the Bill further.

Dr. Gopeesingh: Mr. Chairman, I do not know if this is the thinking, but if someone wants to take something to the Integrity Commission, could they rely on the evidence in this commission of enquiry and take it the Integrity Commission for the Integrity Commission to investigate? I think this is the question my colleague is asking.

Mr. Imbert: Member for Siparia, the Integrity Commission has the power to investigate matters and refer them to the Director of Public Prosecutions who would then initiate prosecution if he sees fit. What this does is that it allows any evidence that is gathered in the enquiry to be used in those proceedings.

Remember, the proceedings are not the proceedings of the Integrity Commission, but they would be the proceedings initiated by the DPP which would flow from information gathered by the Integrity Commission. So, this protects that as well.

Mrs. Persad-Bissessar: I am totally understanding that you are protecting the evidence being used in a court, whether civil or criminal, but there is another process where any member of the public can initiate before the Integrity Commission by making a complaint. We could make a complaint that we think so and so is in breach of that Act within the Integrity Act and then we say, look at this evidence that has come forward. As it stands, you are saying to me that I cannot do that, because I cannot put that evidence before the Integrity Commission. That is what I am asking you and, therefore, I would not be able to make a complaint.

Mr. Manning: Suppose we did not have to validate this and that things were done in a manner which had caused the commission to be enforced, would what you are proposing have been part of that arrangement or it would not have been?

Mrs. Persad-Bissessar: I would think so, and I am asking the Attorney General to tell us yes or no. What we have done now is that we have been very specific. You would recall that I have asked for an omnibus clause which would say "notwithstanding section 15 it is declared that all acts and things done by person or authority in pursuance of the powers conferred by the Act that are deemed to have been lawfully and validly done..." That was the omnibus clause that I was asking for which would pick up anything else and throw it where it would have been under the Act. What we have done, and which is also correct, is that you have given specific things. You have taken the actions and the evidence and you have specifically identified them and said what they could be used for, that is to say; for preparing the report and now to be used in the court of law. You have specifically narrowed it into those confines as to what it could be used for.

Mr. Jeremie SC: Okay, the evidence is validated by clause 6. If we understand that, then the use to which you put it—my point is that the commission of enquiry is similar to the Integrity Commission. It is a similar type of body in that they gather information. Once the evidence is validated evidence under clause 6, it could go to the Integrity Commission, but that is nothing in and of itself. The real question is whether it can be used in a court of law which is what we have covered. The Integrity Commission does nothing by itself. It gathers evidence and then it sends the file to the DPP; they will give you an opportunity to be heard and say that they think that this is a matter for the police, and they would pass the matter on. It is not a court in and of itself.

Mrs. Persad-Bissessar: I do not wish to prolong this, but just one further point. What is the objection to having the omnibus clause? This was one example given by a Member here where you may fall out of the loop and you have included it. What is the objection to having an omnibus clause that it could pick up anything that is missing?

Sen. Jeremie SC: It is really not necessary. We think we have covered everything in clauses 6 and 7. We only have civil and criminal courts.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Dr. Rowley: I am not pretending to be a lawyer, but in reading clause 9—I just heard the Prime Minister say that we are not, and I hope that we are not trying to do anything that the Commissions of Enquiry Act does not now have within its script. I do not know that the Commissions of Enquiry Act has the text of clause 9 in it. If I am wrong, maybe the Attorney General could assist. When it says:

“Notwithstanding any law to the contrary, no legal proceedings or other action shall be filed or maintained against—

(b) any person who gave evidence to the Commission;”

Is that not an arguable point that somebody could come and say: I gave testimony to the commission. I was a person who had given testimony to the commission. I am protected by this because the law that Parliament passed says that:

“Notwithstanding any law to the contrary, no legal proceedings...”

or even investigation against any person who gave evidence to the commission. Does this not provide an opportunity for a person to say: I am excluded from other actions or legal proceedings by this clause, which I do not think is part of the existing Commissions of Enquiry Act? I would like the Attorney General to assist. If I am wrong in my interpretation of the window that it provides for the arguable case, then I would like the Attorney General to say so. Eventually, if somebody does try to do that, then the State could come to the text of this meeting to see what the intent was when the Bill was passed.

Mr. Jeremie SC: Mr. Chairman, I did look at the clause carefully. It is not identical to the provisions in the Commissions of Enquiry Act, but in sections 11

and 12 of the Commissions of Enquiry Act you have protections given to commissioners and witnesses. What we have added is a media protection in clause 9(c) which I have explained before, where at the time the Act was passed, we did not have a vibrant media 130 years ago. So, there was a need to put that in.

5.55 p.m.

I did consider the clause and whether it gave immunity which was larger than that contained in the Commissions of Enquiry Act and I am satisfied on reflection that it does not. If you look at the end words, they say:

“Notwithstanding any law to the contrary, no legal proceedings...(a), (b), (c)”—and then the governing words—“as a consequence of the failure to gazette the Commission...”

So that it takes you straight back to the Act.

Mr. Maharaj SC: It limits it.

Mr. Jeremie SC: It limits it, but it is something that I thought about.

Dr. Rowley: I just want you to word it to make sure that when the high price lawyers go to argue it in the court it is there without any ambiguity, that it is not the intent of the Parliament to provide a loophole for any person who can argue in the way that I have described. That is not the intent.

Mr. Jeremie SC: No, the Parliament would not be sitting to provide loopholes.

Dr. Rowley: No, I am saying a person could interpret it as a loophole to argue it.

Mr. Jeremie SC: In my view it is governed by the failure to gazette the commission and all the immunities that are conferred on by a, b, and c, are immunities which are limited to those which would arise as a consequence of the failure to gazette the commission.

Mr. Maharaj SC: I understand the point that the Member is making, but the Attorney General is correct in that what this does is it limits the immunities with respect to the consequence of not publishing it in the *Gazette*.

Mr. Chairman: Yes, I think you are both right.

Question put and agreed to.

Clause 9 ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to, That the Bill, as amended, reported to the House.

House resumed.

Bill reported with amendment.

Question put, That the Bill be now read the third time.

The House voted: Ayes 36

AYES

Imbert, Hon. C.

Manning, Hon. P.

Nunez-Tesheira, Hon. K.

Gopee-Scoon, Hon. P.

Kangaloo, Hon. C.

Abdul-Hamid, Hon. M.

Dumas, Hon. R.

Ross, Hon. J.

Taylor, Hon. P.

Swaratsingh, Hon. K.

Parsanlal, Hon. N.

Beckles, Miss P.

Mc Donald, Hon. M.

Hunt, Hon. G.

Le Gendre, Hon. E.

Browne, Hon. Dr. A.

Callender, Hon. S.

Cox, Hon. D.

Jeffrey, Hon. F.

Hospedales, Hon. A.

Joseph, R.

Hypolite, N.
Regrello, J.
Rowley, Dr. K.
Roberts, A.
Sinanan Ojah-Maharaj, Mrs. I.
Rafeeq, Dr. H.
Persad-Bissessar, Mrs. K.
Gopeesingh, Dr. T.
Bharath, V.
Panday, S.
Sharma, C.
Partap, H.
Baksh, N.
Peters, W.
Maharaj, SC, R. L.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Works and Transport (Hon. Colm Imbert): I beg to move that this House do now adjourn to Friday, October 30, 2009 at 1.30 p.m., which will be Private Members' Day. By written agreement, in order to make sure there is clarity we have decided to forego matters on the motion for the adjournment today and I have agreed to allow three matters on the motion for the adjournment on Friday, October 30, 2009.

Mr. Sharma: Not allow.

Hon. C. Imbert: Yes, allow.

Dr. Rafeeq: Thank you, Mr. Speaker. On Friday, October 30, 2009 we will be doing Motion No. 6 as filed by the Member for Siparia.

Mr. Maharaj SC: What it is?

Adjournment

Wednesday, October 21, 2009

Dr. Rafeeq: The lack of confidence in the Attorney General. [*Crosstalk and laughter*]

Mr. Speaker: Order! Order! Just as an aside, before we had 42 Members we had 36 and all 36 Members voted for the Bill. Perhaps, if we had 41 Members here we would have had 41 Members voting for.

Having said that, before I put the Motion, let me say something to Members. When the Speaker or the Deputy Speaker is in the Chair and the adjournment is taken either for lunch or tea, it is not appropriate for Members to carry on while the Speaker or the Deputy Speaker is still in the Chair. So I would hope that hon. Members would respect the Chair and when the Speaker or Deputy Speaker demits the Chamber then you can, if you so wish, carry on.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.03 p.m.