

HOUSE OF REPRESENTATIVES*Friday, October 08, 2010*

The House met at 1.30 p.m.

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

Mr. Speaker: Hon. Members, I have received communication from the following Members requesting leave of absence from sittings of the House: Hon. Dr. Lincoln Douglas, Member for Lopinot/Bon Air West, from today's sitting of the House; Dr. Amery Browne, Member for Diego Martin Central, for the period October 03—October 13, and hon. Dr. Delmond Baker, Member for Tobago West, for the period October 07—October 12. The leave which the Members seek is granted.

**ELECTIONS AND BOUNDARIES COMMISSION (LOCAL GOVERNMENT
AND TOBAGO HOUSE OF ASSEMBLY) (VALIDATION OF THE NINTH
REPORT OF THE ELECTIONS AND BOUNDARIES COMMISSION) BILL**

Bill to validate the Ninth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area for Tobago under the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) Act, Chap. 25:50, brought from the Senate [*The Minister of Local Government*]; read the first time.

PETITION

**Ecclesiastical Council of Spiritual Baptist Churches of
Trinidad and Tobago Incorporated**

Mr. Fitzgerald Jeffrey (*La Brea*): Mr. Speaker, I wish to present a petition on behalf of the members of the Ecclesiastical Council of Spiritual Baptist Churches of Trinidad and Tobago Incorporated, of No. 15 Corneillus Street, Los Bajos, hereinafter referred to as "ECOSBC T&T Inc.".

The petitioners are desirous of constituting ECOSBC T&T Incorporated into a corporate body by a private bill, so as its aims and objectives could be more effectively achieved.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

PAPERS LAID

1. Administrative report of the Registration, Recognition and Certification Board (RRCB) for the year 2007. [*The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol McLeod)*]
2. Administrative report of the Minimum Wages Board for the period October 2005 to September 2008. [*Hon. Errol McLeod*]
3. Administrative report of the Boiler Examiners Board for the period October 2005 to September 2008. [*Hon. E. McLeod*]
4. Administrative report of the Advisory Friendly Societies Council for the period October 2005 to September 2008. [*Hon. E. McLeod*]
5. Administrative report of the Cipriani College of Labour and Co-operative Studies for the period October 2005 to September 2008. [*Hon. E. McLeod*]
6. Administrative report of the National Entrepreneur Development Company Limited for the period October 2005 to September 2008. [*The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal)*]

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

7. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Arima Corporation for the year ended September 30, 2002. [*Hon. Dr. R. Moonilal*]
8. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Arima Corporation for the year ended September 30, 2003. [*Hon. Dr. R. Moonilal*]

Papers 7 and 8 to be referred to the Public Accounts Committee.

9. Annual report of the Housing Development Corporation for the period 2006/2007. [*Hon. Dr. R. Moonilal*]

WRITTEN ANSWER TO QUESTION

Mr. Speaker: Hon. Members, on Appendix I of the Order Paper there is a question for written answer. The answer is here and I will ask the Clerk to circulate it to Members.

Laptops For Sea Students
(Details of)

3. **Mr. Colm Imbert** (*Diego Martin North/East*) asked the hon. Minister of Education:

With respect to laptops that are being acquired for students who were successful in the 2010 Secondary Entrance Examination, could the Minister state:

- (a) what are the technical specifications of the laptops;
- (b) what are the terms and conditions of the contract for the supply of the laptops; and
- (c) what was the tender procedure used to acquire the laptops and on what basis was the supplier selected?

Vide end of sitting for written answer.

CENTRAL TENDERS BOARD ACT
(PROPOSAL TO REPEAL AND REPLACE)

[Second Day]

Order read for resuming adjourned debate on question [October 01, 2010]:

Be it resolved that this House consider the legislative proposal to provide for public procurement and disposal of public property together with the legislative proposal to repeal and replace the Central Tenders Board Act which were laid in the House of Representatives on Friday, June 25, 2010;

Be it further resolved that a Joint Select Committee be established to:

- (a) examine the legislative proposals;
- (b) consult with stakeholders and interested persons;
- (c) send for papers, records and other documents;
- (d) recommend amendments to the proposals with a view to improving the drafts;
- (e) submit a report to Parliament within three (3) months from the date of appointment. [*Hon. Dr. T. Gopeesingh*]

Question again proposed.

The Minister of Works and Transport (Hon. Jack Warner): Mr. Speaker, the time has come to cure procurement. This Motion before us today represents

Central Tenders Board Act
[HON. J. WARNER]

Friday, October 08, 2010

once again the People's Partnership delivery on our campaign promise; we as a Government promised to deliver.

We said that we would give laptops to first formers—not "duncy head" first formers—that has been done. [*Desk thumping*] We delivered. We said that we would increase pension to \$3,000 per month, and that has been done. [*Desk thumping*] We spoke about appointing a new commissioner of police, that has been done. We spoke about having a new minimum wage; that has been done; we delivered. We said that we would have local government elections, that has been done.

Mr. Sharma: "And we win it too."

Hon. J. Warner: Yes, and we won them too; handsomely. We said so too, that we would win and we delivered.

This Motion, which we shall be delivering in three months' time, is designed to strengthen the quality of governance by promoting the principles of good governance. We said we would cure procurement. We said so, and on that too we are delivering. We are committed to accountability and transparency. We are committed to reengineering public financial management and, more importantly, we said that we would do these things in our manifesto. We are doing exactly what we said we would have done and, to make matters worse, we are doing so in 140 days.

Before I go further, I want to talk about the consummate inconsistency of the two senior Members on that side. I am talking about the Leader of the Opposition, the former Prime Minister and the former Minister of Works and Transport, who has some matters in the court to settle. [*Crosstalk*]

Let me first deal with the Leader of the Opposition, the Member for Diego Martin West, who, of course, these days is trying desperately to manoeuvre his way about.

1.45 p.m.

He is forced to do so because a few months ago he was wearing a different cap; a few months ago he was still the raging bull from Diego Martin West; a few months ago he was still smarting from being sacked as a Cabinet Member and being called the worst possible names by the former Prime Minister. So it was good to hear him say last week that there was rank and rampant corruption in the People's National Movement government, a government of which he was a part. A party under whose banner he fought an election, a party who, under the same leader, whom we accused of corruption, he was on the same platform supporting the leader and vice versa, he campaigned last election, he has not denied this. He has embraced all allegations of corruption. He has no argument, no debate and no

denial whatsoever about the depth of corruption in the last government. He knows very well that those actions cannot be defended and he tried to be a martyr by trying to pose as corruption buster in the PNM.

Mr. Speaker, last Friday he came to this House and he said that the PNM must take some responsibility for the state of corrupt affairs and I asked myself sitting here, they must take some? They must take all. All the blame for the corruption of the past 10 years must be laid at the feet of the PNM, not some. [*Desk thumping*] It is because of their corrupt practices that they are where they are today. Too many of them, of course; it should not be 12, it should be one, San Fernando East, because of the corrupt practices. And therefore, to come here and say that we must not talk about corruption because one day we shall be corrupt too is downright foolishness.

Mr. Speaker, he has to deal in a subtle way with the poster boy of the PNM—sitting on the far end, a man who has taken a vow of silence, [*Interruption*] would not even talk on the budget, would talk on nothing, a man who has this country where it is today and we must not talk about corruption he says. So this new leader of the PNM, the Leader of the Opposition, has to walk a fine line, a very thin line indeed, he has to convince the people that those bad elements in the PNM are gone. He has to convince the people that there is now a new dispensation in the PNM, there is a new order, a new era, so to speak, but in doing so he has to do it in a way that would not increase the credibility of the former Prime Minister, his former leader, so he has to prove himself, therefore, to be the new "doo doo darling" of the PNM but at the same time not too much so as to increase the credibility of the last leader.

It was he who said in a meeting in Diego Martin that after the election there will be court martial. He posed in Diego Martin as the new "Popeye" on the block, the sailor boy to steer the ship. The ship has been there four months now dwindling and sinking and he did nothing.

Mr. Roberts: *The Su.*

Hon. J. Warner: I am coming to the MV *Su* just now. A man who called a boat after his wife, [*Interruption*] MV *Su*, shortened form for Suzette. I am coming to that just now. If you want to give your wife a gift give her a gift but not with taxpayers money. [*Interruption*]

I ask myself therefore, where is the court martial process? When will it start? And therefore, if the Member for Diego Martin West expects us not to talk about past corruption because we do not know what will happen under our watch, I have

Central Tenders Board Act
[HON. J. WARNER]

Friday, October 08, 2010

news for him. I want to tell him that our Prime Minister said, and I repeat what she said, she repeatedly made the point, that we on this side are committed, that we will not facilitate or condone corruption and I want to repeat, anyone on this side caught stealing from the public purse will feel the full brunt of the law. [*Desk thumping*]

Mr. Roberts: [*Inaudible*]

Hon. J. Warner: And of course I shall say—thank you, Member for Toco/Sangre Grande—those on the Back Bench on that side, put your finger in the public purse, whether you are white or black, whether you are Canadian or Trinidadian or both, you will pay.

We shall not look the other way and that is why this Motion is here. That is what our Prime Minister stands for and that is what we stand for. I want to repeat, anyone in any capacity caught robbing the public purse will be dealt with, there will be no looking the other way and hence the Motion today.

Let me spare a few minutes on the Member for Diego Martin North/East, who is conveniently absent today. [*Interruption*] Yes, I will spend a short time. The Member for Diego Martin North/East, like his next door neighbour, the Member for Diego Martin West, seems to have a serious problem with procurement, he is playing a kind of smoke and mirror game, so to speak. He is behaving just as his former leader and just as his current leader. Mr. Speaker, he is practising the politics of distraction. He is promising to be an obstructionist as far as the procurement system is concerned. He is talking here about the power of people and he is so concerned. He did not recognize the power of the people when they were pushing the smelter down the people's throats, even in La Brea. The power of the people was not important then, but it is important now under the procurement—

Hon. Member: It is the truth.

Hon. J. Warner: What truth? The power of the people was not important then, public opinion was not important. When they delayed, unwillingly, Grand Bazaar Interchange, the public feelings were not important then. When you tried to push the rapid rail and the residents of Chin Chin and Esmeralda spoke out against it and had meetings, that was not important then. When they spent \$576 million in a study for a \$22 billion rapid rail, it was not important then? If it was so important why did they not implement it when they were there in government? Why not? But today he comes here and he questions about public importance and the power of the people. Jokers!

And what of the former Prime Minister? What of him, sleeping at the end there? [*Interruption*] He is the one, who, for over eight years led the philosophy—

He believed that a government without procurement could fool the people and for eight years he did that. Today we are not fooling the people with this Motion, we are serving the people. [*Desk thumping*] Their mantra was and always has been: fool the people, fool the people.

The Member for San Fernando East did not speak during the budget debate, he sits without blinking [*Interruption*] most times, constantly letting his eyes roam all over, hoping that we and the country would forget his "hartless" act, his "hartless" reign of terror—and heartless is spelt H-A-R-T—"hartless" reign of terror on this country.

Procurement policy has been in the public domain since September 26, 2005. Five years! Why did we not have procurement for five years? It began as a White Paper. Why did we not have any Bill or any legislation on procurement for five years? There were calls, during that time from us who were on that side then. There were calls from the construction sector, Mikey Joseph and these guys begging for it, Winston Riley begging for it; Emile Elias—I almost said the Member for Diego Martin North/East—begging for it. Why did we not do procurement for five years? [*Interruption*]

Transparency International was begging for it. Nothing at all for five years, September 26, 2005. What! "All yuh shameless!" It takes a government of four months to come here with a Motion [*Desk thumping*] and you are coming to tell us about procurement. The White Paper of September 26, 2005, here what it says—your paper—and I quote:

“The White Paper proposes that public procurement should include both the prior design stage in which needs are identified, scope of works determined, costs estimated and bid packages prepared as well as the subsequent implementation stage in which the performance of the contract is managed.”

That is what it said. They knew, therefore, about all the deficiencies in the system and what did they do? Nothing! In the budget debate of 2005/2006 the former Prime Minister, the Member for San Fernando East, promised to introduce procurement measures in that fiscal year. Nothing! 2006/2007, the same Prime Minister, the same Member for San Fernando East promised, again; what did he and his government do? Nothing! Then in June 2007, in a public address, the then Prime Minister, Patrick Manning, said that the procurement regime cannot be implemented in its current form. But if it cannot be done in its current form, give us in any form. But 2007, 2008, 2009 and part of 2010, nothing, and you are coming here to talk to us about procurement. [*Interruption*]

Central Tenders Board Act
[HON. J. WARNER]

Friday, October 08, 2010

That was your leader then, what did you say? You stalled the process. I am saying in 140 days this Government is doing what you have not done in 10 years.
[*Desk thumping*]

The Uff Commission on UDeCott said that UDeCott—and UDeCott here means Calder Hart—made its own rules and broke its own rules. They ran procurement as they saw fit. What did your leader do? What did the Member for San Fernando East do? What did the Prime Minister do when Calder Hart was breaking all the rules for procurement? What did he do? Do you know what he did? He defended him: not once, not twice, not three times; 45 times. "You think wha ah say eh true?" Look it here. [*Shows document*] [*Interruption*]

Forty-five times he defended him and everything he did, the procurement was wrong. Look it here! Do you remember this? That is why you [*Points to Dr. Rowley*] were sitting across there in those days because you talked about this. [*Keeps holding up document*]

Mr. Sharma: What a shame!

Hon. J. Warner: And you are coming to talk about procurement and the people. Look it here, if you only open your eyes you could see it.

Hon. Member: Wake up boy!

Hon. J. Warner: I am leaving it here for the time being in case you open your eyes. [*Crosstalk*]

2.00 p.m.

Forty-five times! He was your bosom buddy then. Look at the headline. [*Shows photo*] And in case you think that was not enough, there were complaints that Calder Hart had too much power; that procurement was not being done properly. Sen. Mary King complained. Others complained, bitterly, about Calder Hart. Look it here! "Too much power." [*Shows photo*] You remember this headline—Mary King? You remember that? You said that he had more power than the whole Cabinet and subject to no one.

Mr. Roberts: And they fire him!

Hon. J. Warner: And you got fired. Look at you today. "Wajang behaviour", they said. "Wajang behaviour!" You could remember those days? "Wajang behaviour!" Because why? You were asking for procurement; you were questioning procurement; you were saying, of course, that things were done—look it here! [*Shows photo*] You remember that? In case you wake up, look it here!

And in fact, what did he do? He praised him. They knocked glasses; drank champagne and so on. You remember this headline, "PM praises Calder Hart"? You remember this? [*Shows photo*] You remember that?

Mr. Roberts: Show "meh nah man".

Hon. J. Warner: You remember that?

Mr. Roberts: Oh Gooooood!

Hon. Member: Knocking glasses.

Hon. J. Warner: Knocking glasses. No procurement!

Mr. Sharma: What a shame!

Hon. J. Warner: Knocking glasses! When "yuh" wake up, look at this one too.

Mr. Roberts: Wake him up, Point Fortin; wake him up.

Hon. J. Warner: You talking about procurement? So therefore I am saying that the Members on that side, as far as procurement is concerned, have a history of political inconsistency. But I tell you, our action today gives you a different story—a different story. Four months old, you know; four months old, and the Leader of the Opposition, my friend from Diego Martin West, tried to diffuse the issue of lack of accountability in the procurement practice by suggesting that we do not know what will happen in the future. Whether it is the future or the present, it is wrong. It is wrong! You have to have a policy for procurement. One hundred and forty days, look at our track record! Look at our track record—140 days!

We have mandated legal and forensic audits into UTT, Petrotrin, T&TEC, the Sports Company of Trinidad and Tobago and eTecK. We have put audits there to show all the wrongs that were being done. The country must know. You all must be held accountable. The country must know. That is what we did.

We also said that we shall audit some state projects, including NIPDEC's Scarborough Hospital—Member for Tobago West, acting Prime Minister as from Monday. [*Desk thumping*] In all your years you never acted as Prime Minister—in all your years. She just come, acting as Prime Minister. In all your years you never even drive PM1 in Tobago. On Monday, PM1 is driving in Tobago—the acting Prime Minister. [*Desk thumping*] In all your years you never had in front of your car, blue lights and behind, blue lights. She is having that. In all your years! She is having that. You never acted! Lenny Saith, Joan Yuille-Williams/Lenny Saith, Joan Yuille-Williams. Who vote for them? Who voted for them? [*Crosstalk*] You will never act. All you will act for is St. Ann's West/Port of Spain North. And not for long either, eh? Not for long either.

Mrs. Mc Intosh: Wait and see.

Hon. J. Warner: So, therefore, we say that we shall have some audits in the Scarborough Hospital; we shall have some audits in the MV *Su*, a boat you bought for \$25 million; you bring it down; you spent \$25 million to repair it; it still "aih" work and you are asking me for \$14 million more to repair it, and then you call it after your wife's name, "Su." Your wife's name is Suzette, so you call the boat MV *Su*. If you want to buy a gift for your wife, buy it, but not with government money; not with taxpayers' money! [*Desk thumping*]

And I am saying it is because there was no procurement policy that that could have been done. To this day, the boat never hit the water! It park up down there in Chaguaramas. Do you know why?

Mr. Sharma: We should put it on public display.

Hon. J. Warner: No procurement policy. We are also enquiring into the mystery church in Guanapo. We have now taken control of the property and in 140 days, I want to tell you—in 140 days this Government, this party, this Partnership, has also said that we shall have a commission of enquiry into Clico and HCU. Eighteen months for Clico, you did nothing! Nothing!

Mr. Sharma: Except waste \$7 billion.

Hon. J. Warner: You waste \$7 billion—

Mr. Roberts: Take out "dey own money".

Hon. J. Warner: Yes, is true. Take out your own money; waste \$7 billion; did nothing! That will come to an end.

So, therefore, I am saying, our track record speaks for itself and, therefore, this Motion, which we are bringing here in four months, is an attempt to correct and to address the evils and the ills of the past 10 years.

Your story, your record in this country, is a record of lost moneys due to a lack of proper procurement policies. How could a government—the PNM government—with two oil booms, just fritter away our money? Two oil booms! Let us say the first one was a mistake, the second one too? The second one was just as the first, if not worse! What did you learn from the first? What did you learn when you walked throughout the country for four years, asking to be given a second chance? And you "take" our money.

I tell you, when I go to places like Caratal, Lightborne and Cuchawan Trace and I see what is happening there, I want to cry. If you had spent some money in

Lightborne, Gasparillo, Cuchawan Trace, Tulsa Trace, Jogie Trace, Realize Road, Madingo Road and Papouri Road, today it would have been different. [*Desk thumping*] Things would be different!

You did not take care of the people! And you are talking about procurement policy? Lost moneys through poor procurement could even have saved the lives of some children. I recall the baby, Marissa Ramlal, she died October 28, 2008. She died! A baby—Marissa Ramlal. She died. She needed a liver transplant for \$1.8 million. At a post-Cabinet press conference the then Minister of Health, Jerry Narace, said the Government could not help her "due to budgetary constraints". Could not help a baby! Could not help her!

Lost moneys could have helped to avert flooding that is now licking up this country. Lost moneys could have helped to repair roads; fix bridges. Lost moneys could have helped farmers. They could have done that. Lost moneys could have helped to train our police officers; a host of things. But no; spend, spend, spend, spend with no procurement policy. None! Cost overruns!

Bloomberg Business Week in an editorial—"I see he up, so lemme put it so." [*Changes direction of photo*] *Bloomberg Business Week* in an editorial, dated November 24, 2004, noted and I quote:

"Corruption makes markets less efficient, more costly and less innovative."

I quote again. *Bloomberg Business Week* in an editorial, November 24, 2004, it said:

"Corruption makes markets less efficient, more costly and less innovative."

Under the PNM we became less efficient; we became more costly and we became less innovative. Proper procurement is an obligation that we have to put in place to meet the demands of the people. We have an obligation to speak to the people who entrusted us with the responsibility, legal and otherwise, to govern this country. We must give this country transparency and accountability—transparency and accountability, which are bad words on that side. All of you on that side have kidnapped the word, "transparency"; you have kidnapped the word, "accountability" and you "eh let it go yet". Transparency and accountability are words alien to that side, and they are coming to talk now on the Motion and the Bill.

Therefore, any government that does not practice good procurement policy is a bad government. Therefore, they were bad twice. Look at where they are. Look at them! Look at them! Almost a pick-up side! The public has a right to know. You have to be accountable to the public. They have a right to know and I am not vexed with anybody who asks questions. They have a right to know. That is what

Central Tenders Board Act
[HON. J. WARNER]

Friday, October 08, 2010

we are here for. They must know what went on; they must know who is or was involved; the public must know how much they stole. And that is coming. That is coming. And also, they must know where the money gone; where you put it; where you have it. We want it back.

Mr. Sharma: And we are going to get it.

Hon. J. Warner: You bet. You bet! As night follows day, we are going to get it. You could run with the money, but you cannot hide, you know. You cannot hide!

The people of this country are asking for justice. *[Interruption]* What "yuh" say?

Mrs. Mc Intosh: Where FIFA money?

Hon. J. Warner: "Yuh sure yuh want to know?" *[Interruption]* Sorry. All right. Okay.

Mr. Roberts: Leave her, she just come.

Hon. J. Warner: You just come; I will leave you. It is all right. I am talking about the money from the taxpayers that "all yuh" stole. Tell me where it went. Tell me where it went! *[Desk thumping]* Tell me about that! And I am coming to you just now.

The people in this country want justice. They want to see all the culprits pay. When the Member for Diego Martin West and Leader of the Opposition wants to talk, he would tell us, of course, some of those people who should be tried. He knows much more than he is saying; much more.

The people in this country want the stolen money recovered to help our sick children, the poor, to fix our infrastructure, to bring goods and services to the public, especially to the people in the rural areas that you all have never seen. Do you know where Papourie Road is? Do you know where Tulsa Trace is? Do you know where Gopie Trace is? Have you ever seen Lightborne? Do you know where Caratal is?

In the Ministry of Works and Transport, a firm called Parsons and Brinkerhoff was hired by the Government to conduct a transport study. So here am I now going to see what this study is about, because the problem of transport in this country has to be solved. What did I find when I went there? The study by Parsons Brinckerhoff, a study for which the Government paid \$21 million—the Government paid \$21 million for a transport study and none was done.

Mr. Sharma: What?

Hon. J. Warner: Ah ha! Ah ha! None was done! None was done! That is the government that you all are proud of. How do you hire a company to do a study; it does not deliver it and you pay it \$21 million? In the first case, how was the contract awarded? On what basis were the terms and parameters properly spelt out? Did any other company get a chance to bid for the study? If they did so, what were they?

2.15 p.m.

Mr. Speaker, in other words, we paid \$21 million for a non-study. Let me tell you something. I do not think anybody on this side could run even a parlour that way. You all ran this country worse than a parlour. A cafe! You all ran this country to the ground. When the Minister of Labour and Small and Micro Enterprise Development was talking about minimum wage, he said that he would love to give more, but he does not have it to give— Thanks to you all, no procurement policy. Mr. Speaker, no procurement policy.

Mr. Speaker, you recall the Uff Report—in fact, let me say that there are several reasons why this Motion before us is deserving of our support—which they wanted to hide from the public; a report which came to this House and a report which confirms our worst fears. Our worst fears were confirmed in the Uff Report which showed that under the PNM government, proper procurement was thrown out the window, down the drain. If you look at Recommendation No. 37 of the Uff Report—the Uff Report has 91 recommendations—it says—you are talking now [*Desk thumping*]*—and I quote:*

“Procurement rules applying to Government agencies in the field of construction should, in general, be the same. Agencies applying different procurement rules should either justify any differences or take steps to adopt uniform rules. The Ministry of Finance should renew its efforts to achieve uniform procurement rules for all government agencies undertaking construction operations.”

That is what Uff said, but we did not have to go to Uff to tell us that. Any little "duncy" head Form 1 accounting student knows that—[*Interruption*]

Mrs. Persad-Bissessar: And there is no "duncy" head Form 1.

Hon. J. Warner:—and there is no—[*Interruption*]

Mrs. Mc Intosh: Yes, but you said it.

Hon. J. Warner: I am talking to you—"duncy" head Form 1s. "En't you know that?"

Mrs. Mc Intosh: And you all keep saying it.

Central Tenders Board Act
[HON. J. WARNER]

Friday, October 08, 2010

Mrs. Persad-Bissessar: There is none.

Hon. J. Warner: On this side, we have to correct his "duncy" head first former statement, repeatedly, if I may say. Repeatedly, if we may say so. That is what he said. The same way the former Prime Minister has to apologize to this country before he speaks, if he ever does, it is the same way he must withdraw it. There is no such thing like a "duncy" head first former. What we are doing here, Mr. Speaker, we are seeking to implement a proposal which Prof. Uff recommended in his report.

Mr. Speaker, the Motion before us today, proposes a joint select committee to engage in public consultations. We believe, and we are committed to consultation with the major stakeholders in this country. In fact, that is the very essence of procurement law, accountability to the people. We must account to the people. We have to engage in a consultative process of talking to the people again and again, and sometimes in doing that, you may get fresh new ideas. Nothing says that we alone on this side have all the ideas. But talk to the people and you may get fresh ideas as a consequence.

This Motion, therefore, is to ensure that the people are part of governance [*Desk thumping*] and worse yet this Motion sets a deadline of three months for the joint select committee to report to Parliament. It means, therefore, early in 2011, the Parliament would have a report before it that would drive the process of legislative reform. This is again in keeping with this Government's commitment, this Government's thrust, to do the job and to do it in within a specific time frame—three months. In fact, this Government is also committed to having an organized legislative agenda—we are committed to that—and that, of course as you know, is alien to the PNM. Therefore, that is why this Motion is deserving of our support, both on this side and on that side.

Mr. Speaker, I would not worry too much, but there are all kinds of corruption which can be practised when there is no procurement policy—incidental, systemic, systematic and so on. But at the end of the day, whatever kind it is, a procurement policy must be put in place to cure the system. I am saying, this Motion for me, could not have been more timely, because the Second Caribbean Public Procurement Conference takes place on Monday, October 11, 2010 and Tuesday, October 12, 2010. Go to it at the Hyatt. The theme of the Conference is: "Leveraging Strategic Procurement to Achieve Best Value, Effective Governance and Responsible Development", on Monday and Tuesday at the Hyatt. It is a comprehensive learning, training and interactive discourse with procurement policy makers, academics, business executives and professionals, all trying and I quote:

“To promote an improved appreciation of the value of strategic procurement.”

It is designed to promote and improve appreciation of the value of strategic procurement. It is acting as a catalyst for consensus building, right in our backyard. As we talk here today, in Parliament, in our backyard a major Conference on procurement—go to it. It is not too late for you all. You will never see this side again, but knowledge is always a value. You will never see here again! You will never see here again! Take my word for that.

As such, I am saying that we on this side are not only going to talk the talk, we shall walk the walk as far as I am concerned. We must ensure that our citizens get value for money, taxpayers' money particularly. We must remove all the gaps and loopholes that undermine the public interest. All those gaps and loopholes that undermine the public interest, we must remove them. But most of all, we have to be accountable to the people and tell them how the money is spent.

Mr. Speaker, in the 17th Century, a French Philosopher named Montesquieu, once said and I quote:

“It is not the young people that degenerate; they are not spoiled till those of mature age are already sunk into corruption.” [*Hon. Warner pointed to the Members sitting on the Opposition Bench*]

Member for Arouca/Maloney, I will say it for you again:

“It is not the young people that degenerate; they are not spoiled till those of mature age are already sunk into corruption.”

Careful where you sit.

Mr. Speaker, this Motion, and legislation to come in three months' time, is for future generations. We have to prepare for our generations to come, and this Motion is an attempt to set the past right. It is an attempt to correct the evils and the errors of the past.

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

Mr. Speaker: Anybody else? If no, I will call on the Minister of Education. Minister of Education.

The Minister of Education (Hon. Dr. Tim Gopeesingh): Thank you, Mr. Speaker. First of all, I want to thank very much the Members of the Opposition for their contributions. The first contribution from the Member for Diego Martin West, the second from the Member for Diego Martin North/East and, of course, my colleague, the Member for Chaguanas West, in their contributions towards what is proposed to be a very historic piece of legislation that will improve, and

Central Tenders Board Act
[HON. DR. T. GOPEESINGH]

Friday, October 08, 2010

certainly, redound to the benefit of the citizens of Trinidad and Tobago, in terms of proper governance and proper expenditure of the people's money.

In the run-up to the general election, many people of Trinidad and Tobago understood, and were extremely disappointed and dissatisfied with the way that their public money was spent, and this was of course, one of the main reasons why the administration under Mr. Patrick Manning fell and has to now occupy the opposition seat. During that time—and we were in the process of coming close to the election—a number of stakeholders approached our Leader of the Opposition at that time, and now Prime Minister and Member of Parliament for Siparia, indicating that they needed to see this reform on the procurement done as quickly as possible. Our hon. Prime Minister kept her promise, and her promise then was to bring procurement legislation within the first 30 days of coming into power.

We assumed office and governance on May 28, 2010, and this piece of legislation was laid in Parliament on June 25, 2010 within the first 30 days as the People's Partnership Government under Prime Minister, hon. Kamla Persad-Bissessar promised, and that was done. [*Desk thumping*] Within a four-month period, we brought this piece of legislation because it is an important and critical piece that must move forward while we continue sound governance as the Government.

So this legislative proposal to provide for public procurement and disposal of public property, together with legislative proposal to repeal and replace the Central Tenders Board Act is very, very important. Because for a long time, the Central Tenders Board, I believe from 1961, has been operating and has stood the test of time in terms of the whole issue of tendering and procurement. But the time has come now to move with sounder pieces of legislation, and this is the reason or the *raison d'être* that we as, a Government, have brought this piece of the legislative proposal incorporating three aspects: public procurement, disposal of public property, and the legislative proposal to repeal and replace the Central Tenders Board Act.

Mr. Speaker, it is important for me to discuss some of the contributions made by, first of all, that of the Member for Diego Martin West.

2.30 p.m.

It was good at the beginning when the Member in his contribution indicated—I want to quote what he said:

“I would say from the outset that we support the idea of having this package of legislation go before a joint select committee.”

I believe that the now Leader of the Opposition understood quite well, while he was on this side and when he was on the Back Bench, what was going on around him for nine years, what was happening under his nose, particularly within the last two years of that administration and, therefore, he spoke publicly about it.

It is good to know that the Leader of the Opposition is now desirous of ensuring that the legislation goes to a joint select committee so that within a three-month period we can come back and have something for the people of Trinidad and Tobago.

There are certain comments which the Member made on which I must comment. First of all, he tried to make the statement that the public debt was not as a result of corruption. We are saying that the \$60 billion debt that this country has now in terms of loans, promissory notes and breaches of contract, guarantees and so on, if there was not widespread corruption with that administration in so many of these special purpose companies and state enterprises, we would not have had the amount of public debt we have at this moment. The sum of \$60 billion would have been far less and, therefore, it is very important that we stem the tide of widespread non-transparency and non-accountability in the performance of tendering procedures in all the state enterprises and special purpose companies, which mushroomed as some people would say, like "jumbie" parasols, all over the place, one after the other.

He tried to indicate that I said that the Bill would not rid the country of corruption. I want to indicate to him what we said on this side and what I said particularly. I said that proper procurement legislation is not enough to eradicate corruption. When this Bill becomes law, it becomes the duty by public officials and our Government to ensure that proper monitoring systems are in place and the law is upheld; a duty which the People's Partnership Government will uphold and treat as sacred.

Mr. Speaker, the question of this Bill ridding the country of corruption is one of the major steps towards ensuring that corruption goes under and is gotten rid of once and for all. We may have it. You see it in the private sector, but we want to ensure that in government, from the public sector, that is something of the past.

The Member for Diego Martin West did admit that UDeCott was held as the shame of the PNM and I want to indicate to him that it is not just UDeCott; there were so many of them. I have had to speak about this time and again in this House. It was UTT; it was EMBD; it was NGC; it was NEC; it was Petrotrin, Palo Seco Enterprises, and a whole host of them that could be and are held in shame. That is why the People's Partnership Government had undoubtedly to perform a forensic audit on so many of these companies.

Central Tenders Board Act
[HON. DR. T. GOPEESINGH]

Friday, October 08, 2010

The Member for Diego Martin West also spoke about not a single Caricom country having government procurement agreements. He sought to juxtapose that with the countries that are aligned with the WTO and the GPA, that is the government procurement agreements. It is not because there are no Caribbean countries aligned to the WTO and the GPA that we must not seek to pursue a strong procurement practice, Trinidad and Tobago must lead the process because we are one of the leading countries in the Caribbean, with probably the highest per capita income and our budgets are extremely large. If we have to set the example as a Caricom country moving with the GPA and the WTO, we must do it. I am happy that the Member for Diego Martin West has agreed to take this to the joint select committee of Parliament.

Mr. Speaker, it is important for us to understand where we were. I made mention of it in my contribution last week and you would remember that in a previous administration of the UNC government between 1995 and 2001, particularly in 1997, we brought the first piece of legislation on procurement. Unfortunately, we were kicked out unceremoniously by someone else in 2001, when we did not deserve to be kicked out, or that legislation would have seen the light and we would have had, over the last nine or 10 years, an honourable piece of legislation on procurement.

That administration, which came into power in 2001, brought a Green Paper in 2002, and there were a number of stakeholders contributing significantly to that Green Paper to produce a White Paper. In the White Paper, one of the main and important factors was the question of the passing of a single piece of legislation on finance, which dealt with the whole financial situation of Trinidad and Tobago. The White Paper is replete with a number of recommendations, which I will not go over at this time with the others on that side, and about which we have spoken ad infinitum. All these recommendations were not upheld by that administration even when they produced their own White Paper in 2005.

Between 2005 and 2010, we have had to ask ourselves what happened. The hon. Member for San Fernando West could tell this country what happened in 2005. My colleague, the Member for Chaguanas West, alluded to it. In 2005, when the paper became the White Paper, we understand that it was passed in Cabinet by all Cabinet Members and then someone went to the then Prime Minister and indicated to him that if they went ahead with that piece of legislation on procurement what would happen to all the state enterprises they wanted to then start and to work for them.

That one person, who is now the subject of not only national, but international concern because of the reputation of what has gone on, is the one person, we understand, who stopped that piece of procurement legislation from going forward.

I ask the former Prime Minister what was the reason that piece of legislation was stopped and whether that person was one of the contributors to stopping the legislation. I take my seat and await the former Prime Minister to make a statement on that.

Mr. Speaker: Do not take too long. I have to wind up the debate.

Hon. Dr. T. Gopeesingh: He knows the truth; that it was one person, Calder Hart, who told him not to go with that piece of legislation because they would not be able to do what they wanted to do. The whole world knows that he praised Calder Hart; he said Calder Hart was doing a fantastic job, while the Treasury was being raided and plundered. It was totally unfair.

The Member for Diego Margin West also spoke about ridding ourselves of tzars. He knows well that this country has many tzars and we must never have a situation like that again. We spoke many times of a czar in the energy sector. Everyone knows who that czar was. This country was governed by this czar and two or three of his friends for a long time, who went to China to make arrangements with all the Chinese companies to come to Trinidad to do construction. The whole of Trinidad and Tobago knows the friends of the czar. They have a club.

Three people were running the country; probably not even the Prime Minister was running the country; but the czar was running the country with two other men. It is very sad that we have had to reach a situation where we lost billions of dollars in cost overruns and inappropriate tendering procedures or no tendering procedures, lack of transparency, accountability and probity in the conduct of financial matters of the State by these state enterprises.

The Member for Diego Martin North/East, in his usual style in contributions, I cannot say he contributed anything significant, except to say that in his usual manner he was very dirty, which is not uncharacteristic of the individual himself in making statements in Parliament.

Very sad to say, I understand that the same person, while he was talking about procurement—and he was talking procurement for his own personal procurement—I understand that he was—it was written in the newspapers and I do not want to repeat it because I feel sad—that he was a pathological liar. The same person who was doing his own personal procurement in court, it was put in the newspaper; in three newspapers it was written that he was a pathological liar.

I heard that in his own procurement issue, while in court, the Member for Diego Martin North/East, the most senior and experienced Member of Parliament,

Central Tenders Board Act
[HON. DR. T. GOPEESINGH]

Friday, October 08, 2010

was whispering like a cockroach—you could scarcely hear him—in his own procurement matter. Therefore, for him to stand in this august Chamber and try to defend the lack of procurement policies of the PNM is very sad.

They commented on three important aspects of this legislation. One was the importance of the procurement regulator. They had concerns about what he would do because he seemed to be a person who would review the process involving civil society. They made the point that if civil society stymies the procurement process, things could be withheld for a long time. This is something we would have to look at in the legislation when it goes to the joint select committee.

They also spoke about the need to introduce whistle-blower legislation. Those of us who have some memory of Bills and laws that were introduced in this Parliament, not too long ago there was an amendment to the Integrity In Public Life Act where that administration sought to make it extremely difficult for whistle-blowers to bring information to the Integrity Commission on wrongdoings by people who are supposed to know better. They sought to change the legislation so that the whistle-blowers would face the person about whom they have brought information to the Integrity Commission and answer to the person they have accused of doing something wrong. Therefore the person who is reported to the Integrity Commission as doing something wrong would now be able to confront the whistle-blower. In addition, the fine and penalty imposed on that individual trying to take information to the Integrity Commission was so high, close to \$500,000, it was penalizing him for whistle-blowing.

2.45 p.m.

Last week, colleagues on the other side spoke about the need for whistle-blower legislation. Sure, we want to work with you on that. They even went on to suspend one of the major reporters, on the whole UDeCott matter, for coming to this House. They took him to the Privileges Committee. What a shameful issue. It was disgraceful.

In fact, when I went to the Ministry of Education recently, I was told by the chairman of one of the newspapers that the Ministry of Education stopped any advertisement going to that particular newspaper. I was shocked and dismayed. That was the length and depth that the PNM went, in their period of time, to deal with issues which are supposed to be dealt with on an equitable basis and fair manner. It is very unfortunate.

I think there was one other clause 12(3). Clause 12(3) states that it may direct a suspension of the process pertaining to the transaction and that the regulators shall have powers of a commission of enquiry. They have concerns about that and

I am sure these concerns will be answered when we meet in the Joint Select Committee of Parliament when it is appointed.

We heard their contributions. We are very happy that the Leader of the Opposition has indicated that he wants this piece of legislation to go to the joint select committee. We feel that this is a critical piece of legislation which must be dealt with expeditiously within the period of time; the three months, of which my colleague, the Member for Chaguanas West, spoke just a while ago.

One other issue, that I think the Member for Diego Martin West mentioned, is that we must have the resources to deal with it. Therefore, we must put the resources to deal with it and we must have the technical expertise available to the committee.

I have the honour and privilege to move this Motion in the House:

“Be it resolved that this House consider the legislative proposals to provide for public procurement and disposal of public property together with the legislative proposal to repeal and replace the Central Tenders Board Act...”

I beg to move.

Question put and agreed to.

Resolved:

That this House consider the legislative proposals to provide for public procurement and disposal of public property together with the legislative proposal to repeal and replace the Central Tenders Board Act which were laid in the House of Representatives on Friday June 25, 2010;

And be it further resolved that a joint select committee be established to:

- (a) examine the legislative proposals;
- (b) consult with stake holders and interested persons;
- (c) send for papers, records and other documents;
- (d) recommend amendments to the proposals with a view to improving the drafts;
- (e) submit a report to Parliament within three months from the date of appointment.

PETROTRIN PENSIONS (NO. 2) BILL

Order for second reading read.

The Minister of Energy and Energy Affairs (Hon. Carolyn Seepersad-Bachan): Thank you, Mr. Speaker. I beg to move,

That a Bill to restructure the pension arrangements of the Petroleum Company of Trinidad and Tobago Limited be now read a second time.

This Bill seeks to merge seven pension plans currently administered by the Petroleum Company of Trinidad and Tobago Limited. As you know, over the years progress in the energy industry in Trinidad and Tobago led to consolidation and the State undertook a number of mergers and acquisitions and the companies we subsequently brought together to form Petrotrin. Up to now, there have been separate pension plan arrangements, which originated from the separate companies.

Today, we now seek to harmonize those pension plans into a single administrative arrangement that will, on the one hand, ensure that access to these funds is an easy and painless process for pensioners and, on the other hand, ensure that systems are in place for effective management, audits and protection of these funds.

As you know, the Petroleum Company of Trinidad and Tobago Limited (Petrotrin) was incorporated in 1993, by Act No. 27, known as the Petrotrin Vesting Act, to take over the core operations of the Trinidad and Tobago Oil Company Limited (Trintoc) and Trinidad and Tobago Petroleum Company Limited (Trintopec). Petrotrin then assumed all obligations and responsibilities of the antecedent companies, including eight pension plans for the employees. Among these obligations and responsibilities were the following eight pension plans:

1. Trintoc non-contributory pension fund (NCPF);
2. Trintoc contributory pension fund A (PFA);
3. Trintoc contributory pension fund B (PFB);
4. Trintoc employees benefit plan (EBP);
5. Trintoc staff retirement plan (SRP);
6. Trintopec employees pension plan (EPP);
7. Trinmar Limited employees benefit plan (Trinmar EBP); and
8. Trintopec staff pension plan (SPP).

These plans, together, have approximately 5,700 pensioners and 4,400 active members and deferred pensioners, amounting to a total of approximately 10,600 citizens, are impacted by this Bill today.

The Trintoc non-contributory pension fund (NCPF) is an approved plan under section 27 of the Income Tax Act, Chap. 75:10. The plan was approved under pre-1963 legislation and is not an approved pension fund plan within the meaning of the current provisions of section 28 of the Income Tax Act. The NCPF was closed to new members in 1963. Its current membership comprises 125 pensioners. The other seven plans were approved under section 28 of the Income Tax Act. These plans have not been formerly closed to new participants.

The Government of the People's Partnership, as you will recall, was held very strongly to account for its promises in the general election campaign earlier this year. Hon. Members will recall every single Member opposite was quoting line and verse from the People's Partnership manifesto. It was my colleague, the hon. Minister of Finance, who rightly thanked them for holding us to our promises.

Lest they forget, let me also take this opportunity to remind them of some of our promises throughout this presentation. We are today attempting to rationalize and harmonize pension arrangements at Petrotrin. This means that all our efforts, all of our thinking, debating and discussions, must be focused on what we in the People's Partnership refer to as a fair deal for all the people. Life begins at 60, this is the People's Partnership belief. This is why we must recognize that this Bill is not simply a clinical legislative document that we will read, analyze and debate over.

This Bill refers to the livelihood and comfort of real men and women out there. At the peak of our energy booms, these were the men and women who carried the energy sector on their shoulders, doing more than what was expected, in order for the entire economy to benefit. These are the same men and women who were there during the slumps and they put their hands to the sector and together brought it back up to something stable, sustainable and strong.

So, when we discuss pension arrangements, as we debate this Bill, I urge hon. Members and particularly Members opposite, to take this into consideration, because it was under the previous administration that this very important Bill lapsed at least twice. Imagine that, something that is so significant to the lives and the livelihood of thousands of men and women, and they express no real urgency in getting this Bill through Parliament.

It is not simply a matter of not caring about the people of this country. I think the people of our country acknowledged this when they cast their votes on May

Petrotrin Pensions (No. 2) Bill
[HON. C. SEEPERSAD-BACHAN]

Friday, October 08, 2010

24, 2010 but it is more than that. Lapses of this Bill actually resulted in material losses to these pension funds. I refer to a document entitled "Synopsis Progression of Merger of seven of Petrotrin's eight Pension Plans." At page 2.3, I quote:

"The implementation of these improved benefits resulting in an actuarial deficit as at September 30, 2007 for one of the plans caused by:

- (a) payment of improved benefits as agreed with the OWTU; and
- (b) promotion of hourly-rated employees who were transferred from the employees benefit plan, the employee pension plan and fund B, to this plan.

The surplus proved insufficient to cover these new expenses. The transaction lacked the corresponding transfer of asset values to match the liabilities which were already transferred to the said plan. As a result, approximately \$22 million per annum would be required from Petrotrin to make good on this deficit."

Let me give you a little more on this chronology. If I look, I would see where this matter started since December 2004, with exchange of data between the company and the Minister of Finance. By September 2007, the major terms of the trustee rules and vesting Bill were completed. The main terms of the vesting Bill, as contained, was also completed.

During 2007, it was agreed between Petrotrin and OWTU, because they could not wait anymore and they did not have that Bill enacted in 2007, as they urged. It was agreed between Petrotrin and the OWTU, that the remaining enhanced benefits would be implemented, even though the merger was not finalized. This is where I refer to. They went ahead and they implemented the enhancement benefits and today Petrotrin is faced on its balance sheet, this is 2007, with a \$2 million deficit. Would you believe that on October 21, 2008, Petrotrin again wrote the Permanent Secretary at the Ministry of Finance, seeking assurance to effect the proposed merger by way of legislation? This assurance was required to provide comfort to trustees and Petrotrin's external auditors, as one of the plans continue to be in deficit. It is envisaged the deficit will be assumed by the other plans, upon the merger.

In accordance with International Accounting Standards No. 19, it was required for the merger. If the merger is effected, Petrotrin's external auditors will assess the surplus for international financial statements 2007/2008, by auditing each plan individually, resulting in an amount assessed being several hundred million dollars lower.

From February 2009 to 2010, Petrotrin's Law Department worked assiduously with the Chief Parliamentary Counsel and they completed again the draft copies of this Bill.

3.00 p.m.

I just want to close with this last part on this issue. In light of the auditor's concerns Petrotrin, by letter dated November 16, 2009, advised the Minister in the Ministry of Energy and Energy Industries of the possible impact of the non merger of Petrotrin's pension plan and the impending effects same may have on Petrotrin's balance sheet. A subsequent request was sent to the Minister for his urgent intervention in having this Bill placed before the Parliament for its consideration before prorogation. Mr. Speaker, what do we know? The Bill was introduced in the other place and it lapsed.

Mr. Speaker, that was a government that was so caring of the people. Probably I should repeat for you the persons that we are talking about, because under the Trintoc NCPF, we have 118 citizens; under Trintoc Fund A, we are talking about 87 active, 27 deferred, 230 pensioners, resulting in 344 citizens; Trintoc Fund B, we are dealing with 356 active, 62 deferred, 300 pensioners, resulting in a total of 718 citizens; Trintoc Fund B, 1,443 active, 292 deferred, 2,662 pensioners and a total of 4,397 citizens; Trintoc SRPs; 1,262, 80 deferred, 1,231 pensioners, resulting in a total of 2,573 citizens, and I could go on with all the plans. These are the figures that we are dealing with, but this former government did not think it was important to deal with this matter urgently. I wonder why.

They were so busy in terms of governance, as we heard from the last speaker, in running a company that has become known for excessive delays in projects and massive cost overruns. This is why the People's Partnership will be committed until this audit is complete. [*Desk thumping*] These are basic people issues and they found no time to deal with this matter, and this is why we have placed this high on our agenda. We recognize how important this matter is and this is why this is the second Bill we are piloting in this Tenth Session of the Parliament of Trinidad and Tobago. [*Desk thumping*]

For the reasons I have outlined, Petrotrin must sufficiently and reasonably meet its obligations; streamline and improve the administrative efficiency and bolster and maximize benefits to employees under these different pension plans.

In appreciating the need to ensure that labour was involved and given every opportunity to share their own feelings and ideas and make their own proposals, Petrotrin and the Oilfields Workers' Trade Union entered into agreements in 1990 and 2003 in an effort to harmonize the benefits of the seven pension plans.

When the discussions first started in 1998, the OWTU signalled a proposal relating to the harmonization of Petrotrin's pension plan known as the Harmonization Agreement which incorporated:

- (1) Benefit improvements including that pensions be guaranteed for 15 years.

Petrotrin Pensions (No. 2) Bill
[HON. C. SEEPERSAD-BACHAN]

Friday, October 08, 2010

- (2) Harmonization of the administrative provisions of Petrotrin's pension plan.
- (3) Harmonization of the amendment power under each plan.

The changes agreed upon under this agreement were made effective from July 01, 1998. The rationale behind the harmonization was to facilitate a common benefit formula across the different pension plans, and by extension provide common benefits for all members.

On December 17, 2003, Petrotrin signed a memorandum of agreement with the OWTU that introduced a number of further benefit improvements and merger of the pension plans. The cost related to the improvements and integration of the plan would be absorbed by the surpluses of the various plans.

As a result of the memorandum of agreement, the following benefit improvements were implemented, as I indicated before:

- (1) The increase in pension in payment related to the retail prices index calculated at 4 per cent per annum and retroactively applied from October 01, 2002.
- (2) The surviving spouses pension of 50 per cent for death after retirement.
- (3) A minimum pension increase for pensioners of \$200 per month.

Additionally, the memorandum of agreement with the OWTU also provided for three other improvements following the merger of the pension plans:

- (1) An actuarial rate of 2.15 per cent.
- (2) A Computation factor of 223.3718 per cent.
- (3) A death-in-service benefit of four times annual salary plus return of members' contribution with interest.

Mr. Speaker, Petrotrin, while remaining in close collaboration with the OWTU, has already implemented, as I indicated earlier, all improvements that were to be given effect only after the plans have been merged. Petrotrin engaged Freshfields Deringer to provide advice on the proposed merger of its pension plan amongst other related issues. Freshfields advised that the proposed merger of the pension plans could have been accomplished in two ways:

- (1) application to the court; and
- (2) legislation.

Mr. Speaker, as we in the People's Partnership are committed to our manifesto, there must be a social security system that guarantees to retired persons a decent

life. We owe it to our seniors to reward them for their contribution to our nation. This is why I said earlier that as we consider this Bill, we must keep at the forefront of our thinking, the fact that men and women whose livelihoods we are impacting here are the very men and women who toiled to build the energy sector upon which the strength of our nation stands. This is why we were also of the considered view that the better option is what Petrotrin recommended—that the merger be carried out by way of an Act of Parliament similar to the manner in which Petrotrin was formed.

Further to Petrotrin's recommendations—the seven pension plans of the company by way of the Vesting Act—the Trintoc staff pension plan has not been included in the merger as they are not represented by the OWTU.

Petrotrin has advised that discussions are currently underway with the National Petroleum Staff Association, the recognized representative for members of that plan regarding their inclusion in the new merged pension plan.

Following this, Mercer, a Canadian based consultancy actuarial firm was commissioned to perform an independent valuation of the pension plans and to determine the long-time financial implication of the merger. The key findings of Mercer's valuation included:

- (1) Post merger—the benefits improvements are not expected to result in increased contributions from either the employees or Petrotrin.
- (2) The merged plan is projected to be in a healthy surplus position.

Of note, this Bill seeks only to establish the plan. It does not seek to legislate the terms and conditions that govern the pension arrangements for the plan's members. It deals simply with the establishment of a new plan and ensuring protection of the rights and benefits for pensioners. The merger will be executed by transferring the assets of the seven pension plans to the new pension plan established under statute. The Bill also provides for the winding up of these seven plans.

The Bill contemplates that, as with any other pension plan, the plan's terms and conditions and operations will be governed by a trust deed and rules. In this regard, the trust deed and the rules have been completed and the trust deed has been executed with a trustee and will, therefore, be in effect at the time that the Act comes into force.

Mr. Speaker, I now take the opportunity to go through the specific clauses of the Bill. Clause 1 of the Bill sets out the short title as the Petrotrin Pensions Act, 2010.

Clause 2 of the Bill provides for effect, even though inconsistent with sections 4 and 5 of the Constitution.

Petrotrin Pensions (No. 2) Bill
[HON. C. SEEPERSAD-BACHAN]

Friday, October 08, 2010

Clause 3 of the Bill speaks to the commencement of the Act for which this is the Bill.

Clause 4 of the Bill provides for the interpretation of certain words and phrases.

Clause 4 defines each of the seven plans and the dates for establishment of the trust deed and rules for each of these plans.

Clause 5 of the Bill establishes a new pension plan that would be governed by a trust deed in effect at the time the Act comes into force.

Clause 6 of the Bill will transfer a participant of an existing plan together with his or her pension rights from the plan to the new plan, as well as transfer pension rights and corresponding assets held by the trustees of existing plans to the trustee of the new plan. Further, the clause will also transfer to the trustee of the new plan the liabilities of the trustees of existing plans, as well as those of an employer under or in relation to an existing plan.

Clause 7 of the Bill provides for winding up of the existing plans by the trustees and for the discharge of those trustees.

Clause 8 of the Bill provides for the non application of stamp duty in accordance with the Stamp Duty Act, Chap. 76:01 to the transfer and vesting of assets of the existing plans in the new plan.

Mr. Speaker, the harmonization of these pension plans will result in immediate benefits through greater stability; increased financial viability; a reduced likelihood of deficits and also a much decreased likelihood of increases in contributions.

The harmonization proposed has paved the way for significantly improved benefits for both current as well as retired members. In addition, benefits for all members will be evenly funded and administrative cost will be reduced through elimination of duplication, functions and organizational inefficiencies due to size.

Mr. Speaker, in closing, allow me to recommit to the people of our nation and, in particular, to the men and women whose lives will be impacted by this Bill; I assure you that as a Member of this honourable House and as the Minister of Energy and Energy Affairs that all that we do, discuss, debate and agree on will be in recognition of your sterling service, and in appreciation of the fact that had it not been for your work in our energy sector, we would not be where we are today as a nation.

Mr. Speaker, this is where life really begins for many of our men and women. Through pension plans and other State arrangements, we must ensure that life is as comfortable, stable and safe as possible without the stresses of the working population, and actually have a real choice of whether they choose to continue

working or to spend their retirement doing the things that would make them truly happy and fulfilled.

Mr. Speaker, I beg to move.

Question proposed.

3.15 p.m.

Miss Marlene Mc Donald (*Port of Spain South*): Mr. Speaker, I listened to the Member for San Fernando West, the hon. Minister of Energy and Energy Affairs and, of course, I listened quite intently. I want to say to you, hon. Minister, there is a little lesson we learn in literature, that when we are going to use other people's work, especially verbatim, we must state the author, where we got it from. There is something called plagiarism, and we must give credit to the author of the paper you just read. [*Desk thumping*]

Hon. Minister, I should have walked with the *Hansard* of Mr. Mariano Browne's contribution, of March 2010, who was the then Minister of Finance. I could have followed that whole speech through. [*Interruption*] [*Crosstalk*]

Hon. Member: Where is he now?

Miss M. Mc Donald: That is not the issue.

You did not give credit to the then Minister, but one would have thought—PNM has done nothing. You listen to them and there is a common thread, "PNM has done nothing for the participants in this plan". But there were 11 years when you could have done something. Where were you between 1995—2001, the Chairman in the UNC? You were the Chairman in NP, where were you in 1986—1991? That is 11 years.

Let me make my contribution and I will show what this caring PNM did from 1969. Let me apprise this honourable House, the national community and the newcomer in San Fernando West.

The seven pension plans being operated by Petrotrin are the result of mergers and acquisitions of different companies over the years to form what we know today as Petrotrin. I believe giving you a little history would be instructive. I hope that the Member for San Fernando West would listen carefully and stop campaigning. I told you that we got a resounding "cut tail" on May 24, 2010. I told this House that; so govern "nuh", [*Desk thumping*] govern; govern. We are on this side and you are on that side; you govern. [*Crosstalk*]

Petrotrin Pensions (No. 2) Bill
[MISS MC DONALD]

Friday, October 08, 2010

Mr. Speaker, a short history is instructive. In 1969, as a consequence of a decision taken by BP Limited that their landholdings were unattractive and thus was no longer interested in oil operations in Trinidad, meant that workers would have been laid off. At that time, BP had operated two pension plans for their employees. It meant that the pension rights, as well as the workers' jobs, were at stake.

The government of the day—the PNM government—stepped in to protect the interest of the workers. Being a young, independent nation, the then PNM government needed to acquire the technical skills to assist them if they were to take over the operations of BP Limited. As a consequence, the government acquired the local assets of BP Limited and formed a joint venture initiative with Trinidad Tesoro Limited to take over and manage the landholdings of BP Limited with Tesoro giving the undertaking to the government that the pension rights of the workers were protected and preserved under the new arrangement. The two pension plans being operated by BP Limited were then transferred to Trinidad Tesoro Limited.

Further still, the government acquired the Trinidad holdings of Shell Trinidad Limited which was later transferred to Trintoc. Once again the government insisted that the pension plan of the workers should be protected. In this case, Trinidad and Tobago was just emerging out of the colonial era and associated with this period a hierarchical system of pension schemes or plans existed; that is, there were separate plans for the senior staff, for the monthly staff, for the hourly and weekly rated staff members. There were three pension plans in operation at that time. Again, on the basis of the then government's policy, the preservation of workers' pension rights was pivotal.

In 1985, the government acquired Texaco landholdings and its refinery in Trinidad and placed them in Trintoc. Once again Texaco operated three pension plans and these were transferred to Trintoc including the personnel. In 1985 also the government bought out the 49 per cent shareholdings limited in Tesoro Limited and formed Trintopec. Trintopec then acquired the two pension plans from Tesoro Trinidad Limited. So by 1993, what was the picture? It was clear. BP Limited had transferred their two pension plans to Tesoro Limited, who then transferred to Trintopec. Then we had three pension plans being operated by Shell transferred to Trintoc; then three in Texaco transferred also to Trintoc. So we ended with a situation in 1993 with Trintoc having six separate pension plans and Trintopec two separate pension plans. That was the position in 1993 when the government took a decision to merge Trintoc and Trintopec. Petrotrin ended up in the unenviable position of having eight separate and distinct pension plans: three from Shell, three from Texaco and two from Trintopec.

Mr. Speaker, with eight different pension plans to administer, the following issues arose: some persons within the company—all within one company—were

at an advantage over the others. Some pension plans were in surplus, some were in deficit, but on the basis of the pension law you could not use the surpluses of one to clear the deficit on the others. The union had been very active, that was the Oilfields Workers' Trade Union (OWTU). They had been very active within this area, trying to ensure that in any harmonization process no one would be left disadvantaged.

One of the plans, which is the Trintopec staff pension plan, has not been included in the merger, because it was a merger of seven, as they fell outside of the Income Tax Act, and they are not represented by OWTU but by the National Petroleum Staff Association. I understand from my research that talks are underway, discussion is underway, to get them included in the new merged plan.

Mr. Speaker, having given you this background, we now come to the actual merger in 1993 of Petrotrin by this Vesting Act, known as Act No. 27, the Petrotrin Vesting Act, to take over the core operations of both Trintoc and Trintopec. Petrotrin continues today to operate eight pension plans. I will not go through all, because the hon. Minister gave a listing of the seven plans. We are dealing with seven because one is not in the merged plan.

From my research, these plans collectively have about 11,000 persons. This merger would create economies of scale with more benefits for everyone. The approach would allow for the following: a stronger plan with greater long-term financial stability; improved benefits for all; reduced likelihood of deficits or increased contribution requirements; benefits for all members would be evenly funded and, of course, reduction in the pension administration costs. Having to operate seven separate plans, you would have seven trustees, your management committees, investment managers and fund managers. Once they are merged and we harmonize this process, you are going to reduce the costs. These costs are borne by the actual plan itself, which would be the members, the participants in the plan.

I want to assure this House that all seven pension plans were approved under section 28 of the Income Tax Act. I have also been advised that Petrotrin has done all it could to enhance the administrative efficiency and maximize potential benefits to workers under these plans.

Between the years 1998—2003, the OWTU entered into agreements to harmonize the benefits of the seven pension plans, because they are the recognized union. I recall the PNM was not governing this country in 1998; between 1995—2001 it was the UNC administration and since as early as 1998 the OWTU head submitted a proposal. So the Minister is here criticizing the PNM, when you had it in your hand. They submitted the proposal in 1998 and you were there until 2001. So what happened?

Mr. Warner: Stop campaigning!

Miss M. Mc Donald: Chaguanas West, you should never talk about campaigning, not with me; never! All I am doing is just clarifying the facts; that is what I am doing, clarifying, and setting the record straight, my leader says. [*Laughter*]

In 1998, the OWTU submitted a proposal relating to the harmonization of Petrotrin's pension plans. The agreement included: benefit improvements to the participants; harmonization of the administrative provisions of the pension plans and harmonization of the amendment power under each of the plans. My understanding is that both OWTU and Petrotrin agreed to these proposals. [*Interruption*]

Mr. Roberts: You got permission to read?

Miss M. Mc Donald: You were behaving good all evening.

On December 17, 2003, both Petrotrin and the OWTU signed a memorandum of understanding to provide a number of further benefits and a merger of the pension plans. Some of these benefits were: increases in the pensions payments relating to the retail price index; the surviving spouse pensions of 50 per cent for death after retirement and a minimum pension increase of \$200 per month for pensioners. Upon the passage of this Bill, three other benefits would accrue to the participants of the plan.

Petrotrin appointed an actuarial firm; I believe it was a Canadian firm and they did an independent valuation of each of the seven pension plans. Let me give you two of the major findings. The improvement in benefits was not expected to result in increased contributions to be paid by the participants and that the merged plan was projected to be in a healthy surplus position. Of course, in the restructuring process, the merger would be done by the transfer of the assets of the seven plans to the new pension plan. All the liabilities of the members of the transferred pension plan will be honoured.

3.30 p.m.

Mr. Speaker, this Bill does not seek to deal with, I would say, the conditions that govern the pension plan, but merely to establish a new pension plan. For too long Petrotrin has had to manage the separate and individual plans and today we are here to bring an end to that, to merge it and so make it a much easier and efficient manner of dealing with the management of these pension plans.

Mr. Speaker, I know that OWTU had submitted two concerns:

1. that the Bill should be passed with a special majority; and
2. that a new clause should be included as subclause (iv) to avoid recourse to Parliament.

Well I have seen it in the—I think it is 5(iii)—Bill under review.

I want to turn my attention to something else. As I studied this new arrangement and I looked at the history from 1969 where you had several acquisitions, mergers and the transferring of pension plans from one company to the next it raised a number of questions in my mind. But before I say that, I want the national community and this honourable House to know that we on this side understand that a pension is something critical in the life of a worker. People are not only interested in their present income, but what kind of income will they be receiving in their retirement days. When a person is working, one enjoys a certain standard of living and there is a reasonable expectation that a person wants to maintain that standard of living as if he was still employed after retirement.

Trinidad and Tobago can be viewed or likened unto a big village with a whole host of extended families. Many workers continue to support their children and their grandchildren after they have completed work and even aunts and uncles, et cetera; some of them may even have mortgages to pay after they have retired. As a consequence, the pension right of workers, especially those workers who have toiled long and hard in oilfields and who have contributed immensely to national development, they deserve to have their pension benefits protected and preserved and, I believe this is what the PNM had done over the years from 1969.

Mr. Speaker, basically, a pension plan is a method by which an employee transfers part of his or her current income stream towards a retirement stream. In other words, put aside some from today for tomorrow, just as we have the Heritage and Stabilisation Fund of \$19.5 billion. That is the rainy-day fund. That is PNM.

I believe that the time has come and perhaps the time is right for Government to examine the whole question of pension reform in the broadest possible sense. This would no doubt ensure that people who are employed in the public or private sectors have a decent income upon their retirement. I make this recommendation boldly this afternoon, as over the years I have observed that the Government is assuming more and more responsibilities for pension plans in this country. This has to be a costly matter. At this point, we need to consider the revenue stream of the Government, especially, where we have just witnessed a budget with no new income streams, a diminishing income stream at best and more and more monetary obligations.

Mr. Speaker, be reminded that in order to pay pensions to public servants and others who are entitled to a pension creates a charge on the Consolidated Fund. The Government needs to introduce some broad policy framework with respect to how they intend to deal with this serious liability of pensions as a whole in Trinidad

Petrotrin Pensions (No. 2) Bill
[MISS MC DONALD]

Friday, October 08, 2010

and Tobago: whether it is the question of the Senior Citizens' Grant, or public officers' pensions, or those in the statutory corporations. Just by way of statistics, the Government spent \$1.85 billion in 2009; for 2010 it is \$2.1 billion and it is estimated to spend \$2.4 billion on pensions in 2011.

Can the Government—I ask the question—continue to fund this direct and increasing charge on the Consolidated Fund in a period of declining revenues or, put more broadly, given its constant fluctuating income stream? The short answer is "no". I want to propose, the Government should move—I want to recommend this afternoon—to a fully funded and portable pension plan: fully funded means that the funds are put aside annually in a specific plan and invested to provide future annual pension payments. Pension portability means the capacity to preserve the actuarial value of the accrued pension when switching jobs, that there is no portable loss moving from job to job. The fully funded and portable plan requires consideration of the following:

1. Changes in the legislation to allow for portability;
2. Employees being allowed to match Government's funding;
3. The period of pension guarantee and pension inheritability—for example, the pension should be guaranteed for life to individuals and for a certain period should the widow or widower die within 10 years of retirement.

In closing let me state that this is a red letter day for all those employees at Petrotrin; past, present and those to come, who are participants in this plan. We acknowledge your long wait, but in any type of harmonization process—it lapsed in March of 2010 in the other place, you would be familiar with that, but we are here today. I say the OWTU as well as the participants of the plan, they have waited long and hard and I am saying, yes, we on this side support such a Bill and such a move. Of course, Mr. Speaker, their only effort in this is to bring it to this House, we have done all the work already, as I have demonstrated. [*Desk thumping*]

Mr. Speaker, with those few words, I thank you.

The Minister of Labour, Small and Micro Enterprise Development (Hon. Errol Mc Leod): Thank you very much, Mr. Speaker and Members of this honourable House. I shall put the record straight. [*Desk thumping*]

We are talking here about the bringing together of \$7,254,031,342. That still excludes the senior staffers represented by the National Petroleum Staff Association employed in that part of Petrotrin that is still sometimes referred to as Trintopec. It is a lot of money. And today, what I have given you, Mr. Speaker, is

as at June 30, 2010, just about two, three months ago. This would have been tremendously more than the figure that I gave you, had we had what has just been suggested by the Member for Port of Spain South as the active contribution of the PNM while it had been in government. They did nothing whatsoever. [*Desk thumping*]

What we have today did not just come by quietly by some people sitting in a room and working out some terms of settlement and then deciding to hire the experts like Freshfields from England for instance and expert actuaries from Canada and then formulating a Bill and bringing it to this Parliament. It did not come as easy as that and I would have superintended quite a lot of the activities that have brought us to this point, so I know what I am talking about. [*Interruption*]

I want to put this whole thing in its most proper perspective, but let me hasten to welcome the support that the Member for Port of Spain South has indicated on behalf of the Opposition Bench, support to this measure that we have brought to the Parliament. I agree with my colleague, the Member for San Fernando West, hon. Minister of Energy and Energy Affairs, that it was the EGPF—and a number of the people here would not know what that is—an Employees' Gratuity and Provident Fund, that was one of the conditions under which the old oil workers—my father having been one—toiled. They did not have the kind of health and safety standards that we advocate today. They did not have paid sick leave and when they did get paid sick leave that pay for the week when they were sick was coming three, four, five weeks after, and wages were very small. We moved from EGPF, which was the equivalent of one fortnight pay per year of service. [*Interruption*]

Yes, one fortnight pay per year of service, and the PNM was there you know. [*Interruption*] They were there fighting down organized labour. [*Interruption*] And we moved from EGPF in 1965—the OWTU and Texaco negotiated the first oil workers' pension plan to come into being. You had such persons as the indomitable George Weekes, Max Ifill, a well-known economist, they negotiated on behalf of oil workers the first pension plan that came into being on January 01, 1965 and that pension plan was on the basis of the career average type. You worked for 45 years—the compulsory retirement age was 65—and some time during that 45 years you would have moved from 25 cents an hour to \$1.33 an hour on your retirement.

3.45 p.m.

And they would have worked the average hourly rate over those 45 years, moving from 25 cents to \$1.33, and then they multiplied that by your service of 45 years and a factor, which they called the actuarial factor, but which hardly anybody understood—so that one would have worked for 45 years and gone home

Petrotrin Pensions (No. 2) Bill
[HON. E. MC LEOD]

Friday, October 08, 2010

on retirement with a pension of \$126 a month, and that was high for them. There were those with \$73 per month. My father worked under some of those conditions and I knew a man when I joined Texaco, who worked in the refinery lab and who rode a bicycle from Cocoyea to Pointe-a-Pierre every day—later on I came to know that man as the father of the Member for San Fernando East. They worked under most terrible conditions and the PNM did nothing.

And then we moved from career average—and here is where I came in—to the average of the final three years and we had to take strike action for that, you know. It did not just come like that. We had to take strike action for that. In 1983, we were around the Ministry of Labour's conciliation centre at Albion Street—you would remember those days, Mr. Speaker—and we negotiated for all of 47 hours without taking a break except for a cup of coffee or to go to the boys' room. Yes, 47 hours.

And, of course, today we have come to the formula that we will boast about: final year pay or the highest pay that you would have realized in your career, that by your years of service, by the accrual rate that my colleague mentioned, 2.15 per cent and the computation factor of 223.3718. Before that, for the weekly/hourly rated worker, the labourer, the craftsman, hourly rated, they had a commutation factor of 101.123-something, and the accrual rate was .5 of a per cent for past service and 1 per cent for contributory service. All that time those workers would have been contributing to the modernization of Trinidad and Tobago as we know it today, but they suffered the most, just like the sugar workers and other agricultural workers would have contributed to the modernization of the society and suffered the most in the process and still suffering.

Mr. Warner: Under the PNM.

Hon. E. McLeod: So when you hear, for instance, that in 1969 there was the merger of plans to bring about the present plan that we have, that is nonsense talk—and I am being very kind here—and that the PNM intervened to save the workers' jobs when BP, in an earlier incarnation, decided that there was hardly any more oil in the ground in Trinidad and Tobago and that they were pulling up stakes, and one makes it sound as though BP was being kind to Trinidad and Tobago and the Oilfields Workers' Trade Union and the many workers whom they retrenched. In fact, they retrenched those workers and later on when some of those workers came back on the payroll in 1970, I led, in 1984, the OWTUS negotiating team that put those persons back on the pension plans that used to be—

Mr. Sharma: Is 40 years of service, plus.

Hon. E. McLeod: But this country must be reminded about the truth about the acquisition of BP's assets. BP was leaving and we could have taken BP's assets

for what you would have learnt when you did economics, we could have gotten it for opportunity cost. Am I saying the right thing?

Mr. Sharma: And you sound like a lecturer there, man. [*Desk thumping*]

Mr. Warner: Listen and learn.

Hon. E. Mc Leod: But we foolishly acquired—we, meaning those who were in charge—BP's assets for \$44 million and then we entered into a deal with the little known Tesoro of the United States of America, somewhere in Texas. We invited them to come and run this thing for us, because we did not know how to run it. Now all that had to do with what the pension for workers would be, you know. Every dollar that they misappropriated would have impacted, as it continues to impact, on what workers take home at the end of their days.

So we acquired BP's assets for \$44 million, invited little known Tesoro here, entered into a deal with them and we gave them 49 per cent of that for how much? US \$50,000; at the time the exchange rate was 2:1. So for all intents and purposes, we gave away \$22 million of assets for \$100,000. That is what they did! And the country must know that. That is what it is. [*Interruption*] Do not come here—and oil workers will not believe you when you claim that the PNM helped oil workers. Some of them are here.

And that is not the end of the matter. When Tesoro thought that their belly was full enough and they were ready to go, we reacquired the 49 per cent that they got for US \$50,000; we paid them \$480 million in 1985.

Mr. Roberts: Great is the PNM!

Mr. Warner: Corruption shall prevail!

Hon. E. Mc Leod: I said that I shall put the record straight. Do I say more? There is much more that can be said.

Mr. Warner: Great is the PNM. Corruption shall prevail! *MV Su*.

Hon. E. Mc Leod: And when Textrin interests were bought out, there were serious difficulties in the negotiations and those difficulties had to do with Textrin's contributions to the employees benefit plan. And Texaco wanted to trade the contributions that they owed to the plan with the Trinmar assets, part of which they had. And again, we yielded to the multinational corporation. When they make demands, we are small and we are insignificant and we are unknowing, so we bend over backwards to accommodate them while we dish out pressure for our nationals who keep this economy going. We must tell the truth when we get up to speak.

Petrotrin Pensions (No. 2) Bill
[HON. E. MC LEOD]

Friday, October 08, 2010

So the matter before the House is the culmination, really, of many years of workers' intervention and struggle. I was here in 1976 to 1981, as I said last time. I was representing the Oropouche constituency. It was one constituency at the time. Today it is Oropouche East and West. And that was the first Parliament in our republican status. Is that the way to say it? And one of the very first measures that came to that Parliament in the month of September 1976, a measure that the Opposition supported, there was unanimity; the PNM brought bills here dealing with the retirement benefits of the President of the Republic, the Prime Minister and the Chief Justice, the three highest offices in the country. And those three pieces of legislation required simply that on their retirement the holders of these offices should go with a pension that is equal to salary. Everybody since then who has been a Prime Minister, a Chief Justice or a President and who would have served a term—I cannot remember exactly if the term was limited to five years or whatever; a full term—pensions equal to salary.

I supported it. The entire Opposition supported it, but my contributions in the debate on that—and you check the *Hansard*, it will tell you—I said that these are three offices that are worthy of the best possible conditions that this country and economy can afford, but we must be mindful of those who are in the trenches, those who, when some of us are asleep in the night, they are on the production rigs; they are in the refinery; they are in the marine operations and some of them are in the land operations, doing very dangerous work to put food on the table for all of us in Trinidad and Tobago, and we should consider such persons in the very productive processes of this economy; such persons, to the extent that their pensions plans can afford it; they too should receive pensions that are higher than that which is now calculated and which is limited to 66 2/3 per cent.

Now I am talking about contributory pension plans; the worker contributes and the employer contributes and what the employer contributes really, ought not to be seen as generosity on the part of the employer. What we demand that the employer contribute is that part of the wage that the worker should really be receiving in his envelope every week, every fortnight or every month, but because we want to be partners in this thing, partners in the production process and partners in my being able to sustain a decent standard of living, after I have given all of the morning of my life, and I am now in the evening. That ought to be very prudently invested, the returns on which will provide for adjustments from time to time.

4.00 p.m.

There are pension plans with massive surpluses. You put proposals to the employer and they will tell you, "Well, we have satisfied the requirements. You

are in receipt of 66 2/3 per cent of your last wage or salary and you should not according to the regulations." I do not know it to be a stringent legal condition, if it is a legal condition at all. Somewhere in 1998—the Member for Port of Spain South talked about 1998—we raised that issue and it was being considered; then again in 2002/2003, we wrote to the then Minister of Finance and I got a very curt two-liner that they have acknowledged receipt of the letter and there is going to be some pension reform committee that will consider the matter.

As I said, Mr. Speaker, in 2003, the workers in Petroleum were engaged in industrial action for two weeks, up to December 17, eight days before Christmas. They were not arguing so much for an increase in meal allowances, travelling allowances or hourly rate of pay; they were arguing for a better framework within which pensions should be calculated, and that we should bring all of the plans together, so, as the Member for Port of Spain South said, there would be better economies of scale. We proposed that in 1992, and the management of Petrotrin—well, it was then Trintoc—at the level of the managing director himself said, "No, we will not have that. How could we put our executive management and other senior management persons in the same pension plan as the daily rated and hourly rated?" He was on class. It was the same person who had determined that there must be a senior staff club and a labourers' club—and spent different sums of money to maintain those clubs—and that the senior staffers would have a swimming pool at the senior staff club, and the labourers—[*Interruption*]

Mr. Warner: Duck pond.

Hon. E. Mc Leod:—duck pond.

Mr. Warner: "All yuh ain't shame?"

Hon. E. Mc Leod: Or you get under one of these 2-inch pipelines in which they run refinery cooling water. [*Interruption*]

Mr. Sharma: He should stay in the duck pond.

Hon. E. Mc Leod: That is what it has been.

Mr. Imbert: You are just jealous!

Hon. E. Mc Leod: I am not exaggerating.

Mr. Imbert: I am not talking to you.

Hon. E. Mc Leod: I know you could not be talking to me. You cannot tell me that. [*Laughter*] So it was action; workers' intervention that has brought us to this point. They never wanted to do this. We sought not just to improve workers' terms and conditions

Petrotrin Pensions (No. 2) Bill
[HON. E. MC LEOD]

Friday, October 08, 2010

of employment, we have been struggling to improve the performance of the company which the PNM ran down. [*Desk thumping*] They ran it down and, yes, that has a relationship with the pensions today, 10 years from now, 20 years from now.

Mr. Warner: No shame!

Hon. E. Mc Leod: What is the production at Trinmar? Trinmar averaged approximately 60,000 barrels a day earlier on in my time, and then five years ago, we were at 35,000, 36,000, 37,000 barrels a day. Of course, there is natural decline, but a decline is accelerated by your not engaging in exploration and production type workovers and so on. They calculated that it is easier for them—not more economic—to import 100,000 barrels of foreign crude subjected to the prices on the international market, than to improve our own indigenous crude production. They know that the more we process as indigenous crude, it is better for our refinery margins. Not so, Member for San Fernando East?

Mr. Warner: He "cyar" talk.

Hon. E. Mc Leod: Well, at least you could nod your head. You are not sleeping. So, they have been running the thing down and, if we are not careful, all that we have talked about today, about sustaining our pension provisions, might deteriorate and come to nought. I do not think that the workers whom I have had the distinct pleasure and privilege to lead will ever allow that to happen in Trinidad and Tobago.

So today, they are breathing a fresh breath of good clean People's Partnership air—[*Desk thumping*]

Mr. Warner: Listen and learn!

Hon. E. Mc Leod:—and we must continue to engage them as they seek to improve the performance of our state enterprise on which Trinidad and Tobago, and certainly, our Caribbean brothers and sisters depend so much. Because they know, and we know, that if our industrial operations, if our economic operations are unsustainable, then the question would be: Will the jobs of the people now engaged in the industry be assured, wither our ability to pay pensions and other benefits that people would have worked so hard for? I thought that I should put that on the table as I sought to put the record straight.

Quite a number of workers are looking forward to the conclusion of this piece of the work, so that those items which depended on the passage of this measure can be effected so that people can begin to enjoy a little more of the fruits of their labour. I was happy to hear myself, that the staff pension plan—I think that is how they call it—at the former Trintoproc is now being considered for inclusion in this. When I led the union team in doing this that we have brought here, we were

seeking to have the NPSA involved, but they thought—and it was their right—that their healthy circumstances should not be incorporated in a situation where there were one or two elements of what we were bringing together, that were not too healthy. But I am sure that with the incorporation of these plans, not only will we have one very healthy solid pension plan satisfying the requirements of the rules, the trust deeds, all the formulae and so on for the calculation of this benefit, we will also be contributing in a very, very major way to providing funds for investment, and by our being satisfied, the viability of Petrotrin can certainly be enhanced.

There is one more thing I wish to correct. The question of portability of pensions had been decided a long time ago. In 1989, I represented labour on the National Planning Commission, and one of those macro matters that had been brought to the National Planning Commission dealt with the portability of pensions. But again, it seems that we are waiting for some experts to come and do that for us. As I say that, we spent a lot of our pension funds to pay Freshfields—I think that is what we call them—the experts—to do work. When we examined what they did, Mr. Speaker, we could have done that for ourselves.

Mr. Warner: For free.

Hon. E. McLeod: But we are always afraid it seems. We want to be in Government, but we want somebody else to come and show us how to govern. Sometimes we go for quite ordinary bank clerks. I understand that is what Calder Hart did in Canada. He was an ordinary bank clerk.

Mr. Warner: That was all he was.

Hon. E. McLeod: That was all he was.

Mr. Warner: He could not do more than that.

Hon. E. McLeod: But we had to bring him here to show us what to do and, we seem always prepared to genuflect before them. I could never forgive a Prime Minister who would genuflect before a crook like Calder Hart. [*Desk thumping*]

Mr. Warner: Well said! Well said!

Hon. E. McLeod: So, Mr. Speaker, we must look forward to the 10,592 workers, those in active service, those who have deferred membership and those who are currently in receipt of pensions, being a little happier tomorrow, when they would have heard of the deliberations of this House, and that there was unanimity across the House on effecting this particular measure.

Thank you very much, Mr. Speaker. [*Desk thumping*]

4.15 p.m.

Miss Joanne Thomas (*St. Ann's East*): Mr. Speaker, I am very pleased for the opportunity to contribute to this very important Bill, which when passed will impact on the lives of over 10,000 persons.

We have heard a lot about the Petrotrin plan and we know it comprises a number of deeds for each of the seven predecessor companies. There exist individual deeds and trustees from Shell, Texaco, Trintoc, Trintopec, Trinmar and Tesoro. The amalgamation of these plans will result in more benefits for everyone. One such benefit will be the more cost effective way in managing one big plan as opposed to several individual plans, as well as actuarial valuations in support of a merger have found that members stand to benefit greatly in a plan such as this.

Pension plans are classified in two categories: a defined contribution or a defined benefit. For further clarification, a defined contribution plan will provide a payout at retirement. That is dependent upon the amount of money contributed and the performance of the investment vehicles used. On the other hand, a defined benefit plan guarantees a certain payout at retirement according to a fixed formula which usually depends on the member's base salary and the number of years' membership in the plan.

The Petrotrin Pension Plan falls under the defined benefit plan. The plan's eligibility age criteria is anywhere between 18 and 50 years. This aspect of the plan is very competitive as some companies, including those in the financial and energy sectors, require an entry age of 25 years and one year's service.

Another aspect of the plan's competitive structure is the contribution rate. The contribution rate for employees is 7 per cent, with the company's contribution rate being 14 per cent, twice the employee's contribution rate. Currently, in the market, the average contribution rate by the employer and the employee is between 5 and 10 per cent.

As I take a scan on the Petrotrin Pension Plan, one unique aspect of the plan is the death-in-service benefit. This allows for the payment of four years' of basic rate salary as well as a refund of all contributions made. Should there be a spouse as beneficiary, the spouse is entitled to a pension.

As I continue with the operations of the plan, believe it or not, the retirement age is 60. Let me repeat: 60 years. If an employee dies after being on retirement and receiving a pension, a sum of money equating to three months of the last basic salary is paid to the beneficiaries to assist with funeral expenses. This kind of benefit is unique and puts the company ahead of the market in this regard.

A pension is very critical in the life of a human being because people are not only interested in their present income, but also in their future income; when they are no longer employed. This plan also caters to the well-being of an employee's family in the event of death after retirement. The plan has a guaranteed payment for 15 years. In the event of death, a sum totalling the difference between the 15 years is paid to the beneficiary. Should the beneficiary be a spouse, he or she will receive 50 per cent of the remaining guarantee and a pension for life.

These enhanced aspects of the plan do not in any way impact on the healthy surplus position of the plan. As was mentioned before by the Member for San Fernando West, the key findings of a merger evaluation included first post merger, the benefit improvements are not expected to result in increased contributions from either the employees or the employer. Secondly, the merger is expected to remain in a good surplus position. This, of course, is because the underlying plans are in surplus.

The PNM government understood the need to combine all of these plans and it was for this reason that it was brought to this august House in March of this year. The PNM understands the governance of this country so, to my friends on the other side, I must let you know that we just cannot help it; a good thing is a good thing, whether in government or not.

In conclusion, to endorse my colleague's plea, I urge the Government to look at pension reform in this country to ensure that people employed in Trinidad and Tobago, whether in public or private sector, upon retirement, have a decent income, and I do not mean \$3,000, on which to conduct their lives, especially in the winter of their lives.

The employees of Petrotrin are all waiting with bated breath to have this Bill passed, so I join with my colleagues in expressing my full support for this Bill.

I thank you.

Miss Alicia Hospedales (*Arouca/Maloney*): Mr. Speaker, I am happy to join this debate on the Bill to restructure the pension arrangements of the Petroleum Company of Trinidad and Tobago Limited.

On close examination of this Bill, it was observed that no changes were made to the clauses and the amendments in the Senate by the previous Attorney General were accepted. There were no changes brought forward by this current Government.

This Bill is a good example—I want to emphasize this—of thought, research and meticulous crafting of legislation that has continually occurred under the

Petrotrin Pensions (No. 2) Bill
[MISS HOSPEDALES]

Friday, October 08, 2010

PNM. This example should guide the UNC-A government, which appears to be living in "lulu land". I remember reading the *Hansard* on the Pensions (Amdt.) Bill and the Member for Chaguanas West made reference to his land being called "lulu land", a land where dreamers live.

The Members opposite are still dreaming. They are so caught up in their dreams that they are not taking time to do their work. They are plagiarizing the work of others and engaging in cut-and-paste exercises. You cut the people's work, paste it into your own and read it as yours. We need to encourage Members of this honourable House to do their own work. Do not plagiarize the work of others.

We saw this evidence today by the Member for San Fernando West who read almost verbatim the work of the previous Minister in the Ministry of Finance. That is not good at all. I am so disappointed because I know the Member for San Fernando West was a lecturer and I am sure she would have told her students over and over that plagiarism was not good; that if they plagiarize, they would be disqualified. [*Interruption*]

I have had lecturers who would encourage students not to plagiarize and they would caution their students—

Mr. Speaker: We are getting closer to tea, so I would like all hon. Members to allow the Member for Arouca/Maloney to deliver her contribution in silence.

Miss A. Hospedales: Thank you for your protection, Mr. Speaker. I was saying that I was really disappointed that the Member, who would have had significant years of experience in lecturing, would actually come to this House and do the very said things that she would advise students not to do. That is a shame.

The Member also boasted about the legislation they brought to the House. I am disappointed again. The legislation they claim to have brought to this House actually deceived the poor and vulnerable senior citizens. It sought to abrogate—I am talking about the Senior Citizens' Pension Bill, which was only a change of name. We go to that later.

There was a Bill brought to the House that sought to abrogate the rights of citizens and because they recognized the dangers of that Bill—after they crafted it and did not really think it through, and they heard the comments of the general public, they decided to pull the Bill back because they recognized the dangers it would have caused.

Mr. Peters: What is wrong with that?

Miss A. Hospedales: You are not thinking. You are not going through a proper analysis of the Bill. You are just rushing to do this and that.

They also sought to bring proposals with regard to legislation on procurement and the Central Tenders Board, but they failed to realize that these pieces of legislation would cause more complexity in the whole procurement exercise. It is extremely confusing, the legislative proposals and pieces of legislation they bring to the House.

This is not a good example of what governance is all about. It is an example of the blind leading the blind; a government by "vaps". You rush to do this and that; when you realize it is not good enough, you pull it back. These Members should take a good lesson from us. No changes were made. They adopted the Bill wholesale.

The current Bill represents the beginning of a very important period for the workers in the oil industry; not only the 5,000 existing deferred employees who will retire in the future, but the 5,500 who have retired. The merger of the existing seven pension plans will cause them to experience significant benefits due to the emergence of a stronger plan.

The seven plans are now merged and a stronger plan has now emerged. There will be greater long-term stability with regard to this plan and retirees, therefore, stand to experience improved benefits from the surpluses of the existing plans. They will be able to enjoy increased benefits in their pension.

As we all know, saving for a pension is very important and helps us to ensure that we experience a reasonable standard of living when we retire. I know I have a very long way to go before I retire, but I am sure that those Members who have already retired will be able to tell me a little more about saving for retirement.

Mr. Speaker: Hon. Members, it is now 4.30 p.m. It is a very good time to suspend the sitting. We shall resume at 5.00 p.m. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Speaker: Hon. Members, before I ask the hon. Member for Arouca/Maloney to continue, I ask the House to give the hon. Member for Arouca/Maloney your undivided attention. I would like to hear what she is saying. The Hansard reporters would like to record what she is saying. Could you observe the Standing Order that deals with silence whilst a Member is on his/her legs?

Miss A. Hospedales: Thank you, Mr. Speaker. Before we went for tea, I was saying that saving for pension is a very important thing. It helps us to ensure that we have a secure and reasonable standard of living at the age of retirement.

Petrotrin Pensions (No. 2) Bill
[MISS HOSPEDALES]

Friday, October 08, 2010

I also want to highlight, a bit, the need for the overall pension reform. I want to encourage the UNC-A Government to look at all the research that would have been done, with respect to the legislation, all the advice that was sought and the recommendations that would be listed as well. Let us use it to guide our decisions, in terms of the way forward, with respect to a comprehensive reform package. In looking at comprehensive pension reform, we took a number of years to review the legislation from other places, as well as to seek out advice and ensure that the way we wanted to go was in the right direction. I am encouraging them to take a look at what would have been done before. I am sure you all would find a lot of extensive research that you all can use in your discussions that will guide you forward.

In terms of the pension, it is just one part of a range of social sector support that is actually provided to persons of pensionable age. We have, under the PNM's administration, provided free eye glasses, health care, a range of surgeries, treatment for cancer, dialysis and CDAP. We have a range of social welfare grants. The Member for Caroni Central, I am sure, would be able to tell you of them. In addition to that, we also instituted free electrical rewiring, free bus passes and ferry passes, subventions for homes for older persons, senior activity centres and a policy on aging. I really want to stop a little and talk about the policy on aging.

A few weeks ago, I saw in the newspaper where the Ministry of the People and Social Development actually said that they are consulting with the senior citizens to come up with a policy on aging. I am not sure if the Member for Caroni Central is aware that there is already a policy on aging. I am not sure if he is aware of that. I do not know why they try to deceive the population by making them feel that the things they are presenting are actually new initiatives. They are not new initiatives. Those things already exist. These are just a few examples of the non-monetary contributions that the People's National Movement has made available for retirees. This has been one of our major track records, especially our investment in the social sector programmes. It is true to say that this was a demonstration of care by the People's National Movement, not what is experienced today.

Let me tell you what is experienced today. Just imagine, a Member on that side is actually using the back door to access his office. [*Interruption*]

Hon. Member: Who is that?

Miss A. Hospedales: No, I am not going to call any names. The Member is using the back door to access his office, so that he can evade the very said senior citizens that they said they want to serve; serve the people, serve the people, serve the people. Guess what? Do you know what happened? He is using the back door

and intending to dig a hole through a wall. This is so amazing. They are going to be known as the famous Government for digging holes. They are going to be known as the Government famous for digging holes. The senior citizens go to his office to get their concerns aired and this Member is evading these senior citizens and using the back door. Members on this side knew the kind of responsibility we had when it came to serving people and we did not use any back doors. We went through the front doors and we met with the people, because we knew what service to the people was all about.

This is just an example of what happens in Lu-Lu Land. The whole choir of all the Members who lived there would stand and say: "serve the people, serve the people, serve the people." Really, that is just rhetoric; something that they keep muttering over and over, but when it comes to the actual demonstration, they are not doing it. This is not the way that precious individuals or the precious seniors who worked hard to develop our nation; this is not the way, that they should be treated. What do we really expect from the UNC-A Government? We know. They have a track record and we know exactly what they can dish out.

Another thing is that I like to read the *Hansard*, because it gives us vital information. It really helps us to see the heart of the people who speak in the debate. Just imagine, in the Pensions (Amdt.) Bill 2008, it was stated that the use—let me go back to it—of the sliding scale under the Senior Citizens' Grant by the People's National Movement was inequitable. Although the name changed, just imagine that—recently, sometime in August, a Bill called the Senior Citizens' Grant (Amdt.) Bill came. That was just a change of name because, as far as I am aware, the sliding scale still exists and the income criteria still exist. What troubles me is that they are saying this same system, under the People's National Movement, was inequitable, but under them it is equitable. I really do not understand what the tongue-twisting is all about. One minute it is good for all of us and the next minute it is not good. One minute it is good for them and the next—I really do not understand what the tongue-twisting is all about. [*Interruption*]

Mrs. Gopee-Scoon: Twisted minds.

Miss A. Hospedales: Wavering in their minds. "Yuh know what dey say about wavering?" One minute we hear from the Members of the UNC-A, which is another thing that they said, life begins at 60. The Member for San Fernando West stood here boasting that life begins at 60. For the last few weeks, when we were talking about the senior citizens' pension, they continued to deny that they ever talked about any pension for 60-year-olds. This is so pathetic. They persistently argued over the years that 60-year-olds deserve their pension and should be paid a

Petrotrin Pensions (No. 2) Bill
[MISS HOSPEDALES]

Friday, October 08, 2010

pension, and another minute we heard that was not said. Because of their persistent wavering, I am sure a lot of people in this country are not sure what your policy or position is on pensionable age or what your position is on retirement, because you have consistently wavered and wavered and wavered; not having a clear position on anything.

They have wavered so much in the past, that it has brought much grief and confusion in the minds of our senior citizens. What is very important to pensioners—I remember the Member for Caroni Central saying that money is everything. Money cannot buy love. Money cannot buy care. Money cannot buy empathy. It is important for them and for all of us to know that love, care and empathy is not demonstrated by the amount of money that you have. Money is a necessary factor, we agree. It is a necessary factor for survival, but it really cannot buy the love, care and attention that is needed by our senior citizens. This was emphasized by the Director for the Division of Aging. I am sure the Member for Caroni Central knows who she is. It was featured in the *Newsday* when she said last month—in highlighting the plight of senior citizens who were abandoned, abused and neglected—that they must be treated with love. At the end of the day, it does not matter how much money a person has, if they do not have love, life would not be worth living. The saying that money buys everything, or money gives everything, is really contrary to the beliefs of many individuals who know that love is the most important thing to, especially, senior citizens. When they are going down in age, they want to know that they are loved and cared for.

Going back to the Bill that is before us, although the Bill before us would bring financial benefit to the retirees concerned, we must not lose sight of the fact that they need to be cared for and supported. These individuals have contributed significantly to the development of Trinidad and Tobago and they are now in the prime of their lives. We believe—and that is why we support this Bill today, because it is a People's National Movement initiative—that the Bill will significantly increase their pensions. We all know that they all stand to significantly benefit. We stand here today to give support to the Bill.

Thank you.

Mr. Speaker: Any other Member?

The Minister of Energy and Energy Affairs (Hon. Carolyn Seepersad-Bachan): Thank you, Mr. Speaker. Let me take this opportunity to thank all those who have contributed from both sides of the House. Let me start by saying that this is a simple Bill; a very simple Bill. I know a lot of what "dey call bro ha" was made.

Hon. Members: "Brou".

Hon. C. Seepersad-Bachan: Brou-whatever was, made—

Hon. Members: Brouhaha.

Hon. C. Seepersad-Bachan: Yes, brouhaha, Member for Point Fortin—about plagiarism. Let me just start by talking about this issue. This Bill was brought—I made mention of this in my contribution, in March 2008—and it lapsed because of the dissolution of Parliament. I went through the pains of outlining the process, starting from 2004. Up to 2007, there was an urgent plea to you, to bring this Bill to Parliament, because of all the issues pertaining. Was that in Mr. Mariano Browne's? You all do not listen.

Dr. Rambachan: "Dat is why dey lose election!"

Hon. C. Seepersad-Bachan: Exactly. That is why you are there and we are here, because you do not listen to the pleas of the people. The very same company came to you and pleaded with you to get this Bill through before the dissolution of Parliament in 2007, and it did not happen, and in 2008 you had to start over.

5.15 p.m.

Again, in 2009, they appealed to you because of the negative impact on the company's balance sheet. I wish Mr. Mariano Browne had outlined in his presentation in the Senate the negative impact this was having on Petrotrin's balance sheet; \$22 million a year. You see, you all do not care about that. You do not care about that and that is why we are here cleaning up all the mess that you have created. [*Desk thumping*]

You have a company today—Petrotrin—that is struggling because of your poor governance and your mismanagement, and this is why I brought this Bill. Whatever positive indent I could make on Petrotrin I will start by doing so.

They have this issue about plagiarism; the Bill was not changed. We did not deny that. We said that, but we are here today to make sure it happens, and that is what you did not do and, therefore, the facts would be the same. [*Desk thumping*]

Member for Arouca/Maloney and Member for Port of Spain South, the same technocrats who prepared Mr. Mariano Browne's presentation prepared this presentation for me which I modified. If the contributions were not similar then something would be wrong, because we are not bringing anything different. We are here to ensure that we implement and, therefore, if it is so, then we must allude to the same facts. [*Interruption*]

Let me just deal with this matter. They are talking about plagiarism and they want to take claim. Let us have some sympathy for the other side. They are

Petrotrin Pensions (No. 2) Bill
[HON. C. SEEPERSAD-BACHAN]

Friday, October 08, 2010

holding on; they are grasping at straws. I want to compliment my esteemed colleague, the Member for Pointe-a-Pierre and Minister of Labour and Small and Micro Enterprise Development, for giving us that background. Let me put on the record that the Member's contribution to this exercise—let me read for you here, and then you will tell me if it is plagiarism. This was signed on December 17, 2003. This is how far back you had this agreement with the Petroleum Company of Trinidad and Tobago and the Oilfields Workers' Trade Union. I recognize some of the members here in the public gallery. The parties had agreed to the following subject: The immediate resumption of work by all employees and return to normalcy.

Mr. Speaker, this document refers to all the improvements of the pension plan benefits. The parties, OWTU, Petrotrin and Trinmar have arrived at the following understanding to be reflected in memoranda and letters of exchange. These improvements referred to above include the following which were effective from January 01, 2003. The same things that Mr. Mariano Browne referred to in his contribution I also referred to them:

- (1) Pensions to be guaranteed for 15 years.
- (2) Actuarial rate of 2.15 per cent.
- (3) Computation factor of 223.3718 per cent.

And all the other things that you read today and which was presented in the other place when the Member presented the Bill.

I want to just turn the page and tell you that heading the list on the Petrotrin side was Mr. Agard, Mr. Caesar Mitchell—if I could see all the signatures. I just want to commend here, on the other side, on behalf of the union, Mr. Errol McLeod for leading the team. [*Desk thumping*]

In 1998, the pension rationalization agreement was arrived at and discussion started then. In 2003, we started the merged plan. I have a list here of all the achievements from 1998 onwards. My point here is: Why did it take so long—10 years under PNM rule and it was not implemented? Do you know why? [*Interruption*] Member for Arouca/Maloney—your love for senior citizens; your love for people and grasping at straws—you did not find the time during the nine years to get this into legislation, because it was not urgent for you. You had no urgency about this. [*Desk thumping*]

Mr. Speaker, let us move on. Let me just go to some of the points made by Members opposite. The hon. Member for Port of Spain South gave us a history

coming forward, which I think was rightly corrected by the Member for Pointe-a-Pierre, who gave us the true historical context of the developments today and the final point where we are with this merged plan.

I heard the Member for Port of Spain South speak to the issue of pension reform. *[Interruption]* If we plagiarized, it meant you spoke to all the issues of the People's Partnership Manifesto. One of the things mentioned earlier was the issue of pension by the Member for Port of Spain South. The Member spoke about annuity and the responsibilities. In addition, she said that we have to be careful about the diminishing income. I want to say to the Member for Port of Spain South that when we speak to the diminishing income to support our pension contribution, we must remember that we must not be penalizing workers; we must not be penalizing pensioners, because of diminishing income streams and the lack of management, squandermania and corruption. I wonder if this is why the last PNM administration took so long to deal with this particular merged pension plan. This was not important. All they were interested in is how much they could spend in state companies like Petrotrin.

The Member for Arouca/Maloney spoke about the issue of pension reform. We understand pension reform, but I also want to tell you that has been on the table for quite a long time under your administration. Today, I do not know what has been accomplished. Do we have pension reform? I think not. We would get it done under the People's Partnership.

Someone referred to the portability of pension plans. You know, I sat in the other place for a little while and that discussion and debate went on for quite a while under the PNM administration and nothing happened with portability. We give our commitment that this is an issue that we will take up under the People's Partnership Government.

Mr. Speaker, the Member for St. Ann's East spoke about the merits of the defined benefit plans and the benefits of the Petrotrin plan. It is probably one of the superior plans because of the death in service and the spousal pension. I think one of the benefits she spoke to was the three months salary for funeral services. Mr. Speaker, it is a superior plan when we look at it. We have to thank the workers of that company, and we also have to appreciate and recognize the workers of that company over the years who have made that sterling contribution to the energy sector of Trinidad and Tobago and who are therefore well deserving of a pension plan that is superior. *[Desk thumping]*

I just want to return once more to some of the issues that I spoke about before. They said that the Bill is nothing new. Let me remind you that when this Bill

Petrotrin Pensions (No. 2) Bill
[HON. C. SEEPERSAD-BACHAN]

Friday, October 08, 2010

came to the other place it was supported by all sides of the House: the Independent Bench, the Opposition Bench and the Government Bench. [*Desk thumping*] Do you know why? The Opposition would support any Bill that is a good Bill regardless of whether it is a PNM or a UNC Bill. This is what the People's Partnership Government is all about. If it is a good Bill, it will be supported.

Mr. Speaker, you would recall the support given by the then Opposition. I just want to clarify two issues on the Bill itself. As we speak about the harmonization process that was taking place, the discussions and the negotiations that went on for the last eight to nine years, there are several benefits that came out of that. I can list each of the benefits that were discussed and were actually achieved during that term. It speaks about employees being able to purchase years to enhance benefits if there were any; it speaks about the employed being allowed the \$2,500 minimum; the death benefit; the compulsory between ages; and the retirement age of 60.

I just want to state for the record that during that time—I think the then Minister mentioned that when the Bill came to Parliament it did not have clause 2 which allowed for the effect, although inconsistent with sections 4 and 5 of the Constitution. At that point in time, the then government felt that out of an abundance of caution, because of the merger of these plans—we also believe this today and that is why it is included in here—that there were property rights that were being infringed and, therefore, the need for the constitutional majority for this Bill.

In addition to that, if I may just quote from clause 5(4) which was one of the issues at that point in time—clause 5(4) states:

“The trust deed and rules may be amended in accordance with the provisions of the trust deed and rules.”

This was another recommendation made by the OWTU and we have included it here in this Bill. It was stated in the trust deed and rules, but it was not in the legislation, and the union was of the view that they would be more comfortable if this provision was actually included in the Bill. Mr. Speaker, it was discussed at that point in time and it is included in the Bill here today. We have no problem with that.

Our job is that we want to move with urgency so that we can ensure that the people of Trinidad and Tobago—I just want to quote those figures again, because most of them quoted the same figure of 10,000 persons. I would have felt that a government who was caring for the people would have thought of all these people. The Member for Pointe-a-Pierre indicated that after this Bill is passed there will be many citizens who will be happy, because of the impact that this merged pension plan will have on their lives.

Mr. Speaker, in addition, many Members spoke as well about the efficiency and the advantages of this merged pension plan in terms of the administration of the plan; in terms of the cost effectiveness of the plan; and the cost efficiencies and so on, but yet I cannot understand why you did not feel that it was urgent enough to make sure this Bill was implemented. It is a simple Bill.

Let me just remind you of the people that we are talking about, because my colleague, the Member for Pointe-a-Pierre, did quote the various plans. I just want to repeat the figures.

5.30 p.m.

We are talking about the Trintoc NCPF plan, 118 total; Trintoc Fund A, a total of 344; Trintoc Fund B, a total of 718; Trintoc EBP, a total of 4,397 citizens; Trintoc SRP, a total of 2,573; Trintopoc EPP, a total of 876; Trinmar EBP, a total of 867 and Trintopoc SPP, a total of 699. Therefore, for the record, the total number of citizens to be impacted by this step today will be 10,592 and their families. This was the reason very early we said that it was an important Bill to get to the Parliament and have it made into law so that the people of Trinidad and Tobago could benefit.

Mr. Speaker, with those few words, I beg to move.

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 8 ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment.

Question put, That the Bill be now read the third time.

The House voted: Ayes 36

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Warner, Hon. J.
Mc Leod, Hon. E.
Sharma, Hon. C.
Alleyne-Toppin, Hon. V.
Gopeesingh, Hon. Dr. T.
Peters, Hon. W.
Rambachan, Hon. Dr. S.
Seepersad-Bachan, Hon. C.
Volney, Hon. H.
Khan, Hon. Dr. F.
Roberts, Hon. A.
Cadiz, Hon. S.
Baksh, Hon. N.
Griffith, Hon. Dr. R.
Ramadharsingh, Hon. Dr. G.
Ramadhar, Hon. P.
De Coteau, Hon. C.
Indarsingh, Hon. J.
Partap, Hon. C.
Samuel, Hon. R.
Ramdial, Miss R.
Roopnarine, Miss S.
Seemungal, Mr. J.
Khan, Miss N.
Mc Donald, Ms. M.
Rowley, Dr. K.
Cox, Miss D.

Hypolite, Mr. N.

Mc Intosh, Mrs. P.

Imbert, Mr. C.

Jeffrey, Mr. F.

Thomas, Mrs. J.

Hospedales, Miss A.

Gopee-Scoon, Mrs. P.

Question agreed to.

Bill accordingly read the third time and passed.

**JOINT SELECT COMMITTEE
(Parliamentary Accommodation)**

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move,

Be it resolved that a Joint Select Committee on parliamentary accommodation be established;

And be it further resolved that this committee be mandated to consider essential guiding policies related to Member and staff accommodation during the restoration of the Red House project and report to both Houses from time to time.

Mr. Speaker, this matter is pursuant to the commitment of Government to ensure that the Red House remains the home and seat of the Parliament of the Republic of Trinidad and Tobago. [*Desk thumping*]

This matter also relates to modernizing the conditions of service for our Members of the House, the conditions of service for staff accommodation and related matters.

It is our intention that this committee will once and for all meet and treat with some of the challenges that we face on a day-to-day basis in the Parliament, not only health and safety, but related matters as well, such as the provision of state-of-the-art technology, proper equipment and modern facilities and the use of such technology, which, as you know, was quite a challenge in years gone by. This is the intention.

It is our hope that this committee will settle down to business quickly and report and provide the policies, the guidelines and, indeed, the recommendations that would lead to a Parliament that we can truly advertise as a leading institution in the world, not

JSC (Parliamentary Accommodation)
[HON. DR. R. MOONILAL]

Friday, October 08, 2010

only in the high level of content of debate, but also as it relates to facilities for both staff and Members and the public, which is a key component of the parliamentary process.

Mr. Speaker, I beg to move.

Question proposed.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, the Red House has always been the seat of Parliament for, I do not know how long, ever since I have noticed a Parliament in the country and to many people, Parliament means the Red House. But in recent years, two things were happening and I think one was mentioned in this Motion and the other mentioned in the short statement of the Leader of Government Business. [*Interruption*]

It is not my pin, it is our pin and this flag that you are marking your name on is our flag, it is not your party symbol. [*Laughter*] Mr. Speaker, I crave your protection from my colleague from Siparia. [*Laughter*] As you would be aware, there has been some restoration going on for a very long time and this Motion mentions "during the restoration". I hope that another new phase of restoration is not going to be superseded upon what is here now and what it means is that the restoration, which has been going on forever, would somehow come to an end soon. [*Interruption*] "What you call de PNM for?" The PNM is on Tranquility Street. [*Laughter*] This is the Parliament of Trinidad and Tobago.

I trust that this committee as it meets will somehow be able to facilitate and that the Government would support and facilitate what is going on and bring it to an end. As a Member of this House of long-standing, it is a source of great annoyance to me to be passing around this Red House for so many years and seeing it wrapped in scaffolding and galvanize. I hope that during this term the Red House restoration would be completed and we would have a House of which we can be proud.

Secondly, the last administration did indicate an intention to consider some relocation. [*Laughter*] [*Interruption*] Mr. Speaker, would Members on the other side allow me to speak what I want to say. They can join the debate, if they wish, and say whatever they want to say. While I am on the floor, I will speak the truth and speak what I want to say.

It was common knowledge that the last administration did put on the Table some question about relocating the Parliament and that had been a subject of great debate for quite a while. A new administration has come in and has categorically said that it is the position of the Government of Trinidad and Tobago to make the Red House the seat of Parliament, so that matter is now closed. What is open to us

is the maximum efficient use of this historic building as the Parliament of Trinidad and Tobago. If I understand the Motion correctly, we would have a joint select committee of the House in furtherance of expediting this restoration completion. And I dare say I took from my colleague, the Leader of Government Business, modernization and satisfactory upgrade, and that means we would not be walking on wet tiles when it rains and that the staff, who do yeoman service in some difficult corners in this building, would get the benefit of any upgrade—

5.45 p.m.

Mr. Warner: Elevator.

Dr. K. Rowley: If an elevator is required, then sure. [*Interruption*] Well, all of that. Generally, this building is probably the most important, historical, architectural artifact in Trinidad and Tobago and we are fortunate to have it as our seat of Parliament.

When we do this committee work I hope that what would come out of it is that this building would be treated with the respect and the effort that is required, so at the end of it something would have come out of it that we could all be proud of, because the Red House is in fact, basically, the heart of our democratic expression and I hope that this committee would bring about some improvement.

Mr. Speaker, when the Leader of Government Business spoke—I do not know if he misspoke or he was being over exuberant, but he did say the welfare of Members of the House. I am wondering when he said the welfare—the Motion said "accommodation for House Members and the staff—I wonder if he is aware that the welfare covers pensions. [*Laughter*] Because we did spend all afternoon here talking about the pensions of our fellow citizens in the oil sector and one of my colleagues on this side—I think it was the Member for St. Ann's East—spoke very eloquently on the importance of pensions. She spoke for all of us in this House, including you, Mr. Speaker. And when the Leader of Government Business spoke about "welfare", it might have been a Freudian slip, or was he indicating that the committee would also be looking at the pension arrangements that are in place for Members of this House? He may want to qualify it, but I would ask him, Mr. Speaker, not to hasten to answer because he may need to be lobbied.

Mr. Speaker, we look forward to serving on this committee and we look forward to the work of the committee contributing to the Red House taking its place where it belongs as the seat of Parliament in Trinidad and Tobago.

Thank you, Mr. Speaker.

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, let me thank the Leader of the Opposition for his contribution and we are extremely encouraged by the support of the Leader of the Opposition to the imperative of keeping the Red House as the seat of the Parliament of Trinidad and Tobago. We are encouraged because this is really the first statement that we are hearing from the Opposition and the People's National Movement, that is a u-turn, almost. [*Interruption*]

It is a turn from the former leader of the party and former Prime Minister, who was very clear that it was his ambition to have the Red House as the Office of the Prime Minister. So we are encouraged that the Leader of the Opposition has, indeed, supported the Prime Minister and the Government, and I just want to put on record that in this Parliament it was the first statement made by the Member for Siparia and Prime Minister that declared that the Red House will remain the seat of the Parliament of Trinidad and Tobago. [*Desk thumping*]

We are encouraged by your support. We were a bit nervous that you may have had another policy position to make it the Office of the Leader of the Opposition, [*Laughter*] but we are encouraged by that now that I mention it.

Mr. Speaker, just a couple of small points; the use of the word "welfare", of course, and I understand quite clearly the discussion on benefits to Members and so on, but we are dealing more with the infrastructural works that must be undertaken to bring comfort and in that sense, workfare to members of staff and Members of the House; as you know there are other institutions within the parliamentary system that will address some of the requirements and needs of Members and so on.

Mr. Speaker, with those few words in support of this Motion I am thanking the Opposition for their support on this as well. I beg to move.

Question put and agreed to.

Resolved:

That a Joint Select Committee on parliamentary accommodation be established.

And further resolved:

That this committee be mandated to consider essential guiding policies related to member and staff accommodation during the restoration of the Red House project and report to both Houses from time to time.

ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to Friday, October 15, 2010

Adjournment

Friday, October 08, 2010

at 1.30 p.m., and may I put the Opposition on notice that on that day we intend to debate the Bill brought from the Senate on the Supplemental Order Paper, relating to the Elections and Boundaries Commission (Local Government and Tobago House of Assembly) (Validation of the Ninth Report of the Elections and Boundaries Commission) Bill, 2010, and, time permitting, Mr. Speaker, to go to Bill No. 2 on our Order Paper, a Bill entitled "An Act to make provisions for the suppression of associations established for the unlawful purposes."

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.51 p.m.

WRITTEN ANSWER TO QUESTION

The following question was asked by Mr. Colm Imbert (Diego Martin North/East):

**Laptops for Sea Students
(Details of)**

- 3. Mr. Colm Imbert (Diego Martin North/East)** asked the Minister of Education:

With respect to laptops that are being acquired for students who were successful in the 2010 Secondary Entrance Examination, could the Minister state:

- (a) What are the technical Specifications of the laptops;
- (b) What are the terms and conditions of the contract for the supply of the laptops; and
- (c) What was the tender procedure used to acquire the laptops and on what basis was the supplier selected?

The following reply was circulated to Members of the House:

- (a) With respect to part (a) of the question, the technical specifications of the laptops are as follows:

- (i) Specification for the Students Laptops (17, 300 units)

HP 425	
Processor Speed (cache)	CPU ADM Athlon II P340 2.2GHZ
Memory	RAM 2G 1066DDR3 1DM

HP 425	
Video Card	Integrated
Display Size	14.0 Diagonal LED Backlit HD Right View (1366 x768) LCD 14.0 HD f/Cam
Audio Type	Integrated
Speaker Type	Integrated
Hard Drive Size	HDD 320G 7200RPM
Network Speed (Ethernet Connectivity)	10/100Mbps
Wireless Network Type	WLAN 802.11b/g/n BT Combo BWW
Key Board Type	English
Input Device	Touch Pad
Interface Provided	3 x USB 2.0, Video Output, LAN, Audio
Operating System Type	Microsoft Windows 7 (English) 32-Bit (with domain-based networking capability)
Power Supply	External AC Adaptor (100-240v)
Battery (Battery Life)	9 Cell 93Whr Up to 8 hours
Web Camera	WEBCAM Integrated 2MP
Mouse	Optical Mouse with Scroll and mouse pad
Laptop Tag (Asset tag)	Unique Identifier
ENERGY STAR ®	ENERGY STAR Version 5.0 compliance
Bluetooth Connectivity	Integrated

Pre-Installed Software	
Student/Classroom Productivity & Educational Software	Microsoft Windows 7 Professional Microsoft Office 2010 Home & Student Adobe Acrobat Reader Windows Live Essentials

Pre-Installed Software	
Student/Classroom Productivity & Educational Software	Microsoft Digital Literacy Worldwide Telescope Bing maps CMAP Tools Scratch Tool Additional Content to be provided by the Ministry of Education
Anti-Virus software	McAfee
Remote Shutdown software	Computrace

(ii) Specifications of Teachers Laptops (3,000 units)

HP 425	
Processor Speed (cache)	CPU ADM Athlon II P340 2.2GHZ
Memory	RAM 2G 1066DDR3 1DM
Video Card	Integrated
Display Size	14.0 Diagonal LED Backlit HD Right View (1366 x768) LCD 14.0 HD f/Cam
Audio Type	Integrated
Speaker Type	Integrated
Hard Drive Size	HDD 320G 7200RPM
Network Speed (Ethernet Connectivity)	10/100Mbps
Wireless Network Type	WLAN 802.11b/g/n BT Combo BWW
Key Board Type	English
Input Device	Touch Pad
Interface Provided	3 x USB 2.0, Video Output, LAN, Audio

HP 425	
Operating System Type	Microsoft Windows 7 (English) 32-Bit (with domain-based networking capability)
Power Supply	External AC Adaptor (100-240v)
Battery (Battery Life)	9 Cell 93Whr Up to 8 hours
Web Camera	WEBCAM Integrated 2MP
Mouse	Optical Mouse with Scroll and mouse pad
Optical Drive	Built-in DVD +/- RW
Laptop Tag (Asset tag)	Unique Identifier
ENERGY STAR ®	ENERGY STAR Version 5.0 compliance
Bluetooth Connectivity	Integrated

Pre-Installed Software	
Student/Classroom Productivity & Educational Software	Microsoft Windows 7 Professional Microsoft Office 2010 Home & Student Adobe Acrobat Reader Windows Live Essentials Microsoft Digital Literacy Worldwide Telescope Bing maps CMAP Tools Scratch Tool Additional Content to be provided by the Ministry of Education
Anti-Virus software	McAfee
Remote Shutdown software	Computrace

Written Answer to Question

Friday, October 08, 2010

- (b) With respect to part (b) of the question, the terms and conditions of the supply of the laptops include the following:
- (1) Distribution of Laptops to all 151 Secondary Schools throughout Trinidad and Tobago. Contractor assumes all the risks associated with the distribution of the laptops.
 - (2) Provision of five (5) channels of Warranty and Support inclusive of On Site support to all schools.
 - (3) Accidental Damage Coverage with coverage against physical damage to a product caused by or resulting from fortuitous incident. Covered perils include non-intentional liquid spills in or on the unit, drops, falls and electrical surge and including damaged or broken liquid crystal displays (LCDs) or broken parts.
 - (4) Asset tagging that allows easy tracking and management inventory of all laptops.
 - (5) Computrace retrieval of Laptops in case of lost or stolen.
 - (6) Non removable Security Tag to deter theft of the laptops.
- (c) With respect to part (c) of the question, the following depicts the tender procedure used to acquire the laptops and the basis upon which the supplier selected.

The Procurement Process for the Provision of Laptops to Students entering Secondary School

Cabinet agreed that in accordance with Section 20A(1) (C) of the Central Tenders Board Ordinance 1961, the services of the National Information and Communication Technology Company Limited (iGovTT) as the executing agency will have responsibility for the implementation of the initiative, including the procurement and distribution of the laptops.

July 03, 2010 a public notice was released by iGovTT via newspaper advertisements that a bid package for the 'Invitation to Bid' (ITB) for the 'manufacture, supply and delivery of computer hardware, laptops and peripherals' was available for collection.

The notice for the ITB appeared in three daily newspapers the date of closure was initially set for July 15, 2010. The ITB was also simultaneously provided to the Ministry of Foreign Affairs for circulation to all foreign embassies and consulates in Trinidad and Tobago.

Written Answer To Question

Friday, October 08, 2010

On the initial closing date, iGovTT extended the deadline for submissions by way of public notice and via email to all potential bidders (i.e. persons who had collected bid packages). The extension was granted based on written requests received from several major manufacturers. It should be noted that at the time of granting the extension no bids had been received. The extended date for submission was July 29, 2010.

The tender boxes for the ITB were sealed promptly at 12:00 noon on July 29, 2010 and witnessed by KPMG, the external auditors of iGovTT. The tender boxes were publicly opened at 1:00 pm on July 29, 2010 in the presence of officials of iGovTT, a representative from the Ministry of Education and KPMG. At the close of bids iGovTT had received submissions from eight (8) firms.

An Evaluation Team was appointed by the Tenders Committee of iGovTT. This team comprised representatives of iGovTT and the Ministry of Education, as well as a representative from the Central Tenders Board.

Three (3) firms were found to have submitted bids which met the initial criteria established in the ITB and were therefore subjected to a detailed evaluation. These firms were as follows:-

- (a) Fujitsu Caribbean (Trinidad) Limited;
- (b) Acer Service Corporation; and
- (c) Hewlett Packard Company.

Based on the results of points awarded to each bidder, the Evaluation Committee of iGovTT recommended that negotiation be entered into with the highest ranked bidder i.e. Hewlett Packard Company. It should also be noted that Hewlett Packard Company proposal was also the lowest priced.