

Leave of Absence

Wednesday, November 19, 2014

HOUSE OF REPRESENTATIVES

Wednesday, November 19, 2014

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 hon. Member for San Fernando East, Mr. Patrick Manning, who has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

PAPER LAID

Audited Financial Statements of National Schools Dietary Services Limited for the financial year ended September 30, 2010. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]

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

**JOINT SELECT COMMITTEE REPORTS
(Presentation)**

Miss Alicia Hospedales (*Arouca/Maloney*): Mr. Speaker, I wish to present the following reports:

**Statutory Authorities and State Enterprises (Group 2)
Ministries National Commission for Self Help Limited**

Sixteenth Report of the Joint Select Committee appointed to inquire into and report on Ministries (Group 2) Statutory Authorities and State Enterprises on the Administration and Operations of the National Commission for Self Help Limited.

Trinidad and Tobago Blind Welfare Association

Seventeenth Report of the Joint Select Committee Appointed to inquire into and report on Ministries (Group 2) Statutory Authorities and State Enterprises on the Administration and Operations of the Trinidad and Tobago Blind Welfare Association.

PUBLIC ACCOUNTS COMMITTEE REPORTS

The Minister of State in the Ministry of the Environment and Water Resources (Hon. Ramona Ramdial): Mr. Speaker, I wish to present the following reports:

Regulated Industries Commission

Fifth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Regulated Industries Commission for the years ended September 30, 2008 to 2010.

Trinidad and Tobago Electricity Commission

Sixth Report of the Public Accounts Committee on the Examination of the Audited Financial Statements of the Trinidad and Tobago Electricity Commission for the years ended September 30, 2008, 2009 and 2011.

PRIME MINISTER'S QUESTIONS**National Infrastructure Development Company
(Award of Tender)**

Dr. Keith Rowley (Diego Martin West): Hon. Prime Minister, has the Minister of State in the Ministry of Works and Infrastructure written to the Prime Minister a letter expressing her concerns with respect to the award of a tender by the National Infrastructure Development Company, NIDCO, on behalf of the Ministry of Works and Infrastructure?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you, hon. Speaker. The Minister of State did not write a letter to myself on behalf of the Ministry of Works and Infrastructure.

Dr. Keith Rowley (Diego Martin West): Is the Prime Minister aware that it has been published in the public domain that there are concerns about the award of a contract, where the evaluation process has been interfered with by the Minister of Works and Infrastructure, to the point where a junior Minister has expressed concerns about how the evaluation and the award is progressing?

Hon. K. Persad-Bissessar SC: Hon. Speaker, yes I am aware of an article published in a newspaper. I made the distinction of a letter received by the Prime Minister, by myself, that no such letter was written on behalf of the Ministry of Works and Infrastructure. However, the Minister of State, the Member for Oropouche West, did send an email in her personal capacity to me, whereupon I made enquiries as to the process, as to what was taking place. I was given indications as to what that process was.

There was one firm that had come in as the first-ranked bidder, second and third. I think the hon. Member for Diego Martin North/East had alluded to what was taking place when he said that the first-ranked bidder was, in fact, the highest bidder, and that the amount that they tendered was over \$100 million more than the second-ranked bidder.

The Cabinet-approved amount was about \$308 million—I do not have the exact numbers, but the first-ranked bidder, all the technicals and so on, was way above that by almost over \$100 million. Thereupon, I raised it with the Minister of Works and Infrastructure. If I may subsume the second question into the first, because they are interrelated. Is that okay?

Dr. Rowley: I will like them separate.

Hon. K. Persad-Bissessar SC: Sure, well, we will deal with that in due course.

In that process, we must remember that the Ministry is the client of NIDCO, and NIDCO has oversight of this project. NIDCO called in the first-ranked bidder for negotiations. Those negotiations saw the first-ranked bidder dropping their price somewhat, but still way in excess of the—pursuant to their rules. I think thereupon the second-ranked bidder, who came in much less than the first, and the third-ranked bidder were called in for negotiations. As far as I am aware that process is ongoing.

Mr. Speaker: Seeing that we have a series of questions, where normally we have four supplementary, but there are many questions on the Order Paper, I will give you one more supplementary and we will put the next question.

Dr. Rowley: Thank you, Mr. Speaker. I was under the impression that I was entitled to four, but anyway I will try to facilitate.

Mr. Speaker: No problem.

Dr. Rowley: Given the fact that the Prime Minister is making a distinction between the officer acting in a private capacity and not as a member of the Ministry of Works and Infrastructure, and that the officer expressed concerns, is not the Prime Minister aware and concerned that the complaint was about the interference in an evaluation process—notwithstanding the numbers or who is involved in the process—that the concern was about the evaluation process being entered into and a meeting being called by the Minister to deal with the board, during the evaluation process? That is the issue.

Hon. K. Persad-Bissessar SC: To some extent I have answered those, by telling you what the process was, what happened on receipt of the email from the hon. Member for Oropouche West. I had enquiries made, and from those enquiries there appeared to be no interference with the evaluation process and, indeed, no award has been made to date.

Dr. Rowley: Could I ask one more. I crave your indulgence, Mr. Speaker.

Mr. Speaker: No, I think I want to recognize the Member for Chaguanas West.

**National Infrastructure Development Company
(Offer Made to First-Ranked Bidder)**

Mr. Jack Warner (*Chaguanas West*): Thank you, Mr. Speaker. Is the Prime Minister aware that NIDCO had made an offer to the first-ranked bidder of \$430 million, and the first-ranked bidder's offer was \$442 million, a difference of \$12 million?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): I am not so aware of any promises made by NIDCO or undertakings or offers made by NIDCO in this regard. I repeat: no award has been made. The process is ongoing and that is the state of play at this point in time.

**Minister of Works and Infrastructure
(Role in Award of Contracts by NIDCO)**

Dr. Keith Rowley (*Diego Martin West*): What is the role of the Minister of Works and Infrastructure in the evaluation and funding process for tenders and the award of contracts by NIDCO?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): The Ministry of Works and Infrastructure is the client of NIDCO. NIDCO deals with tenders and awards of contracts. The Minister of Works and Infrastructure has no role in that regard.

Dr. Rowley: Given the fact that a junior Minister has seen it fit to correspond with you on this matter, in the way it has been published in the public domain, is the Prime Minister prepared to say that the junior Minister has no cause for concern?

Hon. K. Persad-Bissessar SC: Thus far, the junior Minister—the allegations contained in the letter sent—the email sent by the hon. Member for Oropouche West, those allegations have not been evidenced in any regard. It may well be that the junior Minister was not apprised of all of the facts. Perhaps, it might suit you

very well, as we are all entitled to answer questions, that you direct deeper questioning to the hon. Member. But from my point of view and from the enquiries that have been made, the concerns were raised and were addressed to my satisfaction at this time. [*Desk thumping*]

Mr. Speaker: The hon. Leader of the Opposition, question No. 3.

Dr. Rowley: Mr. Speaker, am I confined just to the wording of these questions as approved by you?

Mr. Speaker: Yes, you are confined to the wording.

Dr. Rowley: Or can I use my own wording?

Mr. Speaker: No, no; you are confined to the wording.

Dr. Rowley: So these are the wordings of your questions? [*Laughter*]

Mr. Speaker: Those are the questions approved by the Chair, and you are subjected to the wording.

Dr. Rowley: So these are the Chair's questions? [*Interruption*]

Mr. Speaker: You submit the questions and I have done what is necessary, consistent with the rules of the Standing Orders; so could you proceed with your questions, please.

Dr. Rowley: I understand. Could you restrain my colleague, the Member for Oropouche East, please?

Mr. Speaker: Yes.

Dr. Rowley: Thank you.

Mr. Speaker: You are now on question 3.

Sale of Methanol Plant Shares (Details of Cash Proceeds)

Dr. Keith Rowley (*Diego Martin West*): Thank you, Mr. Speaker.

To the hon. Prime Minister: Has the Government received the cash proceeds from the sale of the MHTL, the methanol plant that was sold, the shares for that, and if so, how much has been received?

The Prime Minister (**Hon. Kamla Persad-Bissessar SC**): Hon. Leader of the Opposition, I think I can answer this question quite easily. The answer is yes, we have received the cash receipts from the sale of the MHTL shares.

Secondly, it is about TT \$7.4 billion, and that is about, in parity, the equivalent of US \$1.175 billion from the cash proceeds, from the sale of the MHTL shares.

Dr. Rowley: I would like to go to No. 4, Mr. Speaker.

Mr. Speaker: Yes.

**Sale of Methanol Plant Shares
(Confirmation of Deposit with Statutory Fund)**

Dr. Keith Rowley (*Diego Martin West*): Can the Prime Minister confirm that all such proceeds from the sale of the MHTL shares are currently deposited with the Statutory Fund, as required by law?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you again, Hon. Speaker. The answer is yes, the moneys have been deposited in the Statutory Fund and converted into Treasury Bills by the Central Bank.

Dr. Rowley: Could the Prime Minister confirm whether, in fact, that arrangement of converting that to Treasury Bills conforms to the requirement of ensuring that the fund assets are replaced by light assets and that the earnings of those Treasury Bonds are, in fact, in compliance with it?

Hon. K. Persad-Bissessar SC: If I may, hon. Speaker, with your leave, let us understand, when we speak of the Statutory Fund, being an insurance company we would have to have a statutory fund. If that fund falls below a certain amount, then you have a duty to place any moneys incoming into the fund. All the moneys have been placed in the Statutory Fund, converted into Treasury Bills, and the answer is yes, that this is proper and appropriate with respect to the proceeds from the sale of MHTL shares.

1.45 p.m.

Dr. Rowley: The money having been converted to Treasury Bonds, which are now in the fund—Treasury Bills—where is the cash which back those Bills? Where is that now?

Hon. K. Persad-Bissessar SC: I will have to check with the Minister of Finance and the Economy, and answer you in due course. But the conversion into Treasury Bills, the moneys would be deposited in respect of a debit for the Central Bank within the Central Bank. So, I can get the details of that for your good self, Sir.

Constitution (Amdt.) Bill
(Debate of Senate Amendments)

Mr. Jack Warner (*Chaguanas West*): Thank you, Mr. Speaker. Could the Prime Minister tell this House when the Government proposes to debate the Senate amendments to the Constitution (Amdt.) Bill?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): This is question number—

Mr. Speaker: Question No. 5.

Hon. K. Persad-Bissessar SC: Hon. Speaker—

Mr. Speaker: That is for the hon. Prime Minister to tell this House when the Government—

Hon. K. Persad-Bissessar SC: Sure.

Mr. Speaker:—proposes to debate the Senate amendments to the Constitution (Amdt.) Bill?

Hon. K. Persad-Bissessar SC: Certainly. Mr. Speaker, I find it very interesting that on the heels of calls for Government to allow for more time for the population to appreciate and understand the amendments to our electoral laws, to strengthen our democracy, that the very voices are now trying to rush us into that which they tried to stop us from doing. [*Desk thumping*] But as we all know in this honourable Chamber, those Senate amendments have been tabled in this House. They have been on the Order Paper for two months along with other pieces of legislation, and they will be debated in due course. In terms of notice, you had notice two months ago that this will be one of the pieces of legislation which Government will attempt to have passed in this House in due course.

Caribbean Airlines Limited CEO
(Salary Details)

Mr. Jack Warner (*Chaguanas West*): Thank you, Mr. Speaker. Is the Prime Minister able to state the current salary of CAL's CEO, Canadian, Micheal DiLollo?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you. The Caribbean Airlines CEO's basic salary, I am told is US \$28,000 per month, a housing allowance of US \$5,000 per month, bringing this to US \$33,000 per month.

Mr. Warner: Would the Prime Minister give an opinion of whether such—

Mr. Speaker: No. No. No opinion, no argument, but rephrase your question. No opinion, no argument.

Mr. Warner: I would like to find out if CAL can bear that kind of salary? That is all I am asking.

Hon. K. Persad-Bissessar SC: Sure. The salary would have been negotiated with the office holder or the incoming office holder by the Board of Caribbean Airlines. And I think we all want to know that that board has acted appropriately in all of the circumstances.

Petrotrin's Foreign Debt (Details of)

Dr. Keith Rowley (*Diego Martin West*): Thank you, Mr. Speaker. How much is Petrotrin's foreign debt? And can the hon. Prime Minister confirm that it is being serviced in a timely manner?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you, again. This one may take us a little longer to answer, but with your leave we will try to keep within time. In September 2002, the total debt of Petrotrin was TT \$3.3 billion. By the time we came into office in 2010, the total debt had skyrocketed to TT \$12.4 billion, which is almost a 400 per cent increase between 2002 and 2010. Of course, this was during your tenure, sir, when you were in Government.

Dr. Rowley: Answer the question.

Hon. K. Persad-Bissessar SC: The main driver—[*Crosstalk*] I am answering. [*Crosstalk*]

Mr. Speaker: Please. Please. Please.

Hon. K. Persad-Bissessar SC: There is no need to rush me. I will give you your answer. [*Crosstalk*] You asked, and I will answer. The main driver of this debt burden included the issue of two bonds, one in 2007 for US \$750 million, and the second bond in 2009 for US \$850 million—so 2007, 2009. These two bonds were issued under the former Government. They were raised to support projects in the refinery, including the famous gasoline optimization programme, which experienced significant cost overruns and delays due to misdirection of Petrotrin by the former regime. We note too that the ill-fated gas to liquids project financed by Petrotrin from a loan from the international market, this infamous GTL project was a flagship project of the former Government, and has to date cost Petrotrin

over TT \$2.7 billion, and that would have contributed to the debt position of the company. At present, the total foreign debt of Petrotrin is the equivalent of \$13.8 billion.

So, we inherited \$12.4 billion. We had further liabilities of the GTL project which took us to \$13.8 billion at this time. The international debt is being serviced in a timely manner, and the company has met all its payments.

Dr. Rowley: Could the hon. Prime Minister—has there been any adjustments to Petrotrin's credit rating?

Hon. K. Persad-Bissessar SC: Thank you, again. The company's credit rating was adjusted by Standard & Poor's from BBB to BBB minus. The company is still in the investment grade. This adjustment was mainly driven by the outlook for the refining business globally, which is being impacted by lower refinery margins, which is the function of the shale oil revolution in the US. Other international oil companies with refineries outside of the US have also been downgraded, and refineries in Europe have been closed. Thank you.

Dr. Rowley: To the hon. Prime Minister; is there any likelihood of the Ministry of Finance and the Economy being called upon to service any of Petrotrin's foreign debt?

Hon. K. Persad-Bissessar SC: Thank you, Sir. The Government does not anticipate that the Ministry of Finance and the Economy would have to step in to support Petrotrin in meeting its international debt obligations.

Dr. Rowley: Does Petrotrin have a chief financial officer at this time?

Hon. K. Persad-Bissessar SC): The answer is, no. Petrotrin has a vice-president finance, acting. This person is Anita Bruneau at this time.

**WASA
(Award of Contracts)**

Dr. Keith Rowley (*Diego Martin West*): Based on allegations in the public domain on corruption in the award of multi-million contracts at WASA, would the hon. Prime Minister agree that this warrants a commission of enquiry?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Mr. Speaker, there is no controversial WASA project, and as such there is nothing which will warrant a commission of enquiry. [*Desk thumping*]

Dr. Rowley: Is the Prime Minister aware that it has been published and it can be supported by a number of stories coming out of WASA that—[*Crosstalk*] Mr. Speaker—

Mr. Speaker: Please.

Dr. Rowley: Would you restrain—

Mr. Speaker: Yes. Yes. Could the Members allow the hon. Member to speak in silence? Continue, hon. Member.

Dr. Rowley: Is the Prime Minister aware that information provided in the public domain indicates that a number of WASA contracts to private contractors are, in fact, conducted by WASA when the contractor is being paid using WASA's material, WASA's personnel?

Hon. K. Persad-Bissessar SC: I am not so aware, hon. Speaker, and should the hon. Member for Diego Martin West have that information, we will be very happy to receive it, to pass it to the authorities who have the duty to investigate any such fraudulent practice, if there is any.

LifeSport Contractor (Details of)

Dr. Keith Rowley (*Diego Martin West*): Based on the revelation that the sum of \$34 million has been issued to a LifeSport contractor, of which the Prime Minister may not be aware, for absolutely no benefit, would the Prime Minister agree that this warrants a commission of enquiry?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): This file, hon. Speaker, has been sent to the DPP and the Commissioner of Police, and we await their findings.

Mr. Speaker: Hon. Leader of the Opposition, any further supplemental?

Dr. Rowley: Is the Prime Minister indicating that insofar as the matter has gone to the Commissioner of Police, that no commission of enquiry is valid or relevant?

Hon. K. Persad-Bissessar SC: In addition to the file being sent to the DPP and the Commissioner of Police, we have also asked the hon. Attorney General, through the Solicitor General, to see whether there may be any civil remedies that may be available to the State for recovery of such funds. Apart from that, there are only two fronts that we can go on, the criminal front and the civil. On the civil, the Attorney General together with the Solicitor General, they are looking

into ways, if possible, to have civil remedies. With respect to the criminal remedies, as I say, those files have been sent to the right authorities, the Commissioner of Police, Director of Public Prosecutions who have full capacity for investigations in this regard.

LifeSport
(Details of payments to personnel/agencies)

Dr. Keith Rowley (*Diego Martin West*): Given the state of play, Mr. Speaker, to the hon. Prime Minister: Is the Prime Minister in a position to say whether any person, persons or agencies are still being paid under the heading or the programme of LifeSport?

Mr. Speaker: That is new a question, but the hon. Prime Minister could answer.

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Yes. I can make enquiries with respect to that, but it is my respectful view that no one should be paid at this time. We will make enquiries, and make it be known in due course.

Caribbean Court of Justice
(Details of)

Mrs. Paula Gopee-Scoon (*Point Fortin*): Thank you, Mr. Speaker. Question to the hon. Prime Minister. Will Trinidad and Tobago be adopting the Caribbean Court of Justice as the country's final court of appeal in both civil and criminal matters? And if so, could the Prime Minister say when and in what time frame?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): Thank you, hon. Speaker. The abolition of the Privy Council and replacement with the CCJ, is a matter to be decided by the people. As part of the constitutional reform, the issue of holding a referendum is being considered as part of the package put forward by the Constitution Reform Commission. This is a matter that ought to be put to a referendum at the appropriate time. Yes, in law we do not have any provision in our Constitution for the holding of such a referendum. But you may recall when we had the Constitutional Reform Commission report, this was one of their recommendations, and again, in due course such matters could be taken on board.

Let me however say that I had sought the concurrence of the Caricom Heads with respect to acceding to the criminal jurisdiction, a partial accession to the Caribbean Court of Justice in the criminal jurisdiction. We had sought that concurrence. However, whilst some Heads agreed, some did not agree, and given the way that Caricom works, you must have a unanimous decision for such to be

implemented. That was the state of play. As I say, we will pursue the other avenue in due course with respect to seeking the decision of the people of Trinidad and Tobago.

Mrs. Gopee-Scoon: Hon. Prime Minister, did you not at a Caribbean Heads of Government meeting in Suriname raise the matter and gave a commitment to the Caricom partners that your Government will review the approach? And subsequent to that, you came to the honourable House, and you announced that you will be bringing legislation to the House to secure the abolition of appeals to the Privy Council in all criminal matters.

Hon. K. Persad-Bissessar SC: The hon. Member is correct in some respects. I do not recall if it was a meeting in Suriname, but I know it was a Caricom Heads meeting. And in that Caricom Heads meeting, I asked for the concurrence of Heads to allow Trinidad and Tobago to partially accede to the Caribbean Court of Justice with respect to the criminal jurisdiction of the court. That was the statement made, that we will bring the legislation because we thought that we would have gotten that concurrence. As I said, some members agreed, some did not.

Let us not forget, whilst in the Caricom there is pressure on Trinidad and Tobago to do this, to take full accession to the CCJ, the majority of the Caribbean countries have not acceded to the Caribbean Court of Justice. So it is a kind of, you know—Trinidad and Tobago some pressure being brought from some quarters. Should I have said that we will bring legislation? Yes, as I say, it was with respect to the partial accession to the criminal jurisdiction of the CCJ. [*Member requests to pose another question*]

Mr. Speaker: No. We have a time constraint, and I want to make sure that everybody has a chance.

St. Joseph Police Station (Details of)

Mr. Terrence Deyalsingh (*St. Joseph*): Thank you, Mr. Speaker. Question to the hon. Prime Minister—could the hon. Prime Minister state the reason or reasons for the work stoppage at the St. Joseph Police Station, and state when work will recommence?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): This St. Joseph Police Station—construction began in June 2014. This station had been promised for over 10 years. Work began June of this year. Work was suspended due to

requests from the Trinidad and Tobago Police Service to revise the initial designs. The matter has been resolved, and work will recommence within two weeks' time. [*Desk thumping*]

**Coastal Borders
(Details of)**

Mr. Terrence Deyalsingh (*St. Joseph*): Thank you. Question number 15 to the hon. Prime Minister—has the Government put measures in place to safeguard our coastal borders? And if so, could the hon. Prime Minister briefly state those measures?

The Prime Minister (**Hon. Kamla Persad-Bissessar SC**): Thank you, Sir. This one, as I say, requires a lot more discourse than this question time will permit. So, I will just briefly put some of the measures in place, and ask the hon. Minister of National Security at the next sitting, to give a full statement with respect to this. So, have we put measures to safeguard the coastal borders? List those measures. My Government has always recognized the value of protection of our very porous borders as an island state—our two islands.

2.00 p.m.

It was deemed necessary to ensure the security measures on land were in place, and I did say it, we want the fight on the ground before we proceeded on to the porous borders as a next phase to protecting those borders. In this regard the fight on the ground, the rapid response unit was implemented, CCTVs were introduced, dedicated police highway patrols reintroduced, which has brought some reduction in serious crime. With respect to the illicit drug trade and arms trade, scanners for the nation's ports have been procured and others are to come in. Again, dealing with borders. One of these is already in operation in Port of Spain.

A new border protection naval operational plan must involve a coast guard installation implemented around the island, fast-patrol interceptors assigned specifically to each installation, as this would ensure that our country will now be properly secured. This could not have been done by the OPVs, which were these very large vessels patrolling 100 miles off our east coast, really to deal with the exclusive economic zone rather than the closing down of the borders. This is not where the majority of the drug smuggling and weapon smuggling takes place, it is around us.

So, the maritime wall that we proposed is a three-pronged naval operational plan devised to combat illicit firearm and drug trade. This plan, to be coordinated by the National Security Operations Centre comprises one, interceptors. This would be the internal line of maritime security whereby from several strategically placed coast guard installations, they would patrol the base, the coastal areas on our shorelines up to four miles out to sea.

Secondly, fast-patrol craft: six such vessels that will patrol T&T territorial waters within the six-mile to the 12-mile outreach from our shoreline. Long-range patrol vessels: these would be about 60 to 75 metres in length. They would patrol from 12 miles to 200 miles from our coast, mostly in the north and east coast. This would provide security for our economic zone as well as to protect our resources in the zone just outside the territorial waters. So, it is a three-pronged plan—the interceptors, the fast-patrol crafts and the long-range patrol vessels.

The coastal borders would be given a further boost by the four AgustaWestland Twin Engine Multipurpose helicopters, which we already have. Hovercraft would also be acquired to patrol low waters and the Gulf of Paria close to the shoreline. In addition to these, unmanned aerial vessels would also be patrolling the coastline to ensure not just the deterrent to stop the illegal drug trade and entry of weapons and immigrants, but also provide assistance to citizens and fishermen who are being attacked by pirates and to vessels and crews that are in distress.

May I say it was only last week in Cabinet, after all the work done by the Ministry of National Security, that a Note was brought to the Cabinet last Thursday with respect to the purchasing of some of these vessels.

Mr. Deyalsingh: Supplemental, Mr. Speaker.

Mr. Speaker: Yes, hon. Member.

Mr. Deyalsingh: Hon. Prime Minister, of all the initiatives mentioned, after five years of power, have any of those initiatives actually been put in place?

Hon. K. Persad-Bissessar SC: Yes, the CCTV cameras, the scanners, they are all in place.

Mr. Deyalsingh: To secure borders?

Hon. K. Persad-Bissessar SC: Of course, what do you think the scanners scan on the ports? CCTV cameras, they scan the containers that are coming in, vessels that are coming in. So, those scanners are already in place and we have

more to come. [*Desk thumping*] CCTV cameras would also be useful on the borders at the ports. I mean, you talked about people bringing in containers with chicken, but with drugs together with the chicken. Should these scanners operate at all our ports, we would be in a better position for that entry.

With respect to the vessels, those vessels—as I say, the Note came to Cabinet, but you had to put the groundwork into place. It was not just flying off to buy—what was it, the *Su*? To buy a *Su* that never functioned. It is not like that. You have your advanced teams, they go to study the vessels, do the technical work on it, look for the best value for money, as the Minister is saying. So, it is not a process that is overnight, and we will have these vessels within this fiscal year. [*Desk thumping*]

Mr. Speaker: The hon. Member for St. Joseph, last question.

Mr. Deyalsingh: No more supplementals?

Mr. Speaker: No. Well, if you want to ask the last question, that is it. At 2.05 p.m., 30 minutes is up.

Point Fortin Highway (External Funding)

Mr. Terrence Deyalsingh (*St. Joseph*): Okay, thank you. Question No. 16, could the hon. Prime Minister state the Government's reason or reasons not to seek external loan funding for the Point Fortin Highway?

The Prime Minister (Hon. Kamla Persad-Bissessar SC): At that time it was considered by the Cabinet and by the Ministry of Finance and the Economy that it would be funded through Treasury deposits, TT \$1.5 billion, approaching the local market to service payments for this fiscal year and also to assist with the liquidity in our markets. So, we utilized funding locally, that was available locally, within the Treasury deposit system.

Mr. Deyalsingh: Does the Prime Minister consider that decision to be prudent for such a large capital expenditure project not to seek external loan funding?

Hon. K. Persad-Bissessar SC: Not to answer a question with a question, but I will answer his question. Is the hon. Member saying that it is inappropriate to use local funding here in Trinidad and Tobago rather than foreign debt external funding? And if so—[*Interruption*—yes, the external debt is already so high. So, if it was, and I am sure the Member for Chaguanas West who was very involved in that decision—some very heated discussions in fact—would be able to give you some more details as to this course that was adopted.

Mrs. Gopee-Scoon: Hon. Prime Minister, could you state the source of the \$1.5 billion loan facility which is identified as a loan item under the Ministry of Works for the financing of the current tranche of the highway?

Mr. Speaker: No, that question is not before us and the Prime Minister did not raise that as part of her response.

Mrs. Gopee-Scoon: Mr. Speaker, it has to do with the loan funding.

Mr. Speaker: Yes, but it is not part of the response that she gave, the hon. Prime Minister. Let us go on.

URGENT QUESTIONS

Electrical Supply Outages (Reason for)

Dr. Amery Browne (*Diego Martin Central*): [*Desk thumping*] I thank the Government for their applause. Mr. Speaker, question to the hon. Minister of Public Utilities. First question: what are the reasons for the recent increased frequency of electrical supply outages in the western peninsula and across the country which cause citizens to be inconvenienced, without a supply for lengthy periods?

Mr. Speaker: The hon. Minister of Public Utilities. [*Desk thumping*]

The Minister of Public Utilities (Hon. Nizam Baksh): Thank you very much, Mr. Speaker. Three factors are attributed to the outages in the western peninsula and across the country. During the months of October and November 2014, there was a spate of outages experienced by customers throughout Trinidad and Tobago. The main reasons are as follows: one, a generation shortfall. In the month of October 2014, the Port of Spain B Station with a total installed capacity of over 300 megawatts suffered an extreme shortfall in their capacity to the point where only 16 megawatts of generation was available at this station up until November 19, 2014 when an additional 32 megawatts of power generation became available. This shortage along with some unplanned outage at Trinity power station resulted in load shedding of customers on selected feeders throughout the country.

The second point here: the cable failure at Wrightson Road substation—this cable fault on November 14, 2014 resulted in load shedding to customers in the north-western peninsula of the country that lasted between two to five hours. And

thirdly, planned outages in the Petit Valley area—customers in the Cocorite and Petit Valley areas were notified of these outages to facilitate the highway expansion programme where transmission poles had to be relocated.

Dr. Browne: One supplemental, Mr. Speaker. Thank you for your response hon. Minister. Were any special arrangements put in place for compensation for citizens who sustained any losses during these specific outages?

Hon. N. Baksh: I am not aware of any request for those compensation. There is a process for it, and they have to submit an application to T&TEC and they will respond to it.

Chikungunya in Trinidad and Tobago (Number of cases)

Dr. Amery Browne (*Diego Martin Central*): Thank you, Mr. Speaker, question to the hon. Minister of Health.

First question: how many cases of chikungunya have been diagnosed in Trinidad and Tobago in comparison to the number of suspected cases that have been reported to today's date?

The Minister of Health (Hon. Dr. Fuad Khan): The number of cases of chikungunya that have been fully diagnosed is approximately 164 cases. They have shown positive serology. Those that have been suspected are approximately 2,000 cases, and those have been just suspected.

Dr. Browne: Thank you, Mr. Speaker. Question: what specific criteria, hon. Minister, signs and symptoms are currently used to classify a case of illness as a suspected case of chikungunya?

Hon. Dr. F. Khan: Specific criteria for chikungunya. There are two types of criteria: one, specific criteria, and non-specific criteria. Specific criteria for chikungunya is swelling of the joints. Non-specific criteria, which would be fever, joint pains, malaise, rashes similar to dengue. And in the age of 20 to 30, the joint pains are about two to three days, some as long as a week. The old age group, it lingers.

Dr. Browne: Is the Minister aware that in the absence of consistent serology testing for chikungunya, there are many citizens who are currently exhibiting similar symptoms to those he has just described?

Hon. Dr. F. Khan: The Member is quite right. There are similar symptoms to chikungunya, and whether you have symptoms of chikungunya that are fully diagnosed or those that are not yet diagnosed or could be a possibility of

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chikungunya, the treatment is the same. All the treatment is supported treatment with analgesics and rest. So, no matter if you have positive serology or negative serology the treatment is the same.

Dr. Browne: Supplemental, Mr. Speaker. In the light of the prior answer, hon. Minister, in cases where chikungunya has been ruled out and dengue has been ruled out, is the Ministry of Health conducting any epidemiological research to identify the causal factors or the aetiology of that wide range of cases that present with that severe myalgia, fever, joint swelling and pain?

Hon. Dr. F. Khan: Mr. Speaker, the Ministry of Health has a unit for surveillance and they are in the process of conducting surveillance of all these diseases.

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: The hon. Leader of the House, you have three questions on the Order Paper.

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Yes, Sir. Mr. Speaker, the Government is prepared to answer all questions on the Order Paper as usual. Thank you.

Point Fortin Hospital (Details of)

4. **Mrs. Paula Gopee-Scoon** (*Point Fortin*) asked the hon. Minister of Health: Further to the response provided to question 151 on June 25, 2014 on the construction of the Point Fortin Hospital, could the Minister please state:
- a) the process used to nominate VAMED Engineering GmbH & Company as design/build contractor;
 - b) whether Cabinet has approved the total estimated project budget for the hospital;
 - c) the cost of the project;
 - d) the date of the sod turning ceremony; and
 - e) whether all the necessary plans have been completed and approved by the relevant authorities?

The Minister of Health (Hon. Dr. Fuad Khan): Mr. Speaker, the question is a five-part question. The first part of the question: the process used to nominate VAMED Engineering and Company as the design/build contractor for the Point

Fortin hospital. Although the PNM promised the hospital for years, the construction and equipment of the new Point Fortin hospital was approved by Cabinet in August 2013. Cabinet agreed that financing arrangement for the construction and equipment of the new Point Fortin hospital would be by a modality of a government-to-government arrangement with the Government of Austria in accordance with the framework agreement on industrial cooperation in the health sector between the Government of the Republic of Trinidad and Tobago and the Government of Austria.

In keeping with the provisions of the said framework agreement, Austrian Health Care Systems & Engineering, AHC, by letter dated August 26, 2013 advised that the appointed partner for the Point Fortin hospital project is VAMED Engineering & Company Limited. The Ministry of Health subsequently requested from UDeCoTT, as a project developer, comments and recommendations regarding the suitability of VAMED to undertake this project, so as to allow the Ministry in its capacity as a member of the joint working group established under the said framework agreement to provide its input so that the joint working group can formally accept the nomination of VAMED. UDeCoTT by letter dated July 14, 2014 confirmed, based on diligence exercises, the suitability of VAMED & Company to undertake this project.

Second part to the question. Whether the Cabinet has approved the total estimated project budget for the hospital? Mr. Speaker, the Cabinet has approved the total estimated budget for the hospital. Third part to the question: the cost of the project? Mr. Speaker, the Cabinet has agreed to a total project budget of \$1,567,536,356.57, inclusive of VAT, project management consultant service and project development fees.

2.15 p.m.

Mr. Speaker, the Member asked for the date of the sod turning ceremony. No date has been set for the sod turning ceremony for this project. And finally, whether all necessary plans have been completed and approved by the relevant authority. Mr. Speaker, an application has been submitted for the certificate of environmental clearance from the EMA. An application has also been submitted to Town and Country Planning approval, the final clinical brief, user brief has been approved by the Ministry of Health. I thank you, Mr. Speaker.

Mrs. Gopee-Scoon: Thank you. Minister, I need clarification. Was there a competitive process for the selection of VAMED Engineering? Was there a competitive process for the other parties involved?

Hon. Dr. F. Khan: Mr. Speaker, I think the Member should direct that question to the Government of Austria.

Mrs. Gopee-Scoon: So have you signed the Memorandum of Agreement or so? Are there conclusive government-to-government arrangements for this hospital? Has it been concluded?

Hon. Dr. F. Khan: Maybe the Member was not listening. In keeping with the provisions of the said framework agreement, right, there was a government-to-government arrangement with the Government of Austria in accordance with the framework agreement on industrial cooperation in the health sector, between the Government of the Republic of Trinidad and Tobago and the Government of Austria.

In keeping with that provision of that framework agreement, the Austrian Health Care Systems & Engineering, AHC—they are the ones responsible—by letter dated August 26, 2013, advised that the appointed partner for the Point Fortin hospital project is VAMED Engineering and Company Limited. They did their stuff, we just do the due diligence.

Mrs. Gopee-Scoon: But was this on a design/build/finance basis? Where is the money for this hospital coming from? Is this a design/build/finance basis? Are the Austrians providing the financing?

Hon. Dr. F. Khan: As the Member would be so aware, the Austrians will be providing approximately 85 per cent and we will be providing 15 per cent.

Mrs. Gopee-Scoon: I still need clarification.

Mr. Speaker: Yes, final question.

Mrs. Gopee-Scoon: Final question. Have you received Town and Country Planning approval to place this hospital on a site along with the e Teck Park as well, for which that site was formerly designated? Have you gotten Town and Country Planning to place both buildings on the same site?

Hon. Dr. F. Khan: Mr. Speaker, I recommend to the Member to continue listening when one reads his question. You have just asked—I have answered that question. If the hon. Member would listen when somebody is reading a question, you do not have to repeat the question. I go again, no. “(e) whether all the necessary plans were being completed and approved by the relevant authorities?” You asked that question and I answered you. Mr. Speaker, an application has been submitted for CEC from EMA. An application has also been submitted for Town and Country Planning approval.

Mrs. Gopee-Scoon: So you do not yet have the approval?

Hon. Dr. F. Khan: There is an application in.

Recall of Heads of Missions

5. **Mrs. Paula Gopee-Scoon** (*Point Fortin*) asked the hon. Minister of Foreign Affairs:

Could the Minister state:

- a) which persons were officially recalled over the past three years from the position of head of missions at our overseas offices, the reasons for such recall and what is the effective date of such termination; and
- b) whether emoluments ceased concomitant with the recall dates?

The Minister of Foreign Affairs (Hon. Winston Dookeran): Mr. Speaker, with respect to 5(a), the name of the head of mission recalled, Razia Ali. Position was Ambassador. The Mission was the Embassy in Caracas. The reason for recall was change in the ambassadorial posting. Effective date of termination was June 01, 2011, and 5(b), whether emoluments ceased with the recall dates? The answer to that is yes.

Therese Baptiste-Cornelis, Ambassador, Permanent Mission to the United Nations, Geneva. Reason for recall, posting to headquarters, subsequent resignation. Effective date of termination, resigned with effect from September 16, 2012. Whether emoluments ceased concomitant with the recall dates? The answer to that is yes.

Dennis Francis, Ambassador. Mission, Permanent Mission to the United Nations, Geneva. Reason for recall, required to assist in the operations of the Ministry of Foreign Affairs at Headquarters. Effective date of termination, October 16, 2011. Whether emolument ceased? The answer to that is, yes, with respect to allowances associated with his appointment as permanent representative to the United Nations in Geneva.

Finally, Chandradath Singh, High Commissioner to India. The recall due to intended rotation of Ambassadors. Reassigned as Ambassador to China. Effective date of termination, March 18, 2014. Whether emoluments ceased at that date? The answer to that is yes, with respect to allowances associated with his appointment as High Commissioner to India.

Mrs. Gopee-Scoon: Thank you, Mr. Speaker. Hon. Member, with regard to the permanent representative to the United Nations in New York, who is head of

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that particular mission, has he been officially recalled and what was the reason for his recall and what was the effective date of recall as well? And also, with regard to the High Commissioner, London, Mr. Garvin Nicholas, has he been recalled as head of mission at London in our Embassy there? The reason for the recall and the effective date of that recall as well? And in both instances, whether emolument ceased concomitantly with the recall dates?

Mr. Speaker: Is that an elucidation on the question—is there a supplemental?

Mrs. Gopee-Scoon: It is the very same—

Mr. Speaker: Well, it is up to the Minister—

Hon. W. Dookeran: She could document the question and I would be happy to get information to that question.

Mr. Speaker: Any further supplemental?

Mrs. Gopee-Scoon: Hon. Speaker, through you to the Member, these positions would be included as our heads of missions at overseas offices who had been recalled within the last three years, why are they not included in the list which you provided here, today?

Mr. Speaker: Well, the hon. Minister said he will provide you with the answers later. Go ahead, continue.

Mrs. Gopee-Scoon: Then, if they were not recalled, why have they not been in their substantive positions for a considerable period of time and have been on location in Trinidad and Tobago perhaps for a number of months? Why have they not been at their substantive place of work in London and in New York?

Hon. W. Dookeran: Mr. Speaker, with respect to the two individuals mentioned, with respect to the United Nations and London, my recollection is that they had both resigned the positions and they have come back to Trinidad on their own. So they are not anymore in the employ of the Ministry.

Mrs. Gopee-Scoon: And they are not being paid?

Hon. W. Dookeran: And they are not being paid.

Mr. Speaker: Final.

Mrs. Gopee-Scoon: Final, hon. Minister, could you then please give us the effective date of resignation of both those members, those heads of missions, those former heads of missions, effective date, and could you confirm to us whether the emolument had ceased concomitantly with the effective dates of termination?

Mr. Speaker: Hon. Member for Point Fortin, I think the Minister said he will supply that. [*Crosstalk*] Please, Member for Port of Spain South.

Hon. W. Dookeran: I can provide that information. I am sure that they did resign. The exact date, I could let you know, and I am sure also their emolument had ceased at that point in time.

Heads of Missions (Details of)

6. Mrs. Paula Gopee-Scoon (*Point Fortin*) asked the hon. Minister of Foreign Affairs:

Could the Minister state:

- a) which foreign missions are without sitting Heads of Missions whether temporarily or on a permanent basis; and
- b) who is responsible for the respective offices in the absence of the Head of Mission, and are these persons suitable to manage the affairs of the Government of the Republic of Trinidad and Tobago?

The Minister of Foreign Affairs (Hon. Winston Dookeran): Mr. Speaker, question 6(a), the answer, foreign missions without sitting Heads of Mission are as follows:

The Embassy, San Jose, Costa Rica;

The High Commission, London, United Kingdom;

The High Commission, Ottawa, Canada;

The High Commission, New Delhi, India; and

The Permanent Mission to the United Nations, New York.

Question 6(b), who is responsible for the respective offices in the absence of the Head of Mission, and are these persons suitable to manage the affairs of the Government? The answer is as follows, Mr. Speaker.

In the absence of the Head of Mission, the following persons are responsible officers, San Jose: Mrs. Candice Shade, Foreign Service Officer III, has served as *Chargé d' Affaires*. While on maternity leave, she is being replaced by Mr. Colin James. Ms. Jennifer Siblal, Financial Attaché, is in charge of the Mission until Mr. James' arrival on November 23, 2014. Position, both officers hold the rank of: Foreign Service Officer III and Acting Foreign Service Officer IV.

London: The senior person at the Mission is Mr. Tedwin Herbert. His position is Foreign Service Officer IV, and Acting Foreign Service Officer V.

Ottawa: The senior person at the Mission is Mrs. Vanessa Ramhit-Ramroop. Her position is Foreign Service Officer II, Acting Foreign Service Officer III.

New Delhi: Mr. Haseeb Mohammed. His position is Foreign Service Officer III.

New York: His Excellency Eden Charles. His position is Ambassador and he was also appointed while he held the position as Foreign Service Officer III. The responsible officers are suitable to manage the affairs of the missions.

Mrs. Gopee-Scoon: Thank you, Mr. Speaker, through you. With regard to Costa Rica, are you saying to me that it is suitable that an accounting officer, a financial attaché, is the kind of person that we should have as an Ambassador to our mission in Costa Rica, an accounting officer? That is part (a).

Part (b), are you satisfied that an FSO II person is suitable to hold the position as acting High Commissioner in Ottawa, and part (3) to my supplemental, I did not quite get you on who is in charge at Prune, New York.

Hon. W. Dookeran: As I indicated and the Member was not following my answer. [Laughter] As I have indicated, Mr. Speaker, in San Jose, Costa Rica, Mrs. Candice Shade is on maternity leave and Mr. Colin James who is an acting Foreign Service Officer IV will take up duties on November 23. Pending that, Ms. Jennifer Siblal is the financial attaché pending that period.

Mrs. Gopee-Scoon: Not good enough.

Hon. W. Dookeran: With respect to Ottawa, the officer which I mentioned, her position is Foreign Service Officer II and Acting Foreign Service Officer III. With respect to New York, the person in charge is His Excellency, Ambassador Eden Charles who is at the level of Ambassador.

MOTOR VEHICLES AND ROAD TRAFFIC BILL, 2014

Bill to repeal and replace the Motor Vehicles and Road Traffic Act, Chap. 48:50 [*The Minister of Transport*] read the first time.

ADOPTION OF CHILDREN (AMDT.) BILL, 2014

Bill to amend the Adoption of Children Act, Chap. 46:03 [*The Minister of Gender, Youth and Child Development*] read the first time.

**PUBLIC PROCUREMENT
AND DISPOSAL OF PUBLIC PROPERTY (NO. 2) BILL, 2014**

[Second Day]

Order read for resuming adjourned debate on question [November 07, 2014]:

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: The hon. Minister of Labour and Small and Micro Enterprise Development. [*Desk thumping*]

2.30 p.m.

The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol McLeod): Thank you very much, Mr. Speaker. Mr. Speaker, after many years of our not having what we are introducing now, I find it a privilege to speak on the Public Procurement and Disposal of Public Property (No. 2) Bill, 2014, which will repeal the Central Tenders Board Act, Chap. 71:91 and establish the Office of Procurement Regulation.

Mr. Speaker, despite the empty and, quite often, caustic rhetoric that Members opposite have been delivering since the first day of our having assumed office, the tabling of this Bill serves as testimony to the fact that we—this Government has been delivering on its manifesto promises. [*Desk thumping*] Indeed, an evaluation of our work, 2010 to the present time, would reveal that some 95 per cent of our campaign and manifesto promises have been fulfilled in the interest of the people of Trinidad and Tobago, and this is so essentially because of the very focused and effective leadership which we have on this side of the House. [*Desk thumping*]

This Government remains committed to a people-centred sustainable approach to development so that everyone can contribute. This procurement legislation is an extremely significant policy instrument whereby we can include a procurement system that is transparent and accountable, as one of our cornerstones of good governance. It is not only our country that has seen a need for reform of procurement policy. Countries all over the world, from Australia to Finland, and even right here in the Caribbean: Jamaica, Grenada and Antigua and Barbuda, we have seen fairly recent legislation being brought forward to deal with procurement administration procedures.

It is not just countries that have seen the need for change, but institutions as well. The World Bank is in the process of extensively revising its procurement policy with a view to implementing these reform plans in 2015. So we are not out of step. It is important to note that this comprehensive review of the

organization's operational procurement policy and procedures began with consultation as early as 2012. I mention this because there are those who believe that this legislation could have been tabled earlier. Indeed, I am aware that it could have been, were it not for the extensive consultations that the Government undertook with officials from the World Bank, the Contractor General of Jamaica, the Joint Consultative Council and other local stakeholders.

May we just spend a minute or two, Mr. Speaker, to identify some events in the history of procurement legislation in Trinidad and Tobago? There was a Public Procurement and Disposal of Public Property Bill drafted in 2006 but never debated. That Bill was based on a White Paper entitled, "A Reform of the Public Procurement Regime", and it was created in August of 2005. There was the draft National Tenders Bill in 1997, and that was considered by the then Cabinet but never tabled in Parliament. There were amendments made to the Central Tenders Board Act in 1993 and the Central Tenders Board Act itself was passed in 1961.

If we examine our Bill today—and the Minister with responsibility for Planning and Sustainable Development went through, very painfully in his detail of the provisions in this Bill—our Bill that is presented today. Let us examine the structure of the Bill, partly. The primary purpose of the Bill is to create a system that is transparent, accountable, that allows for fair treatment and that would provide greater value for money and for the citizens of Trinidad and Tobago.

In Part I of that Bill, there are clauses 1 through 8 that deal specifically with preliminary aspects, such as its commencement, its application and interpretation which details definitions of terms used and so on, and we need not go through that again. Part II refers to clauses 9 through 25, and speaks to the Office of Procurement Regulation and aspects of the office, including the tenure and remuneration of members, powers of the office and reporting procedures. I wish to make specific reference, however, to clause 10(1) of Part II of the Bill which highlights collaboration as a consistent theme in this Government's efforts at nation building, as it speaks to the appointment of the board by the President, after consultation with the Prime Minister and Leader of the Opposition. So that there is no secret meeting in the middle of the night as far as the appointments to this board are concerned. No appointment will be made by ambush and there will not be any partisan selection of persons.

Clause 11(1) of the Bill makes specific reference to term limits for appointed members. This clause is instrumental in preventing the institutionalization of persons and promoting a transparent system.

Clause 11(1) reads:

“The Regulator shall be appointed for a term of seven years and is eligible for reappointment, except that he shall not serve more than two consecutive terms.”

The Bill explicitly states at 11(3) that:

“A person who has served as the Regulator for two consecutive terms shall not be eligible to become a member.”

It is clear in this Bill that members, therefore, cannot serve for an indefinite period and, as a result, the clause reduces that member’s exposure to the exercise of unfair influence. It also opens the door of opportunity for committed and qualified nationals who are willing to serve and contribute to our nation’s development. Equally noted is the power of the President to remove a member of the board for reasons outlined in that clause. Therefore, this Government is ensuring that it does not have a case of square pegs in round holes at the expense of taxpayers.

Part III details General Provisions of the Bill at clauses 26 to 40. For instance, a central depository at clause 26 is to be established whereby suppliers or contractors can submit information with respect to their qualifications and their experience.

I want to cut to the chase, Mr. Speaker. The legislation prioritizes the safety of the person making a report. It talks to whistle-blowing. It prioritizes the safety of the person making reports, as addressed by clause 47. Likewise, it should be noted that this particular clause of the legislation preserves the notion that a person is treated as innocent until proven guilty, as clause 48 requires notice of any adverse report about a procuring entity to be given to that procuring entity before the making of such a report.

The Government has sought to preserve the right of a person or entity that has been accused of any contravention under this legislation, to challenge the proceedings. It can therefore be said that this Government is keenly interested in the preservation of natural justice at all stages of the proceedings while still holding public figures accountable for any breaches committed under this legislative measure.

Part VI concisely spells out the requisite steps for the retention or disposal of public property. The Government has once again significantly reduced the

likelihood of nepotism and corruption by prohibiting a public body from disposing of public property to an employee of the public body or a member of the board or committee of the public body.

Part VII contains miscellaneous provisions, from clauses 58 to 64, and the range of issues covered here goes from the barring of conduct influencing a public officer, provided for in clause 59, to the repeal of Chap. 71:91, the Central Tenders Board Act, which is provided for via clause 63. Mr. Speaker, as we are replacing the Central Tenders Board Act, provisions are needed to deal with the transition from the old law to the new law, and this is essentially what Part VIII does via its transitional provisions. Clauses 66 to 69 in this part essentially ensure that there is a smooth transition of personnel and their terms and conditions of employment, as well as preservation of existing procurement proceedings until the commencement of the Act.

Some of the objects of the Bill are to promote the principles of accountability, integrity, transparency and value for money, efficiency, fairness and equity, and local industry development, sustainable procurement and sustainable development in the public procurement and disposal of public property. When we talk about the provision of goods and services, let us remember that labour costs are one of the most important factors that influence the competition among bidders. As far back as 1949, instruments from the International Labour Organization, such as the Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84) have been used to ensure that the rights of workers regarding wages and working conditions, as a result of a contract executed, are no less favourable than the terms and conditions of workers who perform a duty as a result of collective agreements or national laws and so on.

2.45 p.m.

It is in this regard, Mr. Speaker, that I, like many people, if not all people, would be most surprised if the People's National Movement, the PNM, supports this Bill. We would be stunned out of our good wits. I say this based on the historical track record of the PNM procurement practices. Allow me, Mr. Speaker, to highlight just a few of the PNM procurement practices about which I speak.

Mr. Speaker, starting from Eric Williams, the PNM has never accepted responsibility for their corrupt actions, and always sought to blame others. They always sought to shift the blame to others. After misconduct in public office, we see them fleeing our shores, from Francis Prevatt, the 10-per cent man and PNM party Chairman fleeing to Costa Rica. We have others who went missing, and we

need only listen again to David Michael Rudder in his song when he identifies where they went only with blue dollars in their pockets. I never saw a blue one-dollar bill, so it is big dollars that we are talking about.

When we speak about the PNM, we often wonder where is the transparency and accountability. We always seem to have to ask them, as they asked themselves internally, I understand, where the money gone? Is it still in a party account in Switzerland?

Miss Mc Donald: Mr. Speaker, Standing Order 48(6), please.

Dr. Moonilal: “He not talking about you, yuh know.”

Miss Cox: That is not the point.

Miss Mc Donald: I am PNM.

Mr. Speaker: Listen, I do not think that he is imputing improper motives but Members—[*Interruption*] Yeah, but he is not imputing improper motives to any Member of this honourable House. But I would say Members have a chance to reply to what the Minister has said. If the Minister is imputing improper motives to any hon. Member of this House, I shall rise in defence of that Member. Continue, hon. Member.

Hon. E. Mc Leod: Thank you, Mr. Speaker. I do not intend to impute improper motives at all, but those of us who had been around and those of us who have kept abreast of what is happening in our society would remember the “Lockjoint scandal”. You must remember the “Lockjoint scandal”. In order to win a contract to upgrade the sewer system in Port of Spain, a foreign firm gave bribes, we are told, to certain officials of the PNM.

For those of us who are familiar with the Tesoro Petroleum deal about which I have spoken at least on three occasions in this House, the Tesoro Petroleum deal and the payment of bribes involving particularly the deceased John O’Halloran.

Mr. Indarsingh: Some guns blondes were involved in this.

Hon. E. Mc Leod: Some blondes? [*Crosstalk*] You are imputing improper motives. “Yuh lucky the Speaker not paying attention to us this time.” Mr. Speaker, what about the Sam P. Wallace scandal involving the mega-million-dollar Caroni racing complex where nothing was built? I remember having been a Member of the House at that time, ’76 to ’81, there was the campaign which was essentially led by Raffique Shah calling for houses before horses. They intended to spend endless money to put down horse and dog-race tracks while so many people up to today are crying out for shelter.

What about the Malabar housing project that was started and then abandoned? July 1980, they had the DC-9 scandal involving high-level officials from BWIA at the time and their procurement of four new DC-9 aircraft from McDonnell Douglas Corporation, and that McDonnell Douglas Corporation was identified as being riddled with kickbacks. Yes. What kind of motive they talked about?

Hon. Member: Improper motives.

Hon. E. Mc Leod: They were so improper in their dealings.

Then, there was the Chairman in more recent times, the Chairman of the PNM having a million-dollar business failing and then having millions of dollars in debt simply being forgiven by the state-owned bank. Do you remember that? Yes? Say it, if “allyuh”—[*Interruption*]

Hon. Member: Southland Mall.

Hon. E. Mc Leod: Southland Mall. The Urban Development Corporation, UDeCOTT, under the PNM is a case study on how procurement practices in Trinidad and Tobago must never be conducted again.

I refer to the contribution of the Opposition Leader of this honourable House on Monday, October 19, 2009 as recorded in the *Hansard*. The Member, then dressing in the cloak of respectability, admitted to going to the Prime Minister then to tell the Prime Minister that there was bid-rigging occurring in UDeCOTT. Had this legislation been in place, and they had every opportunity to put this legislation in place, under clause 41 in the Bill before us here, the Member would not have had to run to the Prime Minister. But, all he would have needed to do was call the Office of Procurement Regulation.

The Leader of the Opposition said the following and I take it out of the *Hansard*:

“...I found out how the contract was awarded for the Princes Building Ground. As a member of the Cabinet I did not know. I was just uncomfortable and uneasy about it. It is in the commission of enquiry documents where the contractor was asked: how did you get this job as contractor? And the contractor replied—and the country will know for the first time this afternoon how the contract was awarded there. I did not know. I found out in the Uff Enquiry—well, I did the Prime Minister’s house...”

This is the contractor responding.

“...I did the Prime Minister’s house and after we wanted more work in Trinidad and Tobago, so we went to the Government of China and asked them to offer the Government of Trinidad and Tobago \$100 million to build the Performing Arts Centre and in so doing, name us as the contractor. And thus ended the lesson. That is how he got the contract.”

So said the hon. Leader of the Opposition at that time when there were differences between him and the rest of his colleagues in the Cabinet, 2009.

Mr. Speaker, what you have just heard was partly procurement practice PNM style, but this is just the tip of the iceberg. There is so much more to come. We have the Brian Lara Cricket Stadium on which construction began by that same UDeCOTT in 2005 for a 2007 Cricket World Cup, providing a nightmare situation for this present administration to clean up. The infamous former Minister of Sport and Youth Affairs, one Gary Hunt’s procurement of a national flag for \$2 million. What about the \$45 million scholarship programme under the then Community Development, Culture and Gender Affairs Minister and former Senator and her successor, the hon. Member for—“ah drop out dah page, boy.” [*Laughter*]

Miss Mc Donald: Call it.

Hon. E. Mc Leod: The hon. Member for Port of Spain South. That was another project riddled with irregularities and this is putting it quite mildly. The father of a former Member of this House, a former Senator, now struggling for inclusion on the team that is being selected and former Minister of Public Utilities, receiving a CEPEP contract—the father of that person I mean—of \$4.1 million. We surely forgot; we surely cannot forget.

Miss Mc Donald: Mr. Speaker, Standing Order 48(1). No, I am hearing a lot—making allegations, Sir, please. I expect more from you.

Hon. E. Mc Leod: “Well, yuh getting more now.” Listen.

Mr. Speaker: We are dealing with procurement and the hon. Minister is referring to practices that have gone in the past. You will have the opportunity to refute those things. Hon. Member.

Hon. E. Mc Leod: If that was offensive, Mr. Speaker, we surely cannot forget the \$60 million housing contracts given to the spouse of the Chairman of the party

by the Opposition Leader when the Opposition Leader served as Minister of Housing. These are facts. I would have preferred not to be in a position to say this but it is on public record, this is a fact.

Miss Cox: Discuss it now if somebody say that, it is correct?

Hon. E. Mc Leod: Well, you dispute it. Mr. Speaker, remember Ronald Boynes, former Chairman of the Sangre Grande Regional Corporation, owner of the Salybia Nature Resort and Spa, attorney for the First National Credit Union and brother of Roger Boynes, former Minister of Sport and Youth Affairs. Let us not forget the scandal involving the loan given to Salybia Nature Resort and Spa by the FNCU. What about the Milshirv project that allowed the THA to spend public money in a process that was far from being fair and open?

Miss Cox: The court determined that.

Miss McDonald: Yes and there was nothing wrong with that.

Miss Cox: The court said there was nothing wrong with it.

Hon. Member: No, no, no, breach of tender rules. That is the court.

3.00 p.m.

Hon. E. Mc Leod: The court determined that?

Mr. Speaker: Hon. Minister of Labour and Small and Micro Enterprise Development and Member for Pointe-a-Pierre, your speaking time has expired. Would you like to have your 15 minutes?

Hon. E. Mc Leod: Yes, Sir.

Mr. Speaker: Hon. Members, the question is that the speaking time for the hon. Member for Pointe-a-Pierre and Minister of Labour and Small and Micro Enterprise Development be extended by 15 minutes.

Question put and agreed to.

Hon. E. Mc Leod: The court has determined the Milshirv project somebody says?

Mr. Cadiz: A breach of tender rules.

Hon. E. Mc Leod: It was a breach of tender rules? And one might say that the court or perhaps a commission of enquiry had also determined the Scarborough Hospital scandal. Eh? Mr. Speaker, if the coup de grâce is not UDeCOTT then surely it is the gas-to-liquid or GTL project and the PNM's shoddy procurement practices while they had oversight at Petrotrin. It cost Petrotrin close to \$3 billion.

You heard it in one of the Prime Minister's responses to questions from the other side earlier. Three billion dollars just for that, as part of the total debt of some \$13.2 billion. Yeah? It cost Petrotrin close to \$3 billion and like the Caroni Racing Complex and the Tarouba Stadium, all they can show for that cost is basically pieces of scrap metal. Is that value for money?

Unlike other mega projects such as the San Fernando Administrative Complex, which this Government allowed common sense to prevail and retrofitted to a state-of-the-art teaching hospital, the GTL project at Petrotrin is a rat's nest, in that even if this Government wanted to do anything with it, because of injunctive measures in the High Court, Petrotrin was restrained from completing transactions related to that plant. We should never forget that under the stewardship of this Government, Petrotrin was able to win a significant victory against World GTL at the London Court of International Arbitration. [*Desk thumping*]

Mr. Speaker, even the National Entrepreneurship Development Company Limited (NEDCO), which falls under the Ministry of Labour and Small and Micro Enterprise Development, utilized poor procurement practices prior to my appointment as Minister. Prior to 2010, NEDCO operated as a PNM slush fund. Plain and simple.

Miss Mc Donald: Mr. Speaker, again, Standing Order 48(6), please. That was never, ever established.

Mr. Speaker: Hon. Member, the Member is objecting to what you have said and is quoting Standing Order 48(6), in terms of imputing improper motives to Members of the other side. I ask you to be very careful, because we do not want any Member to impute any improper motive to any Member of this honourable House. Please be guided.

Hon. E. McLeod: Thank you, Mr. Speaker. I will not again describe NEDCO. I will just give an idea as to a couple of the practices that pertained at that time. Many persons, Mr. Speaker, were provided loans and grants and the like. However, in some instances, stipulated lending procedures were violated, and I repeat they were violated, as lending procedures of the company.

Mr. Speaker, this is an agency, I might call it, of the Ministry of Labour and Small and Micro Enterprise Development and when I went in there, having been appointed Minister, I sought to go through the recent history of NEDCO. And I am not going to relate to this House the number of instances of wrongdoing that have been discovered.

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Indeed, in one instance in 2002/2003, an individual was provided \$250,000 when the limit for lending was \$30,000. “Yuh hear what ah saying?” Again, procurement practices PNM style had become quite fashionable, and I am not imputing any ulterior or whatever motive they call it.

Hon. Members: Improper.

Hon. E. Mc Leod: Improper motive. That is a fact. This is what happened. And it took a lot of strenuous efforts on the part of—yeah, you could describe what I am talking after five years and I have not talked about the Landate thing yet “yuh know”. Despite their poor procurement practices, Mr. Speaker, I must say that the PNM realized that they needed to change their modus operandi. I refer to then Prime Minister and Minister of Finance’s contribution during the Appropriation Bill on Wednesday September 28, 2005, and I quote:

“...the establishment of the new Procurement system will require the repeal of the Central Tenders Board Ordinance with its subsidiary legislation, and its replacement by a new Act. The new Procurement Regime will ensure greater flexibility, open competition and ethical and fair dealing. In addition, it will increase the promotion of national industry.

Mr. Speaker, we anticipate that this new procurement regime would come into effect by the fourth quarter of fiscal year 2006.”

They were just words. It sounded good, but as he would say: they were vacuous and with little content.

The theme of the 2006 budget, Mr. Speaker, was “Addressing Basic Needs”, yet the PNM could not find the time, the will and the guts to bring this legislation forward. They could not.

I wholeheartedly support the Public Procurement and Disposal of Public Property Bill. Given the limited time that I still have, I will disappoint friends across the floor by not getting into issues, whether they relate to Landate or some other kind.

The complete overhaul of our country’s public procurement system is urgently required. As our country has noted in the aftermath of the O’Halloran and Calder Hart eras, tainted officials will often tamper with procurement processes. More so, they have been allowed to slip through loopholes undetected and undeterred where contracts of a public nature are awarded on the basis of requests for proposals, as opposed to utilizing proper tendering processes.

It would be remiss of me if I did not state that at the Ministry of Labour and Small and Micro Enterprise Development we have already started to improve the access of SMEs, small and micro enterprises, to public procurement opportunities. Under this Government, the Ministry has successfully launched the FairShare Programme, whereby small businesses are able to participate in the public procurement programme. As of October 31, 2014, 1,008 SMEs have been certified as FairShare vendors and are marketing and selling their goods and services through the FairShare database. As we have noted in this Bill, procurement can and will be used to achieve benefits that go beyond the mere acquisition of goods and services.

I look forward to the day when the Office of Procurement Regulation works with the Ministry of Labour and Small and Micro Enterprise Development via their training standards, public procurement procedures and awareness initiatives to further improve the access to procurement for SMEs. This will not only help build the capacity of these small businesses to deliver better quality tenders and thus meaningfully participate and contribute in the procurement process, but also allow the citizens of Trinidad and Tobago to receive value for money based on a process that is built upon principles such as transparency, fairness and equity.

I want to thank and congratulate my colleague, the Minister of Planning and Sustainable Development, for bringing this measure to the House so many years after so much had been done to the worst disinterest of Trinidad and Tobago. We are going to move forward with this, in the interest of our people and we are going to see more decency in our application of the measures enunciated in this Bill. Thank you very much, Mr. Speaker.

Mr. Jack Warner (*Chaguanas West*): Thank you, Mr. Speaker, for eventually allowing me to speak. Mr. Speaker, it always boggles my mind when the Government Benches speak on any issue whatsoever, they always go back to the PNM, and I always remind them that they are where they are because of the PNM's failure and, therefore, to go back to the PNM time and time and time again, for me, serves no useful purpose. The fact is, having removed the PNM, are you better or worse?

Hon. Members: Worse, worse!

Mr. J. Warner: And this afternoon I tell you, you are much, much worse. I will tell you this afternoon. Of what value is it? I sat here for 45 minutes and was told in 1993, in 1997, in 2006. Okay! Now, 2014, you have a chance to correct all

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of that and what you have done is bring to this House the illusion of a procurement Bill to give the public the impression that you, of course, have completed 90 per cent of your manifesto.

In fact, let me go to that quickly because, you know why, Mr. Speaker? The Minister of Planning and Sustainable Development, Sen. Dr. Bhoendradatt Tewarie began his discourse by saying the Government has met 90 per cent of its target. Mr. Speaker, in their flooding of the airwaves, that is one of the war cries they have and each time I hear it then and now, I ask myself: “if you finish 90 per cent of your work why you need the biggest budget to finish 10 per cent?” Mr. Speaker, why do you need the biggest budget to finish 10 per cent?

Let me remind you. In 2010, this Government’s budget was \$44.36 billion; 2011, \$49.01 billion; 2012, \$54.6 billion; 2013, \$58.4 billion and the last year, to finish 10 per cent, the budget is \$61.3 billion, and that is the procurement we are talking about. That is the issue we are talking about here this afternoon. So when you say, of course, that you tell me about the PNM’s excesses and procurement policies, I want to say that today the perception is, it is 10 times worse, Mr. Speaker, this is a Government that promised to do better. I used to be there you know. We came on a promise of change, but you have given the country exchange, except that, of course, it is 10 times worse.

3.15 p.m.

Mr. Speaker, all one has to do, is to walk through the streets of this country and ask the people. When they have a chance to put down their window glass in their air-conditioned Prados and meet the people, they will see that the soul of this country is hurting. You know, the last speaker talked about Brian Lara Stadium, and I said to myself sitting here, of what value is that?—that is why you are there, because of Brian Lara Stadium. I could stay here and talk about Petit Morne. Petit Morne lands were to go at \$300 million. Today, the same lands at \$1 billion. That is the procurement policy I want you to talk about; talk about that.

We understand what is happening. At the end of the day, talk about the Beetham Wastewater Treatment Plant, \$1.2 billion, but the next highest bidder is \$700 million; talk about that, and let us understand what you mean by procurement. Do not tell me about O’Halloran and about Prevatt—dead and gone, but the problem is, Mr. Speaker, the time will soon come when all of us in this House will have to give an account of our stewardship.

In fact, the Minister, when he was talking a couple days ago or weeks ago, he said that the objective of the Opposition, I quote, “is to peddle misinformation”. I

want to go on record as not accepting that insult at all. Not what I write or what I ask to be written or what I say in this Parliament, this House, is misinformation, and I will say much more this afternoon.

When I look at this Government, I want to borrow the style of a former Prime Minister. I want to borrow his actions and his antics. I cannot borrow his language, but I will come close. When I look at the Government Benches, that side, I see stubbornness. I see arrogance. I see indifference. I see a Government completely out of control, Mr. Speaker, I see that, and no amount of whitewashing could change that.

To understand why I am so pained, is to trace the history of this Bill. The public must know that this Bill, this procurement Bill, that they want to give the illusion that they, of course, are concerned about procurement when this is one of the worse eras for procurement in this country. You have Ministries and Ministers giving contracts to friends and family willy-nilly, from religious institutions go right back. Money being given and spent as if, of course, it is a piggy bank, and you come to talk about procurement? Well, let us go to the Bill and see how serious they are with procurement.

So the Bill was brought to the Senate on April 02, 2014. It was debated there on May 20 and 27, 2014. The Bill then went to the committee stage of the Senate on July 10 and 11, and on June 11—sorry, June 10 and 11. On June 11, the Bill was passed in the Senate on June 11. The Bill was tabled in this House on June 16, 2014, and when it came to this House, it came with the amendments from the Senate. On July 04, this House debated the Bill, this very important Bill. This Bill that is the be-all and end-all of all corruption in this Government. On July 04, we came here to debate the Bill.

Mr. Speaker, as you are aware, the debate was adjourned and the Bill lapsed on July 30, 2014. Thanks to the insistence of the Opposition, Parliament was resumed on November 07. The Bill was put on the Order Paper, November 07; an important Bill. Within three hours, the Parliament was again adjourned and today, we are here, November 19 talking about the Bill.

One gets the impression that this Bill 2, as I will call it, is a new Bill— after all this delay and so on, it is a new Bill. I want to say, except for some minor changes, it is the same Bill that lapsed. They have not considered a single concern that was raised on this side, not one, except for two commas and a full stop, it is the same Bill. Two commas and a full stop, it is the same Bill, Mr. Speaker, and if given the time to go through some of the concerns which I raised here, I will show

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how it is the same Bill, Mr. Speaker. So who is fooling whom?—I ask the question. This Bill is designed to repair this country’s social fabric, to arrest the deficit in the public’s trust in Government. I say it has failed miserably.

Mr. Speaker, as you are aware, and as many of us here should be aware, corruption in a Government causes structural poverty, causes instability and causes inequality, all three of which we have here today as never before. You could walk outside in the street, the anger and cut it with a knife. The people are angry, and the only thing that is keeping them back is that they know that a new dawn is coming, otherwise we are all in trouble. This procurement Bill was meant to address those three things I just said: instability, inequality and structural poverty. I want to say again, it has failed. The Bill is merely an illusion.

If the Bill was serious, why did they not go to India which some of them are quite familiar with, and look at the Indian Anti-Corruption Bill. In that Bill—I will not go through all right now, because they must do their homework. In that Bill, you have an Anti-Corruption Ombudsman, but you know what is important? In that Bill you have—they are saying that financial disclosures for politicians must be mandatory. Too many politicians, especially politicians, getting rich overnight—“dey fren, dey cousin, dey tanty, dey bredda, dey sister, dey in-law” and so on—supermarket, restaurant, land here, there and everywhere.

So they said, listen, make financial disclosures, but Mr. Speaker, worse yet, they said that it must be made public. When you become a politician, disclose to the public your assets, and when you are going out, do that too, year by year. If the Bill had done that, the Bill would have been a serious Bill.

I ask myself, what is the legacy this Government will leave—a hospital in Debe, a hospital in Penal, a campus corner, a hospital in Couva? What is the legacy this Government will leave, Mr. Speaker? Williams’ legacy was education. What is this Government’s legacy? The public’s perception is corruption. [*Desk thumping*]

If this Government was so happy about procurement, the Government would also say that political parties must disclose their finances, put it in the Bill. Let each political party disclose its finances, but they would not do that, because the illusion of transparency—I will come to that just now—and, therefore, I am making the point that this Bill is an illusion.

Mr. Speaker, on July 04, when I had spoken on this Bill, I had raised several concerns, but since it seems as if “stick break in dey ears”, I will address some of these concerns again, because they are real and they are painful. But before doing

so, I want to make a point about China, another country that is now serious about fighting graft and corruption. Mr. Speaker, about a month ago, the Chinese Government was able to find an official whose salary per year was \$50,000, but he had in this house cash, US dollars as high as the Eiffel Tower. The person there was a fella called Wei Pengyuan and he was the former head of the National Coal Department, like our energy department here, Mr. Speaker, and because of that he was able to approve coal mine projects all over the world, because all of us know the importance of coal to China's economy.

Mr. Speaker, by all standards that was a very high-powered position, but you know something, the Government of China has been cracking down seriously on graft and corruption, on things like theft, embezzlement and bribery. Mr. Speaker, in terms of punishment, life in prison, and even the death penalty is not out of the question.

I want to go further: on November 14, Mr. Speaker, last week Friday, the Chinese Government sent their agents from the Anti-Graft Division, and they raided the home of a man called Chao Quin. He was the former head of a state-controlled company. I want to draw some similarities, you know, Mr. Speaker. He was seeing about the Water Supply Corporation, like our WASA. His salary per year was US \$50,000. What did they find in this home? When the Anti-Graft authorities went to his home—and God, look how I wish we had a similar thing here, going to some Ministers' homes. What did they find? They found US \$19.6 million, they found 82 pounds of gold, valued at \$1.574 million and they found ownership of 68 homes and apartments which he had. Does that not sound familiar?

Mr. Speaker, look, I have the pictures [*Mr. Warner displays pages with pictures*] of his money, you know, his money is here, and gold and so on. I will leave it with the Hansard people. Mr. Speaker, what did President Xi Jinping do? He was not talking—he did not come here with rhetoric and flowery language. He said that he is on the hunt to fight corruption, the Chinese President, and in the first 10 months alone, of 2014, China has arrested, prosecuted and sentenced over 13,000 officials. Why can we not have a small China here, little China? Why can we not have, of course, I mean, I want to call it a “Chinalette” here, Mr. Speaker?

The President of China said, I quote again, that he is targeting what he calls “flies”, that is lower-ranking government officials as well as “tigers”. Here we “aint” holding flies, we holding tigers, we “aint” holding, of course, “jumbie bead”. We are holding “nuttin”, Mr. Speaker, not even “batemamselle”, but in

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China they are holding flies as well as tigers. Needless to say, the guy with this money has a very dear price to pay. I say this to tell you of a Government that is serious about corruption.

I would show you how this Government could not be serious about corruption, because as I said earlier on, the Bill is the same Bill. In fact, I just got some amendments from the Member for Port of Spain South, Marlene Mc Donald at the committee stage—that was about two minutes ago. I have not even read it yet, right, but this is how we work here. I gave over 30 amendments, Mr. Speaker, not one was taken, and I was given the undertaking by the Minister that they will be looked into. He asked me to send them to him which I did.

3.30 p.m.

Mr. Speaker, what are some of the concerns I have with this Bill? I shall not say all, but I shall repeat some. One concern I have is in clause 6(1) and 6(2). In 6(2), it says that:

“Nothing in subsection (1) shall affect the rights of an innocent third party.”

I am saying that a company which has connections with Government officials, that company can use those connections to get other contracts, as happens. Everybody in this country—this is a small country you know; people forget that this is a small country and there is no secret here. And they say bring the evidence. I will bring some very soon, very soon.

You know, at the end of the day—let me say this again: at the end of the day when I finish talk here—I have to leave to go out to another engagement from which I cannot extricate myself—I would have loved to have heard the person coming after me talk about FIFA and CONCACAF and CFU.

Mr. Speaker, let me say this as a good Christian:

“Render...unto Caesar the things that are Caesar’s; and unto God the things that are God’s”

Render unto FIFA and to CONCACAF what is their business. They will deal with me if I ever committed a wrong; but unto God, the people, they will deal with them in less than nine months. So talk about me.

And, therefore, I am saying at the end of the day the problems, of course, which we are facing in this country come from—*[Interruption]* No way at all you will affect me this afternoon, you know—of course, the rights of an innocent third party.

Mr. Speaker, I am saying to you, in this country, there are not many innocent third parties. There are companies in this country, really paper companies, with no labour force, with no equipment, not even expertise, and they secure contracts. Even people in the media are given contracts. They do not have a shovel, a hoe or a backhoe, but they are given contracts in the media and the media, therefore, now allows itself to be compromised. And these people who are given these contracts take the profit from the top and give it to smaller contractors at a cost on which they could barely survive. So, therefore, I am saying that bid rigging is rampant. It has become almost like a religion, almost routine.

One of the problems at the root of this subcontracting is that persons are passing contracts through companies in the name of their friends and associates. So if company B is owned by the nephew of company A, all he has to say is that he is an innocent third party and therefore he is not liable and “geh away scotch-free” because he had no idea that his uncle was involved in bid rigging.

I love to take SIS as the example in everything I do, everything I say, everything I write, because if ever a company displays, as far as the public is concerned—the public’s perception of a company where bid rigging is high—that is the company.

SIS has, the last time I checked, about 30 companies—a friend told me today it is 54 companies—and in most of these companies the directors are mutually exclusive. You cannot, of course, look at the paper trail or the records of the company to know where they come from, but what one has to do is to know the directors and then you will understand the relationship in these companies.

Mr. Speaker, similar to Kalco—I will leave Kalco for the platform. When we say, however, that there are top Government officials who have companies in the names of their in-laws and their friends and girlfriends and these companies are just brokering contracts, what does the Bill say about that? Nothing I have read here in this Bill tells me what the Bill has said about that. Nothing I have read in the Bill tells me what penalty is there for a Minister who tries to influence a board. Nothing tells me that.

So a Minister uses his clout, calls the board members into a room, leaves out the president of the company and tries to push the board to go a particular way. Nothing is said about this, but that is so common—down to the airport right now, which you will read about next week. Down to the airport right now, Ministers are flexing their muscles on boards to get their own decisions. It is as rotten and corrupt as you can imagine. This does not cover that. It does not cover that and

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that is deliberate. What I am saying, therefore: we have a veil behind this subcontracting phenomenon. I am saying therefore that the third-party matter should be clarified.

My recommendation therefore is that this indemnity to third parties should be removed. I said so two months ago. I say so again now. I said before, they can take what we say or they can dismiss it as they are accustomed, but I must go on record as saying that the third-party indemnity must be removed. The Minister asked for solutions to cover the loopholes, he said. This is a pothole.

If somebody wants to give a subcontract, I believe that person must declare at the time who the subcontractors are. I would say it slowly again. You have to declare to the regulator, who I will come to just now, who your subcontractors are. Therefore, no company could come from the blue and claim that they are a third-party company and that they are innocent. I want to repeat: subcontractors must be declared upfront and therefore automatically those companies which are doing brokering will be exposed.

There are persons also who are induced to apply for contracts and when they get it, they give it to other companies—part of the parasitic network—and they do so for a fee. So I get a contract, I cannot do it, I give it to X and they give me \$20,000. That is rampant. I will not go into detail, but that is rampant. I am saying therefore, let the subcontractors be named early; say who they are and they must of course also say the award, what they have and so on.

There are four types of collusion in this country, which I will quote very, very quickly because of the time constraint. I was a former Minister of Works and Infrastructure. After two years, they accused me of putting a fire truck down a ravine for \$6.8 million. Nothing else, Mr. Speaker. So, my naiveté, I say go ahead. I challenge them, anybody, anyone of them to point their finger during my tenure as a Minister of Works and Infrastructure or subsequently Minister of National Security and get one blot and one iota of evidence about corruption on Jack Warner. You see, Mr. Speaker, unlike many, I did not go into Government to make money. When I came into Government, Mr. Speaker, I had money. That is the difference.

There are four types of collusion. There is one where persons on the inside collude with persons on the outside to give a job to contractor X. Then, too, you have groups of companies that come together to submit separate bids and to make a particular bidder look good—rampant in EMBD; rampant in WASA.

These companies come together, all members are the same person, rampant in the Ministry of Works and Infrastructure. The evidence is there. I have stopped sending things to the Integrity Commission because when you send “dem tings” to them it is taking about two years before they acknowledge the letter, to tell you, of course, they are no longer interested. Their role is to investigate Jack Warner and for the last three years they have tried.

Mr. Speaker, I have stopped. You know why? Sending things to the Integrity Commission does not help. Then you become the person judged and not the person who accused. So I am finished with that, but the public must know that there are companies that come together to submit separate bids to make a particular bid look good and when you have 30 companies and 54 companies, it is very easy to do that.

Then, thirdly, one company goes as the front to get the contract for someone else. And, lastly, one company gets the job, takes the profit and then gives it on to a broker. All I am saying to you is that nothing in this Bill, which I will come to just now, identifies how that will be dealt with.

I want to also suggest that certain types of contracts for subcontractors, the subcontractors should undergo a kind of prequalification process because the scheme now is when you have a large contract, you cut it up in phases—four phases sometimes; three phases—and then you give different companies to complete a particular phase, all belonging to the same owner. Nothing here corrects that, Mr. Speaker.

It is very easy for the Minister to say these are questions that will be dealt with in the regulations. I say he should bring the regulations here and now because for us to believe that these problems will be solved in the regulations is like wishing upon a star.

I want to go under clause 11(9).

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Chaguanas West has expired. Hon. Member, you have to advise the Chair if you would like to have an extension.

Mr. J. Warner: Yes, Sir. I would like 15 minutes more.

Mr. Speaker: Hon. Members, the question is that the speaking time of the Member for Chaguanas West be extended by 15 minutes.

Question put and agreed to.

Mr. J. Warner: Mr. Speaker, I want to go to 11(9):

“The salaries and allowances of the Regulator and other members shall be determined by the”—Salaries Review Commission.

That was what was in Bill 1. In the first Bill, Mr. Speaker, that was there. The SRC had to determine the salary of the regulator. In this Bill, it is the Minister and what they have done therefore is to politicize the appointment and to compromise the position of the regulator who is to be insulated from the politician.

I want to know why that was done because the board has to be and must be an independent board like the Integrity Commission and like the Equal Opportunity Commission, it has to be an independent board, but if the regulator, his salary and so on and the board members, the Minister has to recommend it, then that does not make him independent.

You know something, Mr. Speaker, when the Member for Siparia, the hon. Prime Minister, was in Opposition and was Leader of the Opposition at that time, I was on her right. Many of them were not even here and she was telling the House that the independent offices of the State should be insulated from politicians. She said so. So I am shocked to see now that this remuneration is to be given on the recommendation of a politician.

I want to go on to contracts quickly. In fact, before I forget, clause 15 has an error. I said so in July. I say so again today. Clause 15 has an error, an error in grammar and it is poorly written. It makes no sense. I have the correction here, but I will not waste time to tell them; they still would not take it. It makes no sense. Clause 15(2) makes no sense.

So I go now, of course, to clause 36. Mr. Speaker, clause 36 says an entity or state agency must publish on its website or in some electronic format the contracts awarded. Mr. Speaker, I say take out the word “or”—on its website, and in some other electronic format—not “or” because the fact is the details must be known by all.

3.45 p.m.

There must be a central place or a space where the public can go and view the totality of information on contracts because if someone on the inside or outside, or an entity is involved in corruption, then he may want to publish the contracts on the website and nowhere else or somewhere and, therefore, in doing so, if he has either or he can easily conceal information and have you going on a wild goose chase to get the information. How long must it stay on the website? How long?

Nothing says so. It must stay there for a year. Let it stay for a year because all he has to do is to put it up and take it back down, and there are some people on that side who are versed in that.

Clause 24(2), reports of the regulator: I am saying the reports should include how the awardee's tender was ranked, and the justification or reason for awarding the contract to that awardee. So if the bid, the awardee's bid was not the lowest like the Beetham Wastewater Treatment Plant or if it was the highest, whichever, the report should say on what basis the awardee got the contract. The report must say on what basis \$1.2 billion was given to build the Beetham Wastewater Treatment Plant. The contract must say why a hospital for Pierre Road in Chaguanas at \$120 million moved to Couva at \$1.2 billion. And when you give the contract you must say why, and the public must be able to see. And also, the same thing applies to property that you may want to dispose of, but I do not have the time to go into all of that this afternoon.

I go again to clause 36, it says that the quarterly report from a state entity must be sent to the regulator, and the regulator shall publish on its own website the details of all contracts issued by each state entity. I am saying the entire database should be accessible to the public.

Also—and this for me is unpardonable—clause 24(3) says that the report of the regulator to the Parliament need not include details for contracts under \$2 million. Mr. Speaker, that is the area where most of the corruption takes place. I mean, the history of this country is prevalent with examples where contracts are given out under that figure. Again, I am saying they are corrupt. I am saying the majority of contracts under this figure is where corruption takes place. I am saying there are persons who have become overnight millionaires from contracts for box drains: two, three, four, five box drains.

Dr. Rowley: Box drain!

Mr. J. Warner: Box drain! I was talking to a guy in the market on Saturday. I go to the market in Arima and sometimes Tunapuna to see how people suffer—the kind of price for goods—and a guy was telling me: “You, you have a box drain Government.” I say, “Not me, I used to be there, not me.” Do you know something, Mr. Speaker? With all the box drain, you know flood like hell the last couple days! “The box drain eh take ah ounce ah water.” *[Laughter]* And there are persons I am saying there who, therefore, have become overnight millionaires from box drain contracts and footpath.

Mr. Speaker, how much time do I have?

Mr. Speaker: You have until 3.57.

Mr. J. Warner: Mr. Speaker, I also want to know what are the consequences or sanctions if a state entity or enterprise fails to comply with clause 37. What are the consequences for a state entity or enterprise that fails to comply with clause 37? Because what it says here is that the entity has to submit a report of procurement for the previous quarter within three weeks at the end of that quarter. What happens if he does not do it? What are the consequences? Nada, zero, zilch! And a country like this where, of course, everybody wants to be a Calder Hart, some of course, in today's world where we had in the last four years some have even surpassed him, I am saying that this is wrong. You have to have consequences for failing to comply with clause 37.

I want to go quickly to clause 36(2)—no, I want to go quickly to the penalties for collusion. Mr. Speaker, before I forget, on bid rigging, Part I, clause (4) in the Bill, it gives the meaning of “bid rigging”. It says:

“bid rigging” means collusion between persons for the purpose of manipulating the proceedings;”

Mr. Speaker, I say it should read:

“...for the purpose of manipulating the procurement proceedings;”.

I said so in July, nothing has changed. Two commas and a full stop, that is all. Nothing has changed, and we are coming to debate the Bill because of transparency and so on.

There are penalties for collusion, but while there are penalties for a contractor who they said would be blacklisted, what about the company that has engaged in bid rigging? The contractor is blacklisted, the owner, but what about the company? The company is a separate entity. I say a fine should be imposed on the legal entity, and the fines sometimes should be 50 per cent of the contract, because when a fella gets a \$5 million fine on a \$1.2 billion contract, that is a slap on the wrist, but if he has to find \$600 million, that is something else.

I would like to talk but I cannot, about the appeals tribunal or review board to appeal decisions of the regulator which is not there. I want to also talk about the provisions for removing the regulator as in the Indian Parliament, Mr. Speaker. I am saying also that the board members should be looked at as persons in public life and, therefore, they should fall under the Integrity in Public Life Act. That is not there. I am also making the point as well that we may best end by how the

Indian Parliament has ended, and I would read into the *Hansard* what India has said. India has said: “Corruption—An Epidemic of Epic Scale in India”. They said, Mr. Speaker:

“For the average Indian”—corruption—“has become entirely routine.”

And, therefore, they are saying that since this corruption is of epidemic nature, they also make the point that when politicians are asked to give publicly their assets if they are untruthful, they are charged for perjury. You see it must be higher; it must be increased.

So, therefore, India has realized that they have to fix their house. China is doing theirs in their own little way. We want to appear that we are doing ours, but I want to say again, what we are doing here is creating an illusion and, therefore, I would like to end in my last two minutes by reading the conclusion of the Indian document into the *Hansard*. It says.

“Corruption is an epidemic tearing into India’s foundation and economic wellbeing. It can only be fixed by those who live in this country—‘we, the people’.”

I will take off “India” and put “Trinidad and Tobago” and say: Corruption is an epidemic tearing into Trinidad and Tobago’s foundation and Trinidad and Tobago’s economic wellbeing and it can only be fixed by those who live in this country, we the people.

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

The Minister of Education (Hon. Dr. Tim Gopeesingh): Thank you, Mr. Speaker. I rise to make my contribution this afternoon for the first time on this Public Procurement and Disposal of Public Property (No. 2) Bill, 2014. It is indeed a great honour and a great privilege for me to contribute to this Public Procurement and Disposal of Public Property (No. 2) Bill, because I consider that being a part of the Kamla Persad-Bissessar-led People’s Partnership Government.

In our manifesto we had made the promise that we would bring this procurement legislation to Parliament as soon as we got into office. We did so, Mr. Speaker, and we had four long years of deliberations on this, and this Bill is the culmination of these long deliberations over a period of the last four years.

The hon. Prime Minister had promised to bring this legislation and lay it in Parliament in the first 28 days, and that is what her administration has done. This Bill was laid in Parliament within the first 28 days as we had promised, and

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immediately we came to Parliament and asked that a joint select committee of Parliament be set up to look at this entire Bill. The joint select committee was set up and it comprised significantly of now, the Leader of the Opposition, the Member for Diego Martin West, and the Member for Diego Martin North/East and, of course, the Member for St. Augustine, the Minister of Planning and Sustainable Development and myself and many others who worked tirelessly over a period of time to come to the real facts relating to this Public Procurement and Disposal of Public Property (No. 2) Bill.

Mr. Speaker, the previous administration, before demitting office in 2010, when they were removed from office had brought on something talking about a public procurement piece of legislation, and it went from a Green Paper to a White Paper and that White Paper was brought on in 2006, and for four years they spoke about it and there were different views from the then administration on what is the way forward.

In fact, there were people who said they did not want the Bill to come forward because of their own obvious reasons—that procurement legislation would hinder them from what they might have been contemplating otherwise. I do not need to say more. So they never brought this Bill to Parliament; they never brought anything after almost six years of deliberations starting from 2004 to 2010.

When this joint select committee of Parliament was formed, we worked for a number of months. I was the chairman of that joint select committee for about a year, and then Minister Tewarie came on as the chairman, but during that year we made significant strides in our way forward to bringing on this piece of legislation, but then came the Opposition at that time who began to ask: what is our policy on this? Despite the fact that we indicated what was our policy, they began to pull back.

We went back to Cabinet and we provided for them a full detailed issue on the policy forward which is public procurement and, in essence, the Bill itself states what it is: good governance, namely transparency, integrity and value for money and the establishment of the Office of Procurement Regulation and, of course, the repeal of the Central Tenders Board Act, because this is the major body that deals with tenders for procurement at a national level.

4.00 p.m.

So, Mr. Speaker, many on the Independent side and on the Government side wanted to continue this work and bring it at an earlier time but, unfortunately, for their own reasons, the Members for Diego Martin West and Diego Martin North/East decided not to come to these meetings any more for a long while.

They were absent from the meetings and it stymied the progress of the Joint Select Committee for a long while. Eventually, I believe, the private sector and the Joint Consultative Council began to put a lot of pressure on the Members of the Opposition to indicate that they have to take their responsibility seriously if they want to be part of a Government to come, and to ensure that the deliberations and the discussions on this continue apace. It was only after the pressure by the private sector and the Joint Consultative Council, and a number of others, publicly saying that the Members of the Opposition ought to be part of the process bringing about this Bill, they eventually came back.

Mr. Speaker, Minister Tewarie and the team, I want to congratulate all Members of the team, as being a Member myself, for the tremendous amount of work that was done in bringing about this piece of legislation. We had presentations from the European Union, from the Contractor General from Jamaica, from even Australia, and all parts of the world people came and made presentations to the Joint Select Committee. Most important, in Trinidad, the JCC, the Joint Consultative Council which deals with contracts and deals with construction, they had provided what they thought should have been the piece of legislation, but we tweaked that and we looked at that meticulously over a period of time. We had support from the Ministry of Finance and the Economy, we had support from the Solicitor General, and in the whole bringing together of the various views, this Bill was brought forward eventually after prolonged discussion and deliberations, and presentations. The Joint Consultative Council was satisfied that this was the Bill that we ought to bring.

So, Mr. Speaker, this procurement Bill has an origination almost 12 years ago in the making—12 years ago, and so here it is we are on the cusp of bringing something to this country which would be long lasting, which will withstand the test of time, and which will prove to be one of the best pieces of legislation that this country will ever see as far as the perception from administration to administration, going back to even what my colleague, the Member for Pointe-a-Pierre, spoke about today from the days of the Lock Joint issues in 1959, 1958/'59. We can go on to speak about the issue of value for money but this administration, led by the hon. Kamla Persad-Bissessar, wanted to ensure that we will bring a piece of legislation that we as a Government will be constrained by as well as any successive Governments, and I know that we will be the next Government in 2015, onwards. There is no doubt about that.

So, Mr. Speaker, I just want to, for a minute, go back. The People's National administrations of the past, the People's National Movement, they never brought

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any piece of legislation to deal with ridding the country of corruption and anything to do with integrity in public life. It was a previous UNC administration that brought on the Integrity in Public Life Act, not a PNM administration; it was a UNC administration. When that Integrity in Public Life Act was brought in, in the late 1980s, for three years they stalled the issue of what type of form that you have to fill out as a person in public life. So many people at that time escaped the Integrity Commission for almost three years because there were questions as to what forms they had to fill out. Then it was another UNC administration that indicated and that brought on the question of the joint select committees of Parliament, which we are operating on today, and had it constitutionally enshrined.

So that the joint select committees of Parliament—and ensured that it is not a Government person who chairs the Public Accounts Committee, or the Public Accounts (Enterprises) Committee, but it is a Member of the Opposition or an Independent Senator who chairs those committees, which gives the Opposition and the general public and the Independent people the opportunity to investigate and analyse anything that the Government does by having enshrined in the Constitution someone from the Opposition or the Independent Benches leading the Public Accounts Committee or the Public Accounts (Enterprises) Committee. What more?

The PNM never did that. It was the UNC administration that did that: the Integrity in Public Life Act, the Joint Select Committee of Parliament chaired by Members of the Opposition or the Independent Benches, and, now recently, the FIU, the white-collar crimes, the issues on white-collar crimes. It is this Kamla Persad-Bissessar-led administration that is bringing this FIU—that brought this and passed it. It is the same Kamla Persad-Bissessar administration that brought the Anti-Money Laundering Bill and Act.

So this is the record of this administration and previous administrations that were not PNM. The PNM, not for once, or for one moment, ever decided to bring any piece of legislation dealing with good governance, integrity in public life—not one—and value for money. Mr. Speaker, what more can we want as a country when it is this administration again, working with the Standing Orders Committee, brought on the ability for the Opposition to inspect every little area of the governance of this administration by bringing about the changes in the Standing Orders to allow the Finance Committee—allowed the Finance Committee to meet and investigate and question the Government.

Mr. Speaker, for four and a half days the Opposition had the opportunity to question the Government on every aspect of its governance, every cent of its expenditure, and every Minister and every Ministry, and nothing was found wanting by this administration. Every Minister and every Ministry stood, sat there and withstood the questions and answered the questions, and dealt with the questions that enveloped the entire financial issue surrounding the administration of their Ministry and not one was found wanting. That is what this administration, the Kamla Persad-Bissessar administration, has done to public scrutiny—and for anybody to question value for money and accountability and transparency.

So the Integrity in Public Life Act, the Joint Select Committee of Parliament, the FIU, the anti-money laundering, the Standing Finance Committee—Mr. Speaker, we all know that previously, under the PNM administration, when you had a Finance Committee meeting we were all part of it. You go to the Finance Committee meeting at 10.30 and they give you a list of the things there—“these are the Ministries, these are the votes”—and within 15 minutes that Finance Committee meeting is completed. And you asked questions—“Oh, yes, we will bring the answers. We will bring the answers for you. You will get the answers”—and in the budget debate. That was when they were in Government. In the budget debate not one answer came forward, and despite the fact that you beseeched to get the answer—man—you were treated with discourtesy, disrespect, and you were made to feel as though you really did not belong here.

So, “Who are you to ask questions? What questions you want to ask?”, and it came from nobody more than the Member for Diego Martin North/East—“They will shut you up in Parliament. Stop your time for speaking”, and make you sit down. That was the contempt that existed in their administration. We have never said no to any of their Members speaking at any time. We have allowed the extension of time, time and time again. So that is transparency. That is good governance. That is integrity in public life. When any Member of this Government or any Minister could sit down and be questioned for hours on any matter related to their Ministry and their finance, although the Ministers themselves are not the finance people, the Permanent Secretaries are the custodians of the finance, but the Ministers were able to answer the questions.

So that is good governance, that is integrity, and that is transparency. Just this afternoon, again, for the second time, our hon. Prime Minister stood for the length of time and answered 17 questions from the Opposition and other Members of the House on any matter that they could have wanted to ask. Seventeen questions that the Prime Minister stood and answered every question with total transparency and

accountability for the general nation and for the international community to hear and appreciate. Nothing to hide. So the Standing Finance Committee, the question time to the Prime Minister, and, Mr. Speaker, the questions that were asked over a period of time, when we were in Opposition they postponed and postponed answers to questions and almost 100 questions were not answered—[*Interruption*]

Miss Mc Donald: Mr. Speaker, I rise on 48(1), please, relevance. Please connect to the Bill.

Mr. Speaker: Hon. Minister of Education, if you could refer to the clauses of the Bill and connect your contribution, I think it would be well taken.

Hon. Dr. T. Gopeesingh: Mr. Speaker, all of this is in context of good governance and transparency and integrity in public life. [*Desk thumping*] This is what we have demonstrated here, Mr. Speaker.

So, Mr. Speaker, we must never forget. I was making the point, we asked questions for transparency, we asked questions on their governance on behalf of the people of Trinidad and Tobago and questions were deferred and deferred, deferred for one year and never answered. It was a contempt for the people over a period of time and contempt for us who were in Opposition. It is our Government that has ensured that we introduced the questions to the Prime Minister. If we could have done that for ourselves to subject our Prime Minister to questions from the Opposition, that speaks volumes for transparency and accountability and integrity in public life, and good governance.

4.15 p.m.

Mr. Speaker, let me go on to another area. You remember the Freedom of Information Act—we must never forget that. The PNM administration brought on 15 special purpose companies and state enterprises and immediately, within a few months, decided that 10 of these must not answer questions and be removed from answering questions—exemption from the Freedom of Information Act. So they hid all the workings of these special purpose companies from the public. They hid all the contractual obligations and everything that deals with finance from these special purpose companies; hid them under the Freedom of Information Act.

And today they are questioning the Central Bank and the Central Bank Governor. It was the PNM that removed the questions from the Central Bank, under the Freedom of Information Act. So there were about 10 companies working in Trinidad and Tobago, the special purpose companies that were not exposed to any questioning by the general public, because they were removed

from the Freedom of Information Act. Could that have been good governance? Was that transparency? Was that integrity when you went about to remove those state enterprises from the Freedom of Information Act? It means that they had something to hide. What is it that they had to hide?

The other issue now is value for money. There is no question—[*Interruption*] Mr. Speaker, I am getting disturbed by the Member for Port of Spain South.

Mr. Speaker: Member for Port of Spain South, you are disturbing the Member for Caroni East; please.

Miss Mc Donald: My distinguished friend. [*Laughter*]

Hon. Dr. T. Gopeesingh: Thank you, Marlene.

Mr. Speaker, value for money—this Bill is about value for money, and this Bill brings on the question about how we are going to deal with that. It is no secret that we have to go back sometimes to the past, to move forward.

Value for money began to be a problem from since the days that my colleague, the Member for Pointe-a-Pierre spoke about earlier on, with the Lock Joint issue; the Tesoro scandal; the Caroni Racing Complex scandal; the Eric Williams twin towers, when it was supposed to cost about \$400 million, it cost about \$700 million, over \$300 million overrun; the Eric Williams Medical Sciences Complex, done by Sodeteg in about 1982, which was supposed to cost about \$300 million or \$400 million, it cost about \$1.2 billion then.

Hon. Member: In those days?

Hon. Dr. T. Gopeesingh: Yes, in those days. You could imagine \$800 million more in the 1980s, what is the value for money now. The Hall of Justice with cost overruns—value for money—no value for money. What about the Scarborough Hospital that was supposed to cost \$120 million and went to nearly \$780 million, Member for Barataria/San Juan? NAPA and SAPA were supposed to have cost US \$200 million, TT \$1.2 billion, both of them. One alone in north Trinidad, the NAPA alone cost over \$1 billion. So there was a cost overrun of almost \$2 billion for the construction of both of them. What about the complex, the Government campus plaza, over \$1 billion cost overrun.

Mr. Speaker, we knew all about that; we heard about it; we spoke about it while we were in Opposition. It is there on the parliamentary record and *Hansard* about the massive cost overruns by the PNM administration not giving value for

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money. In almost every transaction that they had and in every contract that they had, there was massive increase in the cost of the projects, with massive cost overruns—every one.

What cost overruns have you heard about this Government in any project that we are doing? Not one they could put their hand and say that there has been a cost overrun in any one of our projects. [*Desk thumping*] This is a government that is giving value for money for the people, with total transparency, total accountability, total integrity. That is good governance; this is good governance. We are saying now that we are bringing this legislation to govern us—to govern us. We are not afraid of being governed by the legislation, because we know we have nothing to hide. But they seem to know that possibly, God forbid—if the people of Trinidad and Tobago lose part of their senses at any time and decide to vote them into power, heaven help us. God help us, because we will come back to the same old, same old, and possibly even worse—far worse.

This is why the Member for St. Joseph is saying, “We reject this”. I looked through his *Hansard* records and I saw that he said that they reject this piece of legislation, they do not want it. They do not want this piece of legislation. Ask them why they do not want it. When it went to the Senate, they did not vote for it—they did not vote for it. My understanding is that they abstained. So they do not want this piece of legislation at all, and you have to ask them why they do not want it, and the answer is obvious. Any little child or any one of our students within our primary schools could understand why the PNM does not want this piece of legislation on good governance, transparency, accountability and integrity. Mr. Speaker, they do not want it; they reject it. So the people would see that the PNM does not want this piece of legislation, and they would ask them why.

Let me just read something that I read, some comments made by someone from the IADB. I quote from the *Guardian* of Sunday, July 27, 2014:

“In an address at the conference, the IDB’s T&T country officer, Michelle Cross Fenty, praised ‘the significant strides made by the Government in its efforts to modernise the country’s legislative framework for public procurement, and the simultaneous recognition for the need to build capacity for improved public procurement across the public sector.’

She also lauded the ‘strong and positive leadership’ provided by Planning Minister Bhoë Tewarie, who chaired the Joint Select Committee that debated T&T’s Public Procurement and Disposal of Public Property Bill.

Cross Fenty said: ‘Minister Tewarie took responsibility for the process, and as a result of his persistent, determined, transparent and inclusive leadership, which was underscored by his commitment to stakeholder consultation, the Government of the Republic of T&T was able to engender a high level of collaboration, coordination, communication, co-operation and consensus among key stakeholders on this critical piece of legislation’.

Hon. Member: Who is she?

Hon. Dr. T. Gopeesingh: That is Michelle Cross Fenty, the country’s representative from the Inter-American Development Bank, an international organization that lends money, billions of dollars across the world. [*Desk thumping*]

She goes on to say:

“‘The IDB recognises and appreciates that this is, indeed, no small feat, given the great gulf which existed among key stakeholders on some issues relating to the modernisation of the public procurement legislative framework.’ In an interview, Cross Fenty described as ‘excellent’ the consultation and the consensus building that took place on the procurement bill. She likened the process of arriving at a consensus to the legislative process in the US, where she worked as an attorney, and in the UK.”

Mr. Ramadhar: “But the PNM doh want dat.”

Hon. Dr. T. Gopeesingh: But the PNM does not want that, they reject it.

Mr. Speaker, the note goes on to say:

“‘The transparency will come from the fact that there will be publication of all documents. In terms of accountability, aggrieved parties will have the ability to raise issues. There is also whistle-blower protection...’”

I heard the Member for Diego Martin West in his thing at the savannah the other night, talking about, “We will bring in whistle-blower legislation”. This Bill has whistle-blower legislation in it already. It is in clause 47, Part IV, about whistle-blower legislation.

So here is the IDB understanding that we have whistle-blower legislation:

“‘There is also whistle-blower protection built into the legislation.’ The IDB official said the procurement legislation also has the ability to impact T&T’s position on the World Bank’s competitiveness index...”

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And everybody knows that Trinidad and Tobago has climbed significantly in the Global Competitiveness Index:

“in terms of how fertile the country is for foreign direct investment.”

And this is why the foreign investors have been putting almost US \$2 billion almost every year, for the last three or four years, because of the work that this Government is doing and they see the transparency and accountability and good governance of this administration. She said:

“This is a monumental moment in the history of T&T and it would be very good to recognise that.” *[Interruption]*

Mr. Speaker: The hon. Minister of Education. Hon. Members, the speaking time of the hon. Minister of Education has expired. May I be advised by the Minister of Education if you would like to have an extension?

Hon. Dr. T. Gopeesingh: Thank you very much, Mr. Speaker. I would like to, yes.

Mr. Speaker: Hon. Members, the question is that the speaking time of the hon. Minister of Education and Member of Parliament for Caroni East be extended by 15 minutes.

Question put and agreed to.

Mr. Speaker: May I suggest that the hon. Minister has another 15 minutes of extended speaking time available to him, I would like to propose that we give him that period of time, and then we will take our suspension for tea, with your leave and your approval. Do you have any objection that the Minister utilizes his remaining 15 minutes? Hon. Minister, you may continue.

Hon. Dr. T. Gopeesingh: Thank you very much, Mr. Speaker, and I thank colleagues for allowing me to continue for another 15 minutes.

Such is the importance of this piece of legislation that we need to move forward with, and to have full support of the House, that the civil society and the private sector hail this as a significant piece of legislation that we must pass. The private sector and the civil society groups were a bit worried when they felt that this piece of legislation would have lapsed, and it did lapse, when it was put through from the Senate and brought to the Lower House and there were some amendments that they sent from there to here, but the end of term came.

This Government, the Kamla Persad-Bissessar-led Government, told the population that we would bring back this piece of legislation as quickly as

possible in the new term, and this is what we did. We kept our promise, and this is the trust that we give to the people of Trinidad and Tobago, when we say that we are going to do something, we do it. We are in trust for the people, and we deliver on behalf of the people, and we brought back this piece of legislation.

I want to read another article, the private sector:

“Hope for speedy passage of Public Procurement Bill”—Tuesday May 20, 2014:

“...the private sector and civil-society groups are calling on the public to join them in urging the government to have the bill passed before Parliament is prorogued next month. Making the call was chairman of the Private Sector Civil Society Group on Public Procurement Winston Riley during a press conference at the Normandie Hotel...He said civil society had endorsed the bill....”—civil society had endorsed the Bill, that is what we brought on behalf of the people. This is what the people want; this is what the civil society wants.

The article continues:

“He said it was a tremendous achievement that there was a Bill before the House which was laid in the Senate last April 2...Also in attendance were CEO of the T&T Chamber of Industry and Commerce Catherine Kumar; president of the American Chamber of Commerce...Hugh Howard; president of the Joint Consultative Council for the Construction Industry, Afra Raymond and president of the T&T Local Content Chamber...Lennox Sirjusingh.

Raymond, who also spoke, said the bill represented some 12 years of effort...‘we worked very hard to get a satisfactory bill...’”

Such is the praise and the support for this piece of legislation by the wider national community of Trinidad and Tobago.

It is not surprising that the PNM does not want it. Why they do not want it, the public has to question them. Why they stood back and did not want to participate in the joint consultative committee meetings, and they stalled the meeting time and time again. The question has to be asked. What was their deliberate intent in not bringing this piece of legislation? Why they took six years from the Green Paper to 2010, and they brought nothing forward after six years, on this whole question of governance, procurement, value for money and integrity in public life? These are the questions we have to ask them, and this is the question people

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in 2015 have to ask them when they contend to be in government for the next five years. That is the thing we will have to remind the population about. What is their secret? What is it they have to hide?

They brought the Freedom of Information Act and they took 10 companies away from it. They do not want to provide any information on anything to the national population. We have done things from time and time again: the Integrity in Public Life Act; the joint select committees of Parliament; the FIU; the anti-money laundering. All these things we have brought forward.

4.30 p.m.

The questions to the Prime Minister, the Standing Committee on Finance which exposed every one of us on this side in governance to the might of the national population who saw it live on television. It is the first time in the history of Trinidad and Tobago that any Minister and any Government has sat down and exposed the entire financial issue surrounding their Government and their Ministry to the national public at large for hours. Mr. Speaker, we brought that.

Mr. Speaker, this Bill, the proposed procurement laws, carries severe penalties, including loss of contracts, blacklisting of firms, fines ranging from \$500,000 to \$5 million, and jail terms of up to 10 years. The Bill has where the private sector will have to pay for penalties for making false accusations, as well as for abusing the process of collusion and bid rigging—severe fines, Mr. Speaker.

The Bill is saying, we want an ethical system. We want good governance. We want ethical practices in the conduct of government business. Then both Government and private sector must conform and align themselves to a new regime of higher ethical conduct in Trinidad and Tobago. This is what this Bill is about. It is geared to prevent corruption. Every day you hear the thing—corruption, and corruption. If they say they have so much things about corruption about this—and it is disingenuous and hypocritical for the Member for Chaguanas West to have been speaking the way he spoke a while ago, for him, of all people, to have made the statements that he made. I just do not want to go any further to say, but it is very disingenuous and very hypocritical. I rest my case there.

The Bill is geared to prevent corruption in public procurement processes, and the disposal of public property, and to foster good governance, accountability, integrity, transparency and value for money via the establishment of the Office of Procurement Regulation.

All public sector and state institutions, including government to government arrangements that had been asked for this afternoon in the health sector, with the Austrian Government and the Trinidad and Tobago Government and the Chinese Government and the Trinidad and Tobago Government, all state institutions, including government to government arrangements come under this Bill, Mr. Speaker. Anything can be questioned. Any procurement not done in conformance with the Act will be a crime, and there are penalties for this.

The Bill establishes a new national agency with an independent regulator and a lot of talk about how you will remove the regulator. Mr. Speaker, does the President not appoint the chairman of the Public Service Commission? Does the President not appoint the chairman of the Teaching Service Commission, the Statutory Authorities' Service Commission, the Judicial and Legal Service Commission? [*Crosstalk*]

What is new in this? The President will appoint the regulator. So, has anybody questioned? And this is what the Member for Diego Martin West is now questioning at his talk on Sunday. They are going to go after these constitutionally enshrined independent institutions. So, they better watch themselves. The TSC, PSC, Police Service Commission, Public Service Commission, Teaching Service Commission, Statutory Authorities' Service Commission, and there was mass criticism of the Judiciary by the Member for Diego Martin West in his statement on Sunday. I never heard that—I never thought that—[*Interruption*]

Miss Mc Donald: Mr. Speaker, 48(6), please; 48(6).

Mr. Speaker: Well Member, [*Crosstalk*] yes. The Member, I do not see he is imputing improper motives here. The Member for Diego Martin West is quite able to respond to what he has said. Continue, please.

Hon. Dr. T. Gopeesingh: Yes. Mr. Speaker, the question of the constitutionally enshrined independent institutions, the head of these are appointed by the President. The regulator is going to be appointed by the President. The President has authority to remove the chairman of these independent institutions. The same way the President has the power to remove the regulator. And all this fuss about what we are going to do about the regulator there for seven years. The facts are there how you can remove the regulator.

Mr. Speaker, any appeal to this regulator and the regulating body, is going to be heard before the public. You think a regulator knowing that the matter is being questioned, is being heard before the public, will make any type of untoward decision? He is being exposed to the public, and all matters are to be referred to

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the Parliament on a regular basis. Parliament has the information on almost every contract. Every contract is brought to Parliament and recorded in Parliament when it is laid in Parliament. What more scrutiny do you want?—transparency.

So every transaction will be recorded by the procurement officer and scrutinized by the regulator who assesses, reviews and notes it in his report to Parliament. Individuals will still have recourse to the courts to protect their rights. The biggest beneficiary of the procurement process is the private sector. So the Bill therefore establishes a central depository of private sector entities that are potential beneficiaries. Every potential beneficiary must list their company, and history documentation in the public repository. They are responsible for their accuracy, and can be called to account for accuracy by the regulator and the process. Both public and private entities are now being held to very high standards of accountability. What more do you want, Mr. Speaker?

So, Mr. Speaker, they raised the point about no fit and proper test for the office of procurement. They described it as an immovable object, omnipotent, omnipresent, and they said they reject it. But the procurement regulator is a person who would have undergone deep scrutiny before his appointment, and the criteria are there for his removal at any time. So there is no question about that. All sorts of descriptions were made about the procurement regulator, Orwellian, Halloween, and then they spoke about the Anton Pillar order.

But, Mr. Speaker, I want to just emphasize that there are public hearings for the appeals. If a piece of legislation has any area that has to be dealt with, you can always come back to Parliament. You can tweak the Bill, subsequently. You cannot get everything correct at the first time. If we aim to do that, we will go back for another 12 years, and that will suit them. That would not suit us, and that will not suit the people of Trinidad and Tobago. We cannot afford another month of wastage of time. The people are calling for this. The people know that this Government is committed to transparency, good governance, integrity in public life, and value for money.

Mr. Speaker, I end by saying, this is a Government that has promised—we promised, we brought it in 28 days. We set up the Joint Select Committee of Parliament. They absconded for a while. We put it together again. We brought it back. The general public was hoping that we would bring it back quickly. We have brought it back, and it is for consideration by the other side. I hope that in the end that the other side will see the benefit of it. Even in the midst of their

fears, if in their determination not to support it, but we hope this Bill will be passed in Parliament to the benefit of every single citizen, of every child of Trinidad and Tobago. I thank you. [*Desk thumping*]

Mr. Speaker: Hon. Members, I think it is a good time for us to suspend for tea. This sitting is now suspended until 5.20 p.m.—twenty minutes past five.

4.39 p.m.: *Sitting suspended.*

5.20 p.m.: *Sitting resumed.*

Mrs. Paula Gopee-Scoon (*Point Fortin*): Thank you very much, Mr. Speaker. I am very pleased to make an intervention on this procurement Bill, and perhaps I would start first by responding to the Member for Pointe-a-Pierre, who as usual in his back in times style had a lot to say about the PNM. But I will first go to Petrotrin. Of course, it was the usual story about the GTL project, and of course, I think the Member for Caroni East also spoke on it as well. The GOP programme, et cetera.

But, I think that he should have really come here with up-to-date information and inform the public about the recent accounts which have been published, and that is the 2013 accounts of Petrotrin, which for a long time is now showing a net loss before tax position. That is the current results of Petrotrin, a net loss before tax position. But we will deal with the accounts of Petrotrin on another occasion.

Then, of course, he spoke about the GTL, and in his usual—the description in which he normally ascribes to it, is that it is mangled iron. Well, within the auditor's notes to the accounts of 2013, it is stated there that the GTL was, in fact, an almost completed plant. So, it is not what they wished to have the public think that it is. As it is, we have heard nothing, and in fact, the Soldado project is a non-starter. The gas optimization programme, I would not go into any further detail, there will be another occasion for this. The Gasoline Optimization Programme has been a colossal failure under this Government. As at this day, it is still not complete, and there have been significant overruns and delays on the Gasoline Optimization Programme, and all because of sheer incompetence on the part of the board and the senior persons at Petrotrin.

Mr. Speaker, why did he not tell the public—I understand that there was another leak recently, in tank 12, sometime on November 11, where there was a leak of about 40,000 or perhaps—someone told me it could be as much as 100,000 barrels of crude oil. I understand that there are aerial shots to verify that leak took place. But I understand that they were out there, there was a

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gag order, and they were out there busy pumping, busy pumping and suctioning. Right. And of course, none of the auxiliary agencies knew about it. No information was disclosed to them. I mean, the Minister could always correct me on that. But, yet there was another leak of domestic gasoline on the very day—that is pipeline 134. Poor maintenance. This is after we have had two very serious leaks in La Brea and Point Fortin which they have not—Point Fortin, Pointe-a-Pierre, sorry—and La Brea, for which they have still not accounted to the affected people. Horrific effects of the spills, we hear nothing about it. Continuing poor maintenance. And you come here today to talk about his usual—mangled iron, delays and that kind of thing.

One thing we are very pleased about with Petrotrin, Mr. Speaker, is that we were able to run Mr. Mado Bachan, the Vice-President of Refining, out of Petrotrin. But I understand that it was at a substantial cost. I am hearing figures of seven and a half million dollars, but I know he could not get past the Minister of Finance and the Economy of \$10 million, but I am hearing seven and a half million. I would like to know more about that.

As we speak about procurement, there is a question as well I would like the Minister, some other Minister to answer about, which is that I understand that the procurement function, after years of being housed under the finance department, has now moved to HR. Sure no good reason for that, but I would like to know, after all these years, why procurement is now a function of HR and not finance as well?

5.25 p.m.

And then the Minister, again in his back in times style, went on to talk about the ills which took place under more than 50 years of PNM administration and he even called Dr. Eric Williams' name, and I felt that he was seeking to denigrate, but let me not go there. But I want to demystify what he has said here today about the PNM. You know, Mr. Speaker, my mother always say, "you have nothing good to say don't say it". So, I only want to talk about the good things, I am not even going to talk about the ills of the current Government in responding to the Minister. Right?

So, let me give you some of the facts about the achievements of the PNM. He spoke about the ills, I think I am entitled to speak about the PNM, and let me go back 50 years as well and speak to the People's Charter which was our proposed programme of activity. And apart from the political and social objectives we had an economic task, and that was the reorganization of the economy to make full

use of all resources, both human and physical. So, we started off with this five-year plan, which was the public sector programme and then we went into a second plan and a third-year plan. Now, I will take joy on another occasion of telling you more about it. And then in the 70's we had a very expansive development strategy to seek out private official partners for joint venture operations, and it went on, as you know we would have had Vision 2020 national strategic plan as well which was designed to achieve developed-country status by 2020, and we now have Vision 2030 as well.

But, just to list some of the achievements as we took this country through growth to prosperity, the PNM style; from a sugar-based economy to a current GDP—I am talking about TT \$175 billion, the highest in the Caribbean, that is what the PNM has done. And the Member for Pointe-a-Pierre, he itemized all the things, usual Calder Hart, et cetera, and projects and so on. But, I want to remind the public about the PNM's work in building institutions: the Executive, the Judiciary, the Legislative. In the development of Tobago: by the upgrading and reorganization of the public service. We were the ones who looked after the economic development of Trinidad and Tobago. We expanded all of our resources; increased oil production; we expanded the manufacturing industries; we developed the IDC, the industrial estates; we began the expansion of fuel, light and power; we established the water authority then and, of course, there was the further development of the energy sector. New port facilities; steel production, ammonia and methanol production; monetization of natural gas; development of the Point Lisas Industrial Estate; development of a first class manufacturing sector. Do you think I should go on?

Hon. Member: Yes.

Mrs. P. Gopee-Scoon: Yes. Largest energy and manufacturing sectors in the English speaking Caribbean, an annual growth rate post 2003 of about 9 per cent per annum. That is the PNM. At one time we were the single largest supplier of ammonia to the United States. We also supplied 70 per cent of the requirements of the US's liquefied natural gas. It is not a question of procurement. He got up here and spoke about all of the ills of the PNM for 50 years. I am telling you about everything that we did good for the last 50 years. *[Interruption]* We modernized the postal service; accelerated highway construction; we constructed the Hall of Justice; built the Dr. Eric Williams Financial Complex. *[Interruption]*

Member for Port of Spain South, you are disturbing me. *[Laughter]* The Jean Pierre Complex; the national stadium; the Mount Hope Teaching Complex. We championed the small business programme; the waterfront complex and all of the

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other skyline works. That was the PNM. You are talking about ills, I will tell you, and if I go back in history—I know you probably thought I was a baby at that time, but I remember everything. I am talking about the Mausica Teachers' Training College; we gave free primary and secondary school education to the people of Trinidad and Tobago. That did not exist before. [*Desk thumping*]

We are the ones who expanded the Port of Spain General Hospital, the mental hospital; we improved all those district hospitals; we were the ones who started housing across this country; self-help, made housing loans available to one and all. We started the Export Development Corporation, and then do not talk about education, Mr. Speaker, with UTT and the expansion of UWI. I mean, teaching began at the newly constructed Eric Williams Medical Services Complex with schools of medicine, dentistry, veterinary, science. We put libraries in every school as well, [*Desk thumping*] adult education classes, free tertiary education.

Mr. Speaker, you see this early childhood education that they are trying to claim, it was formalized under the People's National Movement. [*Desk thumping*] The chronic disease programme, CDAP, that is the PNM, and when you talk about Tobago hospital, you all only put a coat of paint on it. We built the Scarborough, Tobago hospital as well. [*Desk thumping*] All of the upgrade of the hospitals, we did it. You came here and you are counting on your fingers about the ills, I could go on and on about public utilities, about other things that we did. [*Interruption*] Let me see what else I wish to say.

Hon. Member: The 2015 platform.

Mrs. P. Gopee-Scoon: That is not the 2015—you do not worry about that. Oh, free bus passes to the elderly and school children. That is the PNM as well. All of the old age grants and pension, it is the PNM [*Desk thumping*] recognition for women, it is the PNM; all of these community centres started under us. Why you do not talk about that? You are talking about Dr. Eric Williams, he is responsible followed by all of our worthy Prime Ministers, that is something. [*Desk thumping*] Do not let me start to talk about the laws and the EMA and that kind of thing, and solid waste, and CEPEP started under us; the national reforestation programme started under us. So, Minister, I would like you to be a bit more clever when you are doing your back in times. Okay? And do as my mother said, “speak good, speak good; not always ill”.

So, Mr. Speaker, I am happy, as I said, to be here to speak about the procurement Bill, but I have my reservations. I am happy because it is an important piece of legislation, attention must be given to it. But, I have my

reservations about its efficacy, about its timing and about the whole question of the objectives and the goals of the legislation, of what can be achieved as expressed by the hon. Minister Tewarie. But, you see, Mr. Speaker, I do not believe that you could achieve these objectives by the mere passing of legislation. It would take a lot more than that, than the mere passage to see this thing actually bear fruit.

So, the Bill is about—I am not going to repeat the whole thing—accountability, it is about integrity, it is about transparency, it is about value for money, and those are the main issues here today. But, I am not sure—and then the public is saying—that these are things that this Government stands for: integrity, value for money, accountability and transparency. So, we speak about timing and, Mr. Speaker, it is the Member for Caroni East when he spoke, he spoke about the fact that the UNC-lead Government had introduced the Integrity in Public Life Act. Minister, yes you did say that in 2000. But, surprisingly, Minister, it is the very same thing as we have today. It was on the eve of a general election that they introduced that. And the reason that it is so is because of the behaviour then of that particular Government over a period when they were in office and the behaviour was so repugnant to the population that they had to do something. I am talking about the past Government in 2000. They had to do something. That was the time of the airport scandal and so on. I am not going to dwell on those scandals, but that was the time of it.

It was a period that was dominated by a lot of scandals and corruption and reprehensible behaviour and so on, and even the then President had said that the country had departed from its moral values and spiritual values and so on. So, I think the then Government had to do—I am talking about your Integrity in Public Life Bill which you spoke about so proudly. So, the Government then felt that they had to do—to reassure the public that all was well and that they were checking the rampant corruption which was actually in place then.

So, as I said, it was almost like a last act before the general election, and I feel that is what is taking place in here. I mean, again, that Integrity in Public Life Act, I am not sure that it really brought integrity in public life, Mr. Speaker. Yes, I am aware that there was one conviction, but I think that was even overturned based on a technicality. But, really and truly, I do not know that it has brought integrity in public life because, yes, we are filling forms, some of us a bit tardy, but, yes, we are filling forms, but I do not know that the Bill has had great effect, and I do not think this is the fault of the persons who served on it. But I think the direction

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must come from leadership and commitment, and I think that it really falls to fostering a culture of integrity, and I believe this is why there is, in my humble view, a failure of that Act.

And that is why I feel that this procurement Bill will not necessarily bring us good governance in procurement or transparency in awarding contracts. Because I feel, as I said, that is something that only good leadership can do and there must be a commitment by those in power and there must be a will to introduce a culture that has respect for the law and a culture that values integrity and morality, Mr. Speaker.

Mr. Speaker, easily it can be seen that one can only expect that kind of culture under a PNM administration. So, you see, I mean when you look back, there has been an instance and I think I can speak freely of it. Someone was caught red-handed—the population knows about it—on tape by video, committing acts that were illegal and immoral, very clear for a little child to see that it was wrong. But then you had people, you had high office holders actually defending that initially. So, how can you have respect for the law when the nation's high office holders would defend these illegal and immoral acts? Two pulls, and the respect for the law is gone. I think that there has been much damage to the moral fabric of this society. I think it was the Prime Minister and the Minister of Communications who were defending this. The point about it is, it is clear to see that the population must have confidence. It is your leadership that must have the will to inculcate this culture of value for money and transparency and morals and values and so on, but I want to say that I do not believe that the population has any such confidence in this Government. I do not think so.

So, just how the integrity in public life really did not have any effect, so I do think that the procurement Bill will not produce the desired transparency and so on that is expected and integrity—*[Interruption]* I will come to that, Mr. Speaker. And I will tell you something, I think it was the Member for Caroni East who spoke about the World Economic Forum Global Competitiveness Report. Yes, and we continue to make reference to that. It is a very good guide. When I looked at ethics and corruption and looked at where Trinidad and Tobago placed on this scale, in this division I believe they were looking at 140 countries, and I am appalled at the results. Under diversion of public fund, we placed 114; one of the lowest percentiles. Public trust in politicians, 123; irregular payments and bribes, public utilities, 108; irregular payments and bribes, awarding of public contracts and licences, 136 out of 144. We are in the last 10. Favouritism in decisions of Government officials, 137. These are not my words, you know, this is the WEF I

am quoting from, Global Competitiveness Report 2014 to 2015. All right? Not good at all, and this is why we have difficulty in accepting a procurement legislation from a Government, who obviously does not have the capacity to deliver integrity and transparency and so on. Very much evidenced by the WEF results, you see.

Just before I close off on timing, I wanted to make the point that this is just about “mamaguying” the electorate, and it is the very same reason they came with the planning Bill. Can you see that planning Bill being effected before the next election? It cannot. If they were serious about the procurement Bill and the planning Bill, they would have brought it in as soon as they came. They trumpeted it on their platforms [*Desk thumping*] and more than four years have passed, we now passed the planning Bill without consultation from this side, I would add.

5.40 p.m.

Again, with the procurement, without taking the amendments that we have proposed, I mean, there has been a little bit of crosstalk, and we understand that the Minister will respond, but he is not really amending anything. So that, again, I can only say that this Government is establishing a track record of using the Parliament to satisfy its election needs in terms of bringing the legislation which they hope to impress the public with, you see.

After four years, Mr. Speaker, this is just not good enough, especially rushing it the way they have, and after all manner of procurement abuses that we have witnessed over the last four and a half years. They cannot be serious. They cannot be serious. I am really very sorry that we did not bring it. But I will tell you, we are the ones—[*Crosstalk*] no, and I will tell you, we will have to give effect to it when we return to office. We will have to amend it—[*Desk thumping*] and we will have to give effect to it when we return to office in 2015. It will happen. We can assure the public of that. But at least I can tell you that the PNM administration were the ones that introduced the Central Tenders Board Act. We did it.

But, of course, we recognized that Trinidad and Tobago has graduated to a state where we need a more robust procurement mechanism, and therefore we would be inclined to support, but we know that they are not serious about the Bill which is before us. It cannot be accepted in the form that it is. They have not consulted enough. They have not listened to us as well, you see. So we will support a Bill, but we will support a Bill that is carefully analyzed, put together, suitable, must meet global standards, there must be adequate consultation even

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with civil society, but that did not happen. It must be implementable so that it will be effective and it can be respected. That is what we would have expected from this Government if they are serious.

So, I am not under, to use the words again, this is just an illusion and therefore we cannot support it. It is the Member for Chaguanas West who brought up the situation of India with their efforts to deal with corruption. And, Mr. Speaker, I take the opportunity to thank your Parliament for the distribution of these periodicals, *The Parliamentarian* by CPA. It really makes a good reading. And the one which was recently—Parliament has been doing a lot of good work in terms of the Outreach, and improvements even with us. So this issue was called, “Ending Corruption: The Lokpal and Lokayukta Act, 2013”, which the Member for Chaguanas West spoke about. And it spoke to, and again, and I bring this up because it was not addressed here. It spoke to the increased participation of civil society in the legislative process, and that has not happened here, right. All of the pre-legislative consultations which were held before, introducing the Bill to Parliament. So I want to quote from the article as well, which says:

“...while enacting a law is the first step towards curbing corruption, the effectiveness of the law would depend on how well it is implemented on the ground.”

So implementation has a lot to do with it. I know this Government has no intention of implementing. This is about platform and elections. This is what this is about.

But even locally, Mr. Speaker, there has been no evidence of proper procurement practices by this Government. And let me give you an example. When I speak to even the highway to Point Fortin, there really has been no transparency in expenditure at all, \$7.3 billion, no transparency in expenditure. Value for money? I do not know that the nation, I do not know that the people of Trinidad and Tobago are getting value for money. These people speak of millions as if, you know, that is just a figure. Nobody talks about 10,000 and 100,000 anymore, is millions. I mean, somebody misquoted the amount that was spent on a place in Flagstaff and said, \$10 million on renovation. That is not so. But I mean, I am telling you, is 800 million here, one billion there, you know, that is how we speak—whilst people do not even have food to eat.

So, I am saying that there is no value for money and I think that again with regard to transparency, I think there was unfair distribution of work with regard to contractors, small and medium in Point Fortin. I made that very clear, they were

hauled to a meeting last December. I suppose that was to impress the population that they are being fair, and distributing contracts to all and sundry, nothing followed after that. Not one of them got any contracts. I am talking about the small and medium contractors in Point Fortin.

I mean, we do not even know where the moneys are coming from. The question I asked today about the \$1.5 billion that I saw in a line in the accounts this year, and when I questioned it, \$1.5 billion for the financing of this tranche of the highway for this year, alone, they do not even know the source of the loan, and now that we have decreased revenues, I really do not know where the moneys are coming from to do this leg. So we will hear some story after time.

Then, of course, there is procurement as it relates to Government advertising. We are fed up, the population is fed up with the amount of disturbances you have with Government advertising, and this is a costly affair. We want to know how much money you spent on telling the nation this Government is working for you. That amounts to an abuse of procurement in the form of advertising. I mean, they have total disrespect for your private life. I subscribed to Flow because I want to see—in addition to local channels, I want to be exposed to foreign channels. Why must I be looking at the BBC and to have interjections constantly about this Government is working for you? Put it on CNMG so I could choose to go there. But who is to tell—why must you—I pay to see a foreign channel, you feel I must witness this all the time. The public is fed up of you, fed up, fed up of you.

And then, of course, there was the LifeSport Programme, \$400 million. You talk about abuse in procurement, \$400 million. And the only reason they took action, any action at all, it was because of the media, and it was because of the public opinions, otherwise that too would have gone, not dealt with. It would not have been dealt with, \$400 million, and they have stoutly refused to do a commission of enquiry on that \$400 million. They would not do it, but they would do it on \$26 million for Las Alturas and then again, but again \$8 million more. They would not do it on a \$34 million that was spent within the LifeSport Programme, as well, for the education programme, \$34 million spent, there is no commission of enquiry, one man—[*Interruption*]

Mr. Deyalsingh: No experience.

Mrs. P. Gopee-Scoon:—no experience, no results, but you will do one on Las Alturas because the ground has shifted. You will spend all that money on a commission of enquiry because the ground has shifted. We have the whole thing of commission of enquiries, we have no faith in them, eh, we have no faith in

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them because to date, even on the Clico commission of enquiry, the enquiry has stopped a long time now, a long time now. I think it is about 18 months and we have not heard a word about the findings of the enquiry. We have not heard a word about the findings of that.

You see, so, is procurement abuse after procurement abuse as well. I mean, they just, the Government is putting this Bill out, this Procurement Bill that is before us today, just as an attempt to give the population that they care and they wish to do the right thing, but the population knows that that is not so. Because if they really care, Mr. Speaker, they would have given the legal advice that they had on all of the information that the JCC had asked for with regard to Invaders Bay. They would have given that. But no, there is no culture of transparency under this Government and this is why this Bill will not work. It will not, not work. Too much disregard for rule of law and too much corruption, too much corruption, Mr. Speaker.

I looked at clause 10, because my colleague, I am not going to rehash what my colleague spoke about and, of course, the amendments which are in circulation, and I think that the Member for Diego Martin North/East had spoken enough about those. But I am a little concerned with clause 10, and that is the vetting process on the candidates. I know that the President has the power to appoint persons and so on, and he will be appointing the Procurement Regulator, just a little concern, because here—I am not sure we are always able to attract the right persons for these positions. *[Interruption]*

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Point Fortin has expired. Would you like to—

Mrs. P. Gopee-Scoon: Yes, Mr. Speaker, I would like to continue.

Mr. Speaker: The question is that the speaking time of the hon. Member for Point Fortin be extended by 15 minutes.

Question put and agreed to.

Mrs. P. Gopee-Scoon: Thank you, Mr. Speaker. So I am saying, finding these persons, because remember we have a problem. Luckily, we were able to appoint a chairman of the Police Complaints Authority but we still do not have anybody heading the Integrity Commission and also we still do not have an appointed police commissioner as well.

So I am saying that I think there should be some process, yes, the President, but I think there should be some process where you can actually find, ensure that

you are able to find the best person for the job. And I believe that those persons exist within Trinidad and Tobago, but I mean, a lot of times, how are they exposed to you, and what happens usually is that you end up choosing someone who is politically aligned and we would want to avoid those kinds of things. So here you have someone who is coming to look after competitive tender, which is what the procurement is about, and this person is not subjected to competitive tender. In other words, what is the process for hiring this Regulator?—and we really do need somebody very, very strong. So I have a concern about the process by which the Regulator is hired.

And then, with regard to clause 14, the Bill does not list the Central Bank as a public body, and this is clause 4. The Bill does not list, and there is a list under clause 4(2), does not list the Central Bank as a public body. And I remember there was some debate a long time ago where the Central Bank Governor actually sought to defend the fact that the Central Bank does not spend taxpayers' money, and therefore, they are not to be looked at as a public body. But I have a concern now, that is an academic issue and it could be solved at another time, but we have a concern now where the—other than the Central Bank is actually acting as a custodian of the assets of CL Financial. So that is a different situation that we are in. So that really, they should fall under this Act, and this is not the case or the Minister could tell me, if it is that they fall under 4(k) or 4(l), a body corporate or unincorporated entity. And the reason is, because there is the continuing disposal of assets.

I do recall that—and disposals without good governance and proper transparency and so on. And I am saying this because it has been brought to my attention that there are two contiguous properties in the Ellerslie Park area which were disposed of and in not very transparent circumstances. And remember one of his final acts, Governor Ewart Williams, he had turned the sod for the construction of the Central Bank governor's residence. But shortly after, when the new Government came in they disposed of the property, and, as I said, in a manner that is less than transparent, and I understand it was sold to a PP party financier. And, of course, I can be corrected if I am wrong, but I understand that there was no form of tender. So there is a concern as to the Central Bank and what it is able to do, its function as well with regard to CL Financial as well as in terms of the disposal of assets and so on. I am really concerned about that.

And then you have the case of the National Insurance Board using contributors' funds. Are they a public body? Because they were able to buy a property around the Queen's Park Savannah from a well-known PP supporter and

they have said that they do not have to account to the Parliament on the use of contributor's funds. So again when it comes to procurement and so on we have to be very clear of what bodies actually fall under this Act.

5.55 p.m.

Then I have a concern about the public/private partnerships. Yes, they are there. I consider public/private partnerships to be very, very valuable associations. And one would want to be careful that the very reason that we are seeking to embark on these public/private partnership relationships in terms of efficiency and so on where the Government is not able to be efficient, we have to be careful that when they are included as a body under this Act, that we are making the association less attractive to those who would want to come forward because they, too, would be caught under the Act. So I am really concerned about why public/private partnerships have been brought in as a public body under this Act.

As well, I want to speak a little bit about—if you would allow me—the agreement on Government procurement. I bring this in because this is an international treaty. Trinidad and Tobago is a member of the World Trade Organization, but there is this agreement on Government procurement which is where 71 members of the World Trade Organization—of which we are a party—have an interest in this procurement treaty, and my view is that Trinidad and Tobago is an energy country. We trade heavily in oil and gas and urea, methanol, ammonia, thanks to the PNM. We are a little country but which was really made big under the PNM. We are a big player on the international scene, and here we are, this Government that is saying that they have come after so many years and they are introducing far-reaching legislation, one would think that if you are bringing in milestone legislation you will cover all. And the Minister would speak to the fact as to whether or not we are going to become a party to the global—as I said, we should be global thinking when we are adopting new legislation like this.

So I think that there should be some association with this agreement on Government procurement. The countries that are associated with it are Canada, all of the 28 countries in the EU; Hong Kong, Japan, Korea, Aruba, Singapore, the US, and many countries with whom we have some relationship with the trade of LNG, et cetera. Then, of course, there are several of those other countries that are waiting for accession, and I am talking about China and New Zealand. And even not those, there are other countries that have observer status. So in other words, 71 member countries of the WTO have indicated an interest in being a part of this global legislation on procurement. That is what it is. Argentina is an observer, Australia, Bahrain, even the Cameroons as well; countries with good intentions:

Colombia, India, Indonesia, Malaysia, et cetera—Panama. And we are going to speak about Panama later on today. There are several important world bodies, like the IMF and the OECD and so on, that also have observer status.

My own feeling is that Trinidad and Tobago ought to have some association with this agreement on Government procurement if it is the Government is serious about accepting world standards when it comes to global procurement, and especially achieving value for money. We want to be respected if we are serious about procurement and value for money and transparency and so on, and if we are an international player, this is what I would have expected from the Minister if you are talking about bringing milestone legislation. We want open, transparent and non-discriminatory procurement.

So that is my perspective on this Bill. Mr. Speaker, as I said, it would have been healthy to be able to say yes to the Bill, but this Government does not have the will; they have not displayed the kind of behaviour that is associated with accountability, integrity, transparency and value for money and, therefore, we cannot accept this which is before us today.

Hon. Member: And they do not listen.

Mrs. P. Gopee-Scoon: They do not listen—added. With the greatest of intention, we have done our research. The Member for Diego Martin North/East, very experienced, has put forward serious amendments, in particular the amendment on the review board, and we already know that the Minister will not be granting—in fact, he is not even going to look at it. I understand he will say a few words, but there is no chance.

Hon. Member: Stubborn.

Mrs. P. Gopee-Scoon: He is stubborn, I am reminded.

So, Mr. Speaker, I would like to thank you for this intervention and to say that the people of Point Fortin join me in not supporting this Bill in the form that it is in, but proper procurement legislation—well-intended procurement legislation—led by a government which has the will to promote transparency and integrity and so on, that, we will support. But nevertheless, when the PNM comes in, we will, in fact, do the necessary amendments. If it is shoved upon the people of Trinidad and Tobago, we will do the necessary amendments and, of course, we will have the will to achieve what is meant to be achieved and to be effective.

Thank you very much, Mr. Speaker.

Mr. Speaker: The hon. Member for St. Augustine, Minister of Legal Affairs.
[*Desk thumping*]

The Minister of Legal Affairs (Hon. Prakash Ramadhar): Thank you, Mr. Speaker, for the opportunity to speak on this landmark change in the paradigm of how Trinidad and Tobago does business. But it was important to have really reflected on what the Member for Pointe-a-Pierre had to tell us—[*Interruption*]

Hon. Member: Point Fortin.

Hon. P. Ramadhar: No, Pointe-a-Pierre—had to tell us, when he reminded us of the history of Trinidad and Tobago’s governance and how we came—and as a young man, hearing the statement from a Minister of the PNM administration, Mr. Desmond Cartey, that “All ah we tief”. How did it come to be that the government in Trinidad and Tobago is identified, very quickly and very easily as being corrupt? And it is very easy, when you reflect from where we have come.

Let me, again—and I am grateful for the reminder, Member for Pointe-a-Pierre, that the PNM and the administrations of the PNM—successive ones—have shown themselves consistent in one thing and one thing only, and that is the ability to be corrupt. From the days of Lock Joint to the days of the Caroni Racing Complex, to the days of Prevatt, to the days of Tesoro, and I could go right through; DC9. But one does not have to go all that far back because up to 2010 we had the Legal Affairs tower scenario with Mr. Calder Hart—[*Interruption*]

Hon. Member: Government Campus.

Hon. P. Ramadhar: Government Campus—[*Interruption*]

Hon. Member: “You eh tired ah dat?”

Hon. P. Ramadhar: They would be tired as much as they wish, but these are the truths; these are the facts upon which the society has grown; the impression and the perception of corruption in government. It is very important to recognize, however, that when I said there is one thing that they are consistently good at, and that is being corrupt, there is another point of it. Being corrupt is not just about money or business, it is about the ability to say things and do things, knowing full well that they stand for just the opposite of it.

They sit now in opposition and condemn this Government relentlessly, from day one, as being corrupt, as being discriminatory and of being all the evil things

that any government could possibly be. [*Desk thumping*] That is their position. That is their propaganda that they have started and they have been persistent and consistent on.

It is easy now that any government—and this People’s Partnership Government coming now and placing itself in the seat of governance, that they, by their definition over the years, have created the image and the knowledge in the population that they have been responsible for all these corrupt business practices and actions, so that anybody seated in that seat is an easy target for being perceived as being corrupt, and they have used that with that knowledge.

I want to say the administration in 1995—that little break in 1995 to 2000, and the Airport scandal did not help much. But this People’s Partnership Government came in on a promise to bring change to the governance structure, to transparency and to decency in Government. We have not succeeded 100 per cent in terms of dealing with the perceptions that have been created, but I think it is important now that it be spoken, what is a perception and what is the reality.

A perception is a belief, but it does not necessarily mean that your belief is true. But in politics, we have got to realize that you are guilty and convicted if you are perceived to be something, unlike in the courts of law where you can only be convicted if there is evidence beyond a reasonable doubt. And the games that are played here and in the wider society, of attacks, and attacks, and statements and allegations without evidence, without substance—and it works in the society because they have created the framework for that to be believed.

And it is the most ironic of things to be seated here in the Parliament—and I am sure for the wider society—to have heard the Member for Chaguanas West rise and speak, holier than thou, as if he was God’s given gift to transparency, and the audacity of the statements that “everybody else corrupt except he”, and that if FIFA—give unto FIFA what is FIFA’s and dismisses the reality of what the entire world knows. And it is important—forgive me for just spending a few moments on it—because all of us pay the price for him having sat on this side. I stood singularly at one time to condemn his presence in the Government because maybe, having the years of experience in the criminal courts, I could spot one. And the issue about perception, when the allegations were made internationally and there was an opportunity to go to trial and preserve your name and prove your innocence, “he run”!

Not today, he was not going there that day, but sits in the Government at the time, the greatest protector, when allegations were made and there were grave

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concerns about things happening, at the end of which, the Prime Minister relieved him and he has gone over on the other side now, and the political spouse of the PNM, now their greatest defender, attacks this Government. With what? Has there been any factual basis for many of the allegations that we see on a newspaper called the *Sunshine*, that could never be more misnamed because it spreads darkness and no light?

But it is a convenient untruth that my friends on the other side suckle from because it satisfies their propaganda and their interest as to how they do things. If you repeat it long enough and often enough, in the minds of the population, they believe. It becomes a truth. Give me one occasion where there has been a substantial allegation of corruption and there are institutions of State to deal with them that have led to any action being taken. Not a single one!

Hon. Member: Not one.

Hon. P. Ramadhar: And I could share this with you that when we came into the Cabinet in the People's Partnership Government, of which the COP is a member—and I will deal with that in a moment—the Prime Minister made it clear to all—[*Interruption*]

Hon. Member: “It ha’ no members.”

Hon. P. Ramadhar: Our Prime Minister made it clear to all—There are no members but you want them.

Miss Mc Donald: Want who?

Mr. Speaker: Please, please.

Hon. P. Ramadhar:—that if there is corruption anywhere—[*Interruption*]

Mr. Speaker: Member for Port of Spain South.

Hon. P. Ramadhar:—if there is corruption anywhere, you will pay the ultimate price, and that has been a consistent story, a consistent activity on the part of this Government. Of course, we have to take the stones that are pelted at us, but I ask for one thing, and one thing only: the truth. If there is, in fact, corruption by anyone, it must be unearthed and it must be dealt with to the full extent of the law.

So when we hear the issues of the LifeSport, what did the Prime Minister do? She did not say, “Let us go and have a commission of enquiry”, but because of the nature of things that were coming into the public domain, immediately sent the matter for investigation. To whom?

Hon. Member: The DPP.

Hon. P. Ramadhar: The Commissioner of Police, which is the legal, constitutional authority to deal with these matters and to the Director of Public Prosecutions, who equally has the constitutional responsibility for prosecutions. That is the way you do business! If there is merit or substance in something, you send it to the institutions, not just rabble-rouse it out, talk loosely, but regularly and expect that if enough mud is thrown it will stick. That is the entire game plan. It is as obvious and as painfully simple as that.

Hon. Member: Unless you go to court and defend your name.

6.10 p.m.

Hon. P. Ramadhar: And, you know, you heard the Member for Chaguanas West on a prior occasion making statement that he had what?—25 pre-action protocol letters against him, as if that was something to be proud of. What that means is that people were slandered, libelled, their names sullied and dirtied, and they had to go to the court for protection, but yet we stand here pointing fingers, laying allegations, making statements as if they were true.

So, Mr. Speaker, it is important that we recognize now that for all the years the PNM was in Opposition or all the years that they were in Government, they have taken no step whatsoever to really change the paradigm of how a government procures or disposes a property. Imagine the Central Tenders Board Ordinance is 49 years old. There has been tremendous development in terms of statutory authorities, state boards. What we call them? The private companies? The UDeCOTTs?

Dr. Gopeesingh: Special purpose companies.

Hon. P. Ramadhar: They created special purpose companies. “Yuh know why?” Because they did not fall under the ambit of the governance of the day and the secrecy by which they used those special purpose companies is what the country looked at and felt hurt and pain, and they knew that their money was being stolen from them, from us, as taxpayers, and that legal monster that they created was for that purpose, to avoid the transparency that this new legislation will deal with, because any public body or private body that deals with public money will have some supervisory control over them under this new Act.

So my friends will wrangle about all sorts of technicalities. “This ent good enough, we do not like this, we want an amendment here.” But they will not support it but they cannot say the true reason that they will not support it because

to bring this legislation means that it will be unattractive to them to really want to go back into government. Because the very source—and maybe not to my friends here, I want to say something, and I make this point—that the real power behind my friends is really behind my friends. They may change the faces of those who sit but they will not change the heart of what they represent.

Because when you realize for a moment, when the Prime Minister—questions were posed to the Prime Minister today, and if there was ever any perfect example of transparency, why did this Government introduce a question period for the Prime Minister on any issue? It means that if you want to find information—and my friend from Point Fortin spoke about issues of the highway—put it here, put it to the Prime Minister, put it to the Minister of Works and Infrastructure, and you get the answers. Unlike in the last administration where, not being in the Parliament, I looked on and saw that questions by the tens and by the hundreds eventually were put and no answers were given.

But this Government took a decision, we want to open up Government, open Government is what we are about, and therefore that the Prime Minister could have to stand here and answer questions posed by the other side is the exact thing this country needs to fix itself. It is not going to be easy because it has been two or three generations of abuse of the public spirit. And the very culture that the Member for Point Fortin speaks about does not start by just talking about it—“doh tell meh, show meh”, and by bringing this legislation, by bringing these new bits of machinery, to empower the population through its Parliament that you could question the Prime Minister or question any Minister on any issue, that is what is a necessary first step to changing the culture of accountability in the nation [*Desk thumping*] and that is why we are here.

So, I want to make the point that you will get the criticisms. Why bring it into the fourth year? Well, how many times do we have to repeat that this legislation was laid very early on? By proper wisdom, it was sent to a joint select committee. It was delayed by themselves. I repeat it: it was delayed by the PNM by withdrawing themselves from the Joint Select Committee. And now, come to talk now, because of something they did to cause the delay, to say that we are being disingenuous by bringing it now, it cannot be put into effect. Really? So you create the problem and then blame the person who you have given the problem to. How childish is this? How transparent is your foolishness in believing that the population will not see through it?

When we hear about there being no proper consultations and so, so, so, wow, I do not think there has been any legislation put before this Parliament—and I

could be corrected on this—that has been more consulted upon. [*Desk thumping*] Absolutely none. “But they read little articles, they will get ah lil magazine and read about in India, legislative consultation.” Wow. It is not good enough for the PNM but it is good enough for the IDB. My friend from Caroni East read the statement from the representative, Miss Fenty, about the process by which the legislation was brought, the effect of the legislation and how acceptable it is to the IDB.

It has been pronounced upon favourable by the TTMA, by the JCC, AMCHAM, civil society has regaled this thing. “It good enough for everybody but it not good enough fuh dem.” Where do we stop? Where do we go? Will we ever stop? Not at all. This threat, this frightening threat that if they should return into Government, they will amend and fix. Really? After 49 years, what did you do to fix procurement in the country? What did you do?

Do you know, Mr. Speaker, in their grand action plan 2002—2007 of the great Vision 2020, they wanted to revolutionize Trinidad and Tobago, by all sorts of things, but the one niggling thing that every member of the society had been worried and troubled about was corruption, corruption, corruption. You know where there was the only reference to procurement in their Vision 2020 document? “Tell meh if ah wrong, yuh know, is your document.” Action plan 2002—2007.

Mrs. Gopee-Scoon: Have you read it?

Hon. P. Ramadhar: “Yuh doh even understand it.” Quote:

The provision of incentives to small and micro enterprise sector including the continuation of a quota of 10 per cent of all public sector procurement and contracts for the small business sector.

The only reference to procurement. You remember those days, 2002—2007? Oil was how much? Record highs. The country saw a boom and they went crazy. Absolutely “toutoulebay” with money because that is where the money started to flow tremendously but they never wanted to change the paradigm to deal with procurement, and that is why we ended up with all of the recent scandals. The Hyatt that we all boast about, yes, look at the overruns on that.

The Prime Minister, in answering questions today about Petrotrin, I do not understand how the Member for Diego Martin West could have put a question like that when he opened himself up, his party and their heritage and legacy to the truth of the awfulness of their administration. Petrotrin, digging and mining for oil and gas, “yuh gone into debt from \$3 billion” and then they went to how much?

Dr. Gopeesingh: Twelve billion.

Hon. P. Ramadhar: Twelve thousand million of our dollars during that period. Gas to liquids, \$3 billion, 3,000-million-dollar loss. When we talk about loss, people probably imagine, wow, this money just evaporates. It does not just evaporate, you know, it goes somewhere. It goes somewhere and when you take decisions that are not well thought out, that are not prudent, that are not in the public's interest, with a real likelihood that you are going to fail, and that money goes somewhere, who is the beneficiary of it? Where does that money reside? All those cost overruns, it is a nice term that we use as if it is something acceptable. A cost overrun is corrupt unless there is justification for it and you could not, with all due respect, explain to me how you could have a cost overrun of \$12,000 million from one state enterprise, and these are the things that we must stop. These are the things that we will make effort to fix. This is what we are trying to do.

So, Mr. Speaker, we could repeat ourselves, the other side will get up and attack me and we will go on and on. What I will say is that nothing happens without effort. There is nothing in the world that is perfect, but that we in the People's Partnership, and in particular, I want to congratulate the Minister of Planning and Sustainable Development for having brought this august legislative change. [*Desk thumping*] It is bold, it is daring and it is critical for the future of this nation.

Mr. Seemungal: Remind them about the rapid rail. The rapid rail project.

Hon. P. Ramadhar: Well, you know, “you really wah me go down there”?

Mr. Seemungal: Forget this, remind them!

Hon. P. Ramadhar: The effrontery of the other side [*Desk thumping*] to speak about procurement that—rapid rail, forgive me but it riles me up to hear about that because when the Member for Oropouche East reminds us that all of the documents—hear this one again, eh, because we sometimes forget. The documents that we paid for, that we spent \$500 million for, could fit in one box. He has described it as a “peerhaa”, you could sit on it. I have asked for one day to take that box of documents and put it right outside the San Fernando Teaching Hospital, and take a photograph of it to see what \$500 million is worth in a box or what it is worth to the people in a hospital. [*Desk thumping*]

Could they explain how they procured this pre-feasibility study for \$500 million?

Mr. Seemungal: Nobody knows about it.

Hon. P. Ramadhar: Nobody knows about it. Mr. Speaker, we fought, I held hands with my friend from Caroni East and members of the COP and the UNC came together in central Trinidad and in north Trinidad, along the East-West Corridor, to fight against this rapid rail, because the alignment of that was not along the Priority Bus Route, it was through and through the most densely populated areas of the East-West Corridor, straight down into the heart of central Trinidad, destroying communities, destroying the most fertile and verdant agricultural lands you could ever find.

But recently, I am hearing—because I spoke about this before in this Parliament—that the new plan—[*Interruption*]

Mr. Seemungal: “They say they bringing it back.”

Dr. Gopeesingh: It coming back. Twenty-two billion.

Hon. P. Ramadhar: It coming back but they want to run it through where?

Dr. Rambachan: That, smelter and property tax. [*Crosstalk*]

Hon. P. Ramadhar: Procurement and we were going to pay for the destruction of our homes in the East-West Corridor and in central Trinidad with the property tax which they promised to return, and yet they have the gall to ask the population to return them into office. On what? On the perception of corruption of this Government. Perception, perception, perception! We are not perceiving bad government on your side, we know it as a fact. [*Desk thumping*]

And all the new faces that you wish to put, all the pretty boys, and the change—facade of the PNM does not change, the mindset, and, I repeat, the heart of the PNM. And Members on the other side know that because even though you are elected Members, when decisions are taken, you hear about it, “yuh doh participate in decision-making”. But one thing I will tell you, this Government, when we sit in Cabinet, we make decisions with each other, we disagree on things, we agree on other things, but we are all participating in decision-making.

So, Mr. Speaker, the PNM—[*Crosstalk*] Either way, “doh matter who they change across dey, is the same old PNM yuh getting.”

Dr. Gopeesingh: Same old, same old.

Hon. P. Ramadhar: Same old, same old.

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But, Mr. Speaker, I want to take my seat, but before I do, I would like, with your permission, to read a quotation from the 26th President of the United States, Theodore Roosevelt, when he said:

“It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat.”

6.25 p.m.

This was sent to me yesterday by a dear friend, Mr. Dalton Dorman, from St. Augustine and I could not—when he sent it to me—understand why he would send it at this point in time. Little did I know in fact that I would find in that the true essence of patriotism which the other side will never understand. They talk about things that “dey, shoulda, coulda, woulda do.” We take the chances. We take the risk and we do things and we may be criticized in the process, but really, at the end of it, I really do not wish to be with them, the cold and timid souls who know neither victory but certainly they will know defeat. God bless you. [*Desk thumping*]

Miss Alicia Hospedales (*Arouca/Maloney*): Thank you, Mr. Speaker. I am happy to contribute to this debate on the procurement Bill. I listened to the Member for St. Augustine. He said to us that the PP Government came in on a promise to bring change in governance, transparency and accountability and he admitted, surprisingly, that they have not done well.

Mr. Speaker, the UNC Government has not done well on the Corruption Perceptions Index. He said you all have not done well. You were not paying attention. If he took time out—[*Interruption and crosstalk*] Mr. Speaker, I seek your protection.

Mr. Speaker: Members for Laventille West and Lopinot/Bon Air, please, you all are exchanging ideas when the Member for Arouca/Maloney is on the floor and she has my fullest protection. Continue.

Miss A. Hospedales: Thank you, Mr. Speaker. If the Member for St. Augustine—he is actually running from his seat.

Mr. Speaker: No, he is not running from his seat.

Miss A. Hospedales: If the Member for St. Augustine had taken time out to read the reports by the Corruption Perceptions Index he would realize how badly Trinidad and Tobago is doing under their Government, with reference to corruption.

In 2013, Trinidad and Tobago dropped lower on the Corruption Perceptions Index falling at 83rd out of 177 countries. The Corruption Perceptions Index report said to the Government of Trinidad and Tobago, which we know sits on the opposite side for now, the UNC Government, that Trinidad and Tobago must work or the Government of Trinidad and Tobago must work harder to ensure that Trinidad and Tobago is purer and cleaner, with reference to moving away from corruption.

They also stated in another report that Trinidad and Tobago is the fourth—under this current UNC Government, Trinidad and Tobago is the fourth—most corrupt country in the region. That is not a good report. I heard the Members on the opposite side—as I indicated, the Member for St. Augustine—talking about transparency, good governance and accountability. This is not demonstrative of accountability, transparency and even good governance for Trinidad and Tobago, in this day and age to be ranked fourth most corrupt in the region. Guyana first, the Dominican Republic second, Suriname third and then Trinidad and Tobago fourth on the list. Mr. Speaker, the UNC Government should be ashamed of themselves to actually think that they are doing well with reference to, as the Member for Caroni East said, good governance, accountability and transparency.

Mr. Speaker, on Friday, November 07—[*Interruption*] you said transparency and integrity as well—in preparing to come to Parliament, I asked myself: Is the Government really serious about public procurement, accountability and transparency? To my amazement, it so happened that while reflecting on that question as to whether or not the Government was serious about bringing procurement legislation, serious about fighting corruption, I happened to read the newspaper from the day before, the *Express* of Thursday, November 06, and to my amazement this is what I read. I read a story, the headline was:

“Griffith: Ministry employees slowing procurement process”

This is what the Minister had to say. He:

“...told of the delay in the procurement of equipment which would be made available to the Police Service, the Defence Force and intelligence agencies.

He said as far as he was concerned...”

and this reflects the thinking of Government officials. Mr. Speaker, he went on to say:

“as far as he was concerned, Cabinet had given the green light for these purchases,”—but the officials at the Ministry are—“slowing down the process, citing that they ‘have to follow procedure’.”

Mr. Speaker, the reality is that the public servants are required to follow procedure. Ministers as well are required to follow procedure, but what you see happening, because Cabinet gave the approval it must just go through without any proper procedure being followed. This speaks to the thinking of Members on the Government side. I really would like to cry shame on them.

Mr. Speaker, it is also reflective of the concerns expressed by the Auditor General in the Auditor General’s Reports from 2010 to 2011, 2011 to 2012, 2012 to 2013. The Auditor General expressed extreme concern with reference to the breaches in procurement procedures that were followed across Ministries, the majority of Ministries. If you read those Auditor General’s Reports, you will see concern after concern after concern, with reference to the procurement procedures being followed. Apart from that, the Trinidad and Tobago Transparency Institute as well, they also expressed concerns about the way in which the UNC Government operates with reference to public procurement procedure.

The Member for Caroni East, I said to him that he highlighted that their Government is a Government of “good governance”, total transparency—he did not just say transparency but total transparency—total accountability, value for money, and he even mentioned integrity. I really want to ask: Is this really true? We all know that it is not. Mr. Speaker, I can give him good examples of the, “good governance”, the total transparency, the total accountability and value for money. The examples I can provide for him are in these newspaper headlines for things that were occurring in state agencies such as the feeding frenzy at the Educational Facilities Company, reflective of poor procurement procedures. That is the good governance and transparency and accountability and value for money that the Minister is talking about. There is also one that says Busted, National

Lotteries Control Board, poor procurement procedures, transparency, accountability, good governance, value for money, integrity. “Good examples, eh?”

“Shake-ups, shakedowns at T&T’s State Boards”

Again, because of poor procurement procedures, rampant corruption on many of these state boards.

Mr. Speaker, added to that, we have issues where the Chaguaramas Development Authority’s (CDA) chairman was fired because of failure to follow procurement procedures. Added to that, we have where the Minister of Finance and the Economy fired the Chairman of National Quarries because of the fact that that particular individual engaged in poor procurement procedures.

So when the Minister wants to talk about their Government engages in good governance, engages in accountability, total accountability, total transparency, value for money and integrity, I say shame on them. Shame on the UNC Government because they have not done any of those things. They just talk, talk, and only talk. When it comes to the actions, the actions are totally different from what they say, Mr. Speaker.

Added to that, the Member for Caroni East said: “we are in the trust of the people and we deliver on behalf of the people”. Delivered what? What have you delivered? We have heard of the LifeSport Programme and what they have delivered through the LifeSport Programme. I could tell you about the LifeSport. Under the LifeSport Programme the Auditor General expressed concern, because a contract was awarded to a contractor to upgrade the Maloney Recreational Grounds but today nothing has been done. That is what they have delivered. I am sure Members on this side, my colleagues, could highlight numerous. It has never been done. Money was awarded. It has never been done and I am sure Members on this side, my colleagues, can give example upon example, upon example, upon example of things that happened in their area, that were highlighted in their area, that were never done. Payments were made, you know. I made sure and responded to the Member for Arima.

Mr. Speaker, when they talk about \$1.2 billion being awarded for the Beetham Wastewater Treatment Plant, is that value for money? I would like the Member for Caroni East to answer. The Minister of Planning and Sustainable Development could tell us at the end, is that value for money? What we have heard and we have

constantly expressed concern about is the issues of bid rigging, the issues of ministerial allegations, numerous allegations of ministerial bullying, with reference to the award of contracts and that kind of thing.

We have an example that was highlighted in the Parliament earlier today where the Minister of State in the Ministry of Works and Infrastructure would have sent an email to the Prime Minister highlighting concerns of ministerial bullying. [*Desk thumping*] And that is just another example again, another example of ministerial bullying, to ensure that the person or the company that they want must be selected even though the price was very, very, very high. Mr. Speaker, when they come and they tell us about total accountability, total transparency, we say that is nonsense, that is just old talk and the people of this country see through them.

Mr. Speaker, additionally—I just want to go to the Bill now. In clause 28 of the Bill it says that:

“A procuring entity may limit participation in procurement proceedings to promote local industry development and local content.”

The issue of the word “may” in this particular clause speaks to the fact that the Government does not necessarily have to commit to limit their participation in procurement proceedings. They can either decide that they are going ahead, in terms of limiting their participation or not limiting their participation in procurement proceedings and this particular clause speaks to the promotion of local content and the promotion of the development of local industry development.

6.40 p.m.

Mr. Speaker, this does not demonstrate to us Government’s commitment to the promotion of—the use of the word “may”, in this particular clause, does not demonstrate to us the Government’s commitment to the promotion of the local industry and the development of local content. I think that in looking at this clause again, Minister, you could consider using the word “shall”, because then it gives a greater level of commitment, particularly to the development of the local industry, and the promotion of local content. The use of the word “shall” ensures that the Government will comply with their commitment or the law, with reference to ensuring that the local industries develop and local content is given consideration.

Officials at the Caribbean Procurement Institute and the Caribbean Association of Procurement Professionals expressed concern as well. They said

that because of the word “may”, the fact that there is not a real commitment—that the small business sector—and the absence of measures in the Bill, with reference to these businesses, does not demonstrate the Government’s commitment to the development of the local industry and looking carefully at ensuring that they promote local content.

Mr. Speaker, they also expressed concern over the fact that having a FairShare Programme—We all know that there is a FairShare Programme that would have been established under the People’s National Movement, where 10 per cent of all Government contracts would be allocated to small contractors or small businesses. What happened, these researchers, they feel that having a FairShare Programme and not enshrining in the procurement legislation, the compulsory allocation of part of Government procurement to small businesses is pointless, right. Because what they indicated was that they foresee that problems will arise and because of the way in which the legislation is worded, the fact that it is stating that Government “may”, they can or cannot. It demonstrates lack of commitment and as a result of that, small businesses will suffer in turn. Because the Government can decide whether or not they are maintaining the FairShare Programme, or they could decide that they are not going with the FairShare Programme, and that is what they are saying. The word “may” is a little too weak, and there is need for a stronger word such as “shall”.

Mr. Speaker, the other thing what we found happening is that even though the Government relaunched the FairShare Programme, and the Minister of Labour and Small and Micro Enterprise Development could identify to that. There was a relaunch of that programme and even though it has been highlighted by them, there has not really been a real commitment to ensuring that 10 per cent of all the contracts that have been awarded, actually go to the small businesses.

Mr. Speaker, one of the questions I will like to ask is, how will the local small business benefit from this particular piece of legislation, if the principle governing the FairShare Programme is not enshrined in the legislation? The Government needs to take a closer look in terms of ensuring that in the framing of the legislation, that the small business sector is not left out for any reason at all. Added to that, clause 29 of the Bill says that:

“A procuring entity shall ensure that suppliers and contractors—

have the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, reliability, experience and personnel to perform the procurement contract;”

Mr. Speaker, again, concerning the small business sector, most of them do not have the “professional and technical qualifications”, they do not have the “competence”, most of them do not have the “financial resources”. I will give you an example. In the year 2008/2009, we would have had a series of training sessions for small business persons who have specialized businesses, where they can access particular contracts and that kind of thing, to train them in how to write up their tendering documents and stuff like that, and what happened. A lot of them after having gotten the training and all of that, were able to secure contracts, but based on some of the contracts they secured, they had to have a certain sum of money, they had to have financial resources to start the project, and a lot of them did not have it.

So what they did, and thank God for other small business persons in the community who owned hardwares, they went to the hardware owners, they were able to get the material on trust or credit. They took the material, they did what they had to do for whichever agency they had to do work for, and then when they received the payment, they then paid the hardware.

Mr. Speaker, this Bill mandates that they must have financial resources. Some of them do not. The reality is they do not, they get by, you know. Then they have the issue of equipment, a lot of them do not have the equipment either. Some of them may have to rent the equipment, right. They do not have the equipment. They may have to rent the equipment, and some of them do not even have physical facilities. They actually—if they have equipment, they have to store the equipment at their homes, because they do not have physical facilities as well, Mr. Speaker.

As well the other thing is that they do not even have managerial capabilities. They do not know how to—they never went to a business school to learn how to manage—[*Interruption*]

Dr. Rambachan: You are underestimating them.

Miss A. Hospedales: I am telling you, some of them, I said some of them. I am not generalizing. Some of them do not have the managerial capabilities. Some of them do not have experience and personnel to perform the procurement contracts; that is the reality. I think what they are asking here, is really too much, particularly for small businesses that want to gain access to the FairShare Programme, right Mr. Speaker? I think that—I can actually foresee a challenge that may arise for some small business owners as a result.

If they are saying that all of these requirements are needed, I will like to find out from the Minister of Planning and Sustainable Development, whether or not there would be a service or programme that provides the training, the support, the access to funding that provides all of those things for the individuals.

Mr. Speaker, these businesses, I am saying that the small business people would need support. They need support in training in terms of managerial training. They need support with reference to even financial training, in terms of how to manage their finances. Some of them may need to get funding for equipment as well as, you know, probably soft loans so that they can purchase the material that they need in order for them to be able to fulfil the contracts. I am just appealing—*[Interruption]*

Dr. Rambachan: You are caught up in the dependency trap.

Miss A. Hospedales: No, it is not a dependency trap. I am appealing on behalf of the small business owners, because I am aware of some of the challenges. If you are not aware, I am aware of some of the challenges that they encounter. *[Crosstalk]*

So, Mr. Speaker, when you talk about “professional and technical qualifications”, “dey doh have”—most of them “doh have it, dey doh have it”, you know. Some of them have to go for the CVQ qualifications, you know. No, but I mean to say, in terms of—that is the minimal, you know, that is the minimum.

In terms of the equipment and other facilities, again, you know, some of them do not have it. They actually have to store their equipment at home, that is the facility that they use. They do not have personnel with experience, you know. So the reality is that I believe that if they do not take a second look at this part of the legislation, small businesses might suffer as a result.

Mr. Speaker, there is need for the Bill to facilitate the growth and development of the small business sector. I think they really have to take a deeper look at what you are proposing here, Mr. Minister. There is need for a working definition of the small business sector as well—need for a formal administration of the small business procurement programme. There has to be measures to deal with the small business sector, which other jurisdictions took their time out to include in the public procurement legislation, they took their time out to include it.

I think that the Minister probably need to go and look at those pieces of legislation that can be found around the world, and see how best they can

incorporate the small business sector in a way that makes it fair to them, in a way that ensures that they are not in any way marginalized because they are unable to comply with some of the requirements that are stated in the Bill.

Mr. Speaker, one other question I want to ask is, does the procurement Bill adequately provide for transparency? We heard a lot about transparency from the Member for St. Augustine, the Member for Caroni East. They talked a lot about transparency, even the Member for Pointe-a-Pierre seemed to, you know, mention a little on it.

Mr. Speaker, according to officials at the Caribbean Procurement Institute and Caribbean Association of Procurement Professionals, the Bill does not include detailed provisions governing transparency in the public procurement process. They made reference to clause 36 of the Bill which states that:

“Upon the entry into force of a procurement contract or conclusion of a framework agreement, a procuring entity shall promptly publish on its website or in any other electronic format, notice of the award of the procurement contract or the framework agreement, specifying the name of any supplier or contractor with whom the procurement contract or framework agreement was entered into, the goods or services to be supplied, the works to be effected and, in the case of procurement contracts, the date of the award of the contract and the contract price.”

What they are saying is that, is this really sufficient, Mr. Speaker? They have advised that there is a need to publish the entire contract along with the contractors involved online. That is one way they said you will have a greater level of transparency, when the Government publishes online, the entire contract, along with the contractors involved.

They indicated that the online inclusion of the details of the Government contracts, and information about the implementation with regard to disbursement of funds, et cetera, will increase transparency. Online publishing of the contracts information, will also allow for an audit to be done in the absence of files that can aid in the transparency. He said in the absence of files that can go missing, Mr. Speaker, because he said at times a file because someone who is administering, you know, in terms of—acting in the place of evaluating the contracts—the award of the contracts, that person might be under investigation, that person could hide the file.

So what they are saying, the publishing of the contracts, the full details of the contracts online, can initiate the audit in the absence of the file that might go

missing. So they are saying that there has to be a greater level of commitment on the part of the UNC Government with reference to transparency.

Mrs. Alleyne-Toppin: Partnership Government.

Miss A. Hospedales: The UNC Government. *[Interruption]* Mr. Speaker, as the Member for Caroni East said that they demonstrate total transparency. We know that that is not the truth, but we are calling on them to demonstrate total transparency by ensuring that the entire—all the details of the contract are actually posted online.

What they indicated as well is that the outcome may assist in correcting the present situation in which many contracts are given to the same contractor. Mr. Speaker, we know, and we have read, and it has been spoken about in this Chamber so many times about Super Industrial Services Limited that has gotten billions of dollars in contracts, one. So this is a good example. One contractor getting billions of dollars in contracts. *[Interruption]* They are saying that the online publishing of the entire contract, the names of the contractor, and when the money is disbursed, et cetera, it is going to prevent situations in which many contracts are being awarded to one contractor. We have so many other examples apart from the Super Industrial Services. Billions of dollars would have been awarded to them.

6.55 p.m.

The other issues—it will help in terms of reducing issues surrounding overpricing because we have had numerous examples of that where we have a dustbin for \$30,000. A dustbin?

Mr. Ramadhar: Where is that?

Miss A. Hospedales: The LifeSport Programme. You are asking. You did not read the reports? The Minister of Legal Affairs did not read the LifeSport report, Mr. Speaker. *[Interruption]*

Mr. Speaker, as I was saying, they indicated that it was going to help to address the issue of overpricing as well as may allow for better monitoring of the procurement process.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Arouca/Maloney has expired.

Miss A. Hospedales: Mr. Speaker, I would like to get an extension, please.

Mr. Speaker: Hon. Members, the question is that the speaking time of the hon. Member for Arouca/Maloney be extended by 15 minutes.

Question put and agreed to.

Miss A. Hospedales: Thank you, Mr. Speaker. So, when we hear of instances of a dustbin costing \$30,000—[*Interruption*]

Mr. Deyalsingh: How much?

Miss A. Hospedales: Thirty thousand dollars, a dustbin—a dustbin that you can get for probably \$500, costing \$30,000. There is cause for concern. There is cause for concern. If you read that report carefully, you would realize that not only a dustbin costed \$30,000, there were many other examples of overpricing with reference to things that were procured. [*Interruption*]

Mr. Speaker, you know the Minister of Health is really being disappointing to me today. He should know better. Yes, it is true they need the bins but the bins are not—[*Interruption*]

Hon. Members: The Bill. The Bill. The Bill.

Miss A. Hospedales: Okay, well they needed the bins too. [*Laughter*] It is important for us to remember that what is being proposed is that the posting online of the entire contract, one, it is going to ensure that there is full transparency with reference to the contract that has been awarded. Who the contractors are, it will ensure that one contractor does not receive a whole lot of contracts to the tune of a few billions of dollars. It will also ensure that issues of overpricing do not take place. So it is actually reduced. That is what the officials at the Caribbean Procurement Institute and the Caribbean Association of Procurement Professionals indicated. They are talking about the fact that the Bill is not transparent.

Additionally, you know the Member for Diego Martin North/East had raised the issue—and this is an issue of concern—why does the legislation omit the disposal of state lands? It is cause for concern. Seventy-two thousand acres of lands left to the whims and fancy of the UNC Government to do whatever they want to do without any kind of scrutiny, that is a lot of cause for concern.

There are no checks and balances; no oversight with reference to the disposal of state lands. We know what the UNC Government gives the citizens of this country. Four years of corruption, that is what they have given. [*Desk thumping*] So the fact that they have omitted to include in this legislation the disposal of state lands is a major, major cause for concern.

I really want the Minister to tell us why did they leave that out. Why did you not bring yourselves under scrutiny, especially when it comes to the disposal of state lands? Why did you not bring yourselves under scrutiny? When we hear of all the things that have transpired under this Government—wanton corruption at all levels of governance—it is a cause for concern.

They talk about, as I repeated earlier, good governance, total transparency, total accountability, value for money. When did the people of Trinidad and Tobago get value for money under the LifeSport Programme? When? When did they get it? When did they get value for money under the LifeSport Programme? They talk about integrity; integrity resides with the UNC. Integrity resides where? No. Probably at another time and another place, but certainly not right now or here.

In closing, I just want to say that we on this side cannot support this legislation in its current form. I know my constituents as well have expressed concern. They have numerous concerns about public procurement in this country, especially based on what would have transpired under the UNC Government. They, the constituents of Arouca/Maloney, also do not support this piece of legislation.

I would hope that good sense would prevail and the Minister of Planning and Sustainable Development would not allow “stick to break in his ear” and he will listen to us.

Thank you, Mr. Speaker.

The Minister of Health (Hon. Dr. Fuad Khan): Mr. Speaker, I want to thank you for allowing me to join this debate. After listening to my good friend, the Member for Arouca/Maloney, I did not think I would have to speak again because she gave every single point in support of the Bill.

When the Member for Arouca/Maloney was speaking, in her contribution, the only thought process that was going through my mind was maybe she belongs to the People’s Partnership because from what I was hearing, all contracts were having problems with corruption; problems with the FairShare Programme; problems with different things, and this Bill covers every single thing there.

If we look at the functions of the office—just the last point that the Member raised—that the small contractor will not be able to handle the procurement

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forms, the procedural forms, et cetera. In the function of the office, clause 13(d), it says quite clearly:

“prepare, update and issue model handbooks, incorporating standardized bidding documents, procedural forms and relevant documents for use in public procurement and the retention and disposal of public property;”

So what this in essence says is that the functions of the Office of Procurement Regulation will be responsible for producing model handbooks to allow these contractors to develop themselves.

Not only that, 13(b) says they will:

“set training standards, competence levels and certification requirements to promote best practices in procurement;”

So, if you combine 13(b) and 13(d), Mr. Speaker, you will see that the Office of Procurement Regulation, they have taken into account those who are unable to fill out the forms—to understand the forms. First they will be trained and then they will have model areas for them to prepare. So they will not be at a disadvantage.

Now the other part of it which you mentioned was the disposal of public property, state lands. Now state lands is real property. It says, 13(o), the Office of the Procurement Regulation will:

“act for, in the name and on behalf of the State to dispose of real property owned by the Government in such manner as the Government may consider appropriate and desirable;”

It shows it here.

Now, all the other examples that you gave showed that procurement in this country as it stands today can be a problem. It can be a problem, one, with the probability of corruption by, as you say, public officials and we on this side we have begun a process to decrease that occurring in the public sector.

Now, procurement of public goods goes into billions of dollars. If you are going into billions of dollars, there is ample room, based on the process itself, for corruptive elements, bid rigging, collusion, et cetera.

When you look at this legislation, you see that the resolutions were passed in the House of Representatives and the Senate in October 2010. That was approximately three or four months after we came into office. A joint select

committee was appointed to consider and report on the legislative proposals; to provide for a public procurement and disposal of public property and the repeal of the Central Tenders Board Act.

The committee completed its mandate over the course of two years and a final report comprising recommendation to guide the drafting of the legislation and the implementation of policy initiatives for the reform of the public procurement system was presented in both Houses in June 2012.

So that was a guide, just to guide the drafting of the legislation. So I think the Minister has done quite well to bring that legislation here today and in fact it was debated a couple months back in the Senate and it has shown that we went according to our manifesto timelines of bringing something into this honourable House to determine public procurement.

Now, there is a document which I got off the Internet last night, the United Nations Office on Drugs and Crime. It is a “Guidebook on anti-corruption in public procurement and the management of public finances”. I recommend it for everybody to read.

You see, Mr. Speaker, what this shows; it shows that there are some criteria that is necessary for proper legislation in public procurement—criteria of transparency, criteria of integrity, criteria of objective assessment and objective criteria for no bias and accountability. Also the procurement process must allow proper, fair competition.

This Bill, as we have it here, covers every single thing that has been spoken about in this guidebook on anti-corruption in public procurement. When you look at the whole Bill on transparency, it is there because of the Office of Procurement Regulation. It has a regulator.

Now when the “functions of the Office...establish a comprehensive database for information on public procurement, including”—one—“information on tenders received”—two—“the award and value of contracts”—three—“and such other information of public interest as the Office thinks fit;”—that is 13(a)—when the office does that and it puts it online and putting things online in procurement also leaves it online and, as the Member for Arouca/Maloney says, there is little room for loss of files. It is similar to electronic medical records.

Now when that occurs, all pre-tender items for public procurement will be put online so everyone will see exactly what is necessary, what are the requirements

and what is supposed to be done. This book has said that there are certain examples of corruption in public procurement and it says: “Historically the most easily recognized form of corruption has been bribery—payments by private parties to sway procurement decisions made by public officials”. The Bill addresses that.

In this Bill, if you look at, I think clause 29 onwards, it speaks about the “procuring entity shall ensure that suppliers and contractors have the legal capacity to enter into the procurement contract; are not insolvent, in receivership, bankrupt”, et cetera; “have not, and their directors...been convicted of...criminal offence;” they have fulfilled their tax obligations; and they “have the necessary professional and technical qualifications and competence, financial resources, equipment” otherwise “to perform the procurement contract;”

7.10 p.m.

So when the Member for Arouca/Maloney said that the smaller contractors would be put at a disadvantage based on qualifications, that is not so. Clause 29(e), they will assess the contractors to see that they have the necessary qualifications as well as the competence to do the contract. It does not mean to say that they have to have a BSc in Project Management. It shows that you have a tender because you have a needs assessment, you have the pre-tender stage.

In the tender stage you put in exactly what the suppliers or contractor desires, and they then comply with general guidelines. So you do not have to have any major qualification except the qualification that you have to do the contract with, and they will make sure that you have that qualification. They are also going to look at people who are bidding, as they say, lower than the normal bid. Those people who have—this is clause 34(1)—a bid and the submission is abnormally low; and that happens. People bid really low. So once you have the technical expertise and you have the financial low bid then you will get the contract, and when you do get the contract, then you look for variations and you raise the bid way above the norm, and this will take into consideration something like that.

Clause 34(1):

“Where a procuring entity is of the opinion that a submission is abnormally low, it shall request, in writing from the supplier or contractor, details of the submission that gives rise to concerns as to the ability of the supplier or contractor to perform the procurement contract.”

Can you do the whole job for the price that you give me? So, Mr. Speaker, that is one aspect of it that is covered in this Bill.

So when you look at it, you also have in clause 31:

“A procuring entity shall not split procurement requirements for a given quantity of goods, works or services to avoid obligations under the Act.”

We know quite well what people do. If you have, let us say, \$100,000 or let us say the PS has a million-dollar ceiling, you will get people doing it at, let us say, \$500,000, \$300,000, and you split up the contract into pieces so you are able to get the contract. This looks at this thing, as they:

“...shall not split procurement requirements for a given quantity of goods...”

And that is going to take care of those officials who split contracts. You also go into bid rigging, collusion, collusive procurement.

Once again, the functions of the office are:

“(f) promote the use of technology in public procurement and the retention and disposal of public property;”

It then goes off to 13(n):

“(n) investigate, on its own initiative or upon complaint from any party involved in public procurement or disposal of public property or any member of the public, any alleged or suspected breach of this Act;”

So in taking that consideration, Mr. Speaker, you are looking at any breach, and when a complaint is filed, the Office of Procurement Regulation could now look into it to see exactly, one, where the bids are.

The Member made reference to a bid that was high, and the person was obviously considered. There would be persons with lower bids who would then complain to the Office of Procurement Regulation and they would do, what?—investigate and understand and they could stop the system.

So, Mr. Speaker, I am looking at this Bill and finding that it is going to fulfil whatever we are speaking about in the examples in the document of the United Nations Office on Drugs and Crime Guidebook on Anti-corruption in Public Procurement.

You see, Mr. Speaker, there are various areas where corruption could take place. I just said one, bribery, and there is another one.

“...if a public official accepts an undue advantage in return for performing or failing to perform an act in violation of laws, that will constitute an abuse of functions in violation of article... Similarly, if a public official trades in

influence to lend private parties an undue advantage, that may violate the principles of article...”

You may have embezzlement or a misappropriation or a payment of a bribe or kickback in some jurisdictions. You see, Mr. Speaker, these are all things that have corruptive elements in procurement.

The procurement process that we have in public procurement could either be with open tender where you have a kind of partial selective tender, selective tender and restricted tenders. You see, Mr. Speaker, the open tender, they have said is the most transparent, but in the open tender you have the tender process, the specifications involved, et cetera. If the specifications are favouring one contractor as is happening in certain parts of the health sector—one contractor the specifications are written exactly for that type of machine—one has only to complain to the Office of Procurement Regulation and say: why is this specification written in such a manner that only one supplier has it? An investigation will take place and it comes up and says exactly what is going on. It will prevent corruption, one; and two, it will allow for open competition, and the Government will only be the beneficiary if we have open competition and innovation to drop the prices to get the best value for money. So once you take off that element of bid rigging, collusion and—exactly what is said here, investigation—people will definitely be a little stringent in their actions where procurement takes place.

Large-ticket items, you have major contractors, sub-contractors, et cetera, and in this Bill you are detailing exactly what the contractors and sub-contractors—how they are going to go, based on the bids. The officials who are going to be part of that office regulation has major areas of expertise: civil engineering, accountancy, finance, 10 years’ experience, attorneys, et cetera, and it goes down. By having all those disciplines in one spot, one could definitely see where any sort of collusion or wrongdoing may have occurred.

When the Minister says, and the Bill says, the objective of the Act is to promote principles of accountability, integrity, transparency and value for money, once you are able to make this system in a sort of a transparent, accountable manner, you would definitely get proper competition, because sometimes you hear things like: “I am not going to bid because that contractor will get it because he knows the people on the board.” Or there are some people who actually go to people and indicate that: “You will get the contract, do A, B, C and D.” If somebody is aggrieved, once again, one could be investigated through the Office of Procurement Regulation.

So, Mr. Speaker, looking at the Bill and looking at the procuring entity, and how the procuring entity is going to work, this Bill definitely speaks to decreasing the corruptive elements of a procurement process. It also, at the same time, looks at a certain level of transparency in bidding and in tendering. It will augur well for the people of Trinidad and Tobago because over the years—and I am not just talking PNM, I am talking generally everything—we have always had this bugbear of the tender process, the bid process and collusion, et cetera. We have always had that. And I, for the life of me, cannot see why—and this would mean no disrespect—the Opposition does not want to support this Bill. I cannot see it because initially questions were asked and questions were looked at and we dealt with them.

I recommend that we start off on the process. Maybe it might not be perfect, Mr. Speaker, but if the Opposition supports the Bill, they will be supporting something that will move Trinidad and Tobago forward. However, as we go along and time goes on, we will definitely be able to tweak the Bill in such a manner to get everything right.

The Member for Chaguanas West spoke about the Indian Anti-Corruption Act and the Chinese Anti-Corruption Act, and they have been in this business longer than we have—we have now started—and to bring such a major Act, right away, it might not be able to be workable. This, Mr. Speaker, is workable and working it will definitely bring forward, as I say, proper competition and a sense of relief to certain contractors who feel that they are being disenfranchised, and together with the Freedom of Information Act passed by the then UNC Government to get information from public bodies, together with this Bill, I think we are on the right road to developing a system in this country where contractors will feel they have a chance. “If I am going to go after a contract, I would get the best I have or the system is in place, so I will definitely get that contract.” I am not going to go there to find out that I am not the best but I got it anyway. It will prevent shoddy work.

You have heard contractors indicate like in some parts of the Solomon Hochoy Highway—well the Uriah Butler Highway, where you have roads going like this [*Indicates with hand*] that were just paved. Why? It depends on the contractor level. So, what you are looking at is the ability for the Government, the public purse and the taxpayers’ money to be utilized in a proper manner. Without that, Mr. Speaker, we would end up in “the same old, same old” and maybe the PNM sees that they want it that way, they love it that way but, at the end of the day, we have been innovative on this side.

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We started off—and when I heard the Prime Minister today, it was like if I was in the British Parliament—Questions to the Prime Minister. I was there when I saw John Major speaking on questions to the Prime Minister. It brought back times such as that, but this is the Government that innovated it. We innovated that. [*Desk thumping*] You all could clap. You all could thump.

Mr. Speaker, you are sitting in the Chair now. In a past existence I used to sit in that Chair and we went for training in London. What we have done in this Parliament is, cut the speaking time and make sure that urgent questions—the Member for Diego Martin Central asked me a couple of urgent questions today, and it is only going to evolve.

In the budget debate what we did—I mean the Member for Port of Spain South sat there and questioned everything in the Ministry of Health area, but that never happened before. So innovation is something—change and innovation go hand in hand. This Bill is a Bill of change and innovation similar to that of the FIU Act, the Freedom of Information Act, questions to Prime Minister and onwards as we go—cut in the speaking time and new Standing Orders.

Mr. Speaker, I commend this Bill to the House, because I congratulate the Minister for bringing such a Bill. He will tell you that he and I had a lot of movement to and fro on this Bill, but I think it is a wonderful idea for the people of Trinidad and Tobago. Thank you, Mr. Speaker. [*Desk thumping*]

Mr. Fitzgerald Jeffrey (*La Brea*): Thank you very much, Mr. Speaker. I always enjoy speaking after the Member for Pointe-a-Pierre and the other who displays sanctimonious hypocrisy from St. Augustine.

Mr. Speaker, I could not help but wonder that if the PNM in 2004 brought the White Paper and the Green Paper on procurement, and then the UNC-led coalition had so much to say on the campaign trail about corruption—they called Calder Hart, Ken Julien, ad nauseam.—one would have expected that when they came to Government on May 25, they would have brought legislation to the Parliament. Indeed, Mr. Speaker, the leader of the Partnership had this to say in the pseudo manifesto:

“My immediate goal will be to introduce greater transparency and accountability in Government.”

My immediate goal! Four and a half years later we are now getting the legislation. “Mr. Speaker, they eh fooling me; they eh fooling me at all, at all, at all.” [*Desk thumping*] I would demonstrate why it is now they are bringing the legislation.

When they are in the departure lounge they are bringing legislation before this Parliament, but I would explain why. Mr. Speaker, let us go through this thing they call transparency because I believe they are confused with it.

7.25 p.m.

Mr. Speaker, according to the Concise Collins/Oxford Dictionary, transparency means open to public scrutiny. Citizens must know why, how, and for what purpose public resources are being used. Transparency does not mean boldfaced. Transparency does not mean brazen. Transparency does not mean “dont care dam”. It seems as though, Mr. Speaker, that because you may see what they are doing, they figure that is transparency. It was only this morning I was passing Rousillac and somebody got wind that we were going to do this procurement legislation, and they were talking about it. How all that come transparent? The Rousillac Cemetery, you could see how they paved the Rousillac Cemetery. [*Desk thumping and laughter*]

Mr. Speaker, those of us who know the Rousillac Cemetery would know that the roads in the Rousillac Cemetery was in good condition but they went and put hot mix on the road in the Rousillac Cemetery. You know what, Mr. Speaker, where the living occupy, “dey ent pave dey at all”. Let me explain to you, Mr. Speaker, I will call some: Victor Street, Lodge Street, Eagle Crescent, Osprey Drive, Secondary Road Extension, Pond Road Extension, Pier Road, Short Street—those roads are in a mess and rather than pave those roads where the living reside, they went and pave in the cemetery.

Mr. Speaker, you know why they did that? Because those streets I called, the majority of people who live in those areas support the People’s National Movement.

Mr. Sharma: In the cemetery, who they support? [*Laughter*]

Mr. F. Jeffrey: The People’s Partnership. [*Laughter*] That is the kind of transparency. Mr. Speaker, accountability, again, speaks about justification for your action or your decision. What justification can you give to pave a cemetery at the expense of where people live? That could never be right. They talk about integrity, Mr. Speaker, you remember the Armstrong Report with the highway business? Integrity. They say one thing and they do something else. There are people on that side who were with Kublalsingh against the PNM when we wanted to put down the highway. They stand up against us, now they abandoned Kublalsingh in that scenario.

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Mr. Speaker, more on that. The Member for Pointe-a-Pierre reminds me of the former Member for D'Abadie/O'Meara. The Member for D'Abadie/O'Meara was Calder Hart, Uthara Rao, Ken Julien; the Member for Pointe-a-Pierre is O'Halloran and Prevatt. Take note what happened to the Member for D'Abadie/O'Meara may happen to you. Be careful. Be careful about calling the name of people in vain. One needs to understand how we have to be careful in this whole scenario. I want us to take into consideration—because I heard the Member for Pointe-a-Pierre talking about the PNM and corruption, and the Member for St. Augustine talking about, “It is not perception, it real”. Well, I am coming with something real too.

Mr. Speaker, if you are in the kitchen you would know the extent of the heat. One of their “pally wal”, I think, made the statement of the millennium, and I will read it:

“...at the founding congress of the Movement of Social Justice...at Palms Club San Fernando,”—

from His Excellency, the highly revered Leader of the National Joint Action Committee and one of the leaders of the People's Partnership. Hear what he had to say. Now, I want you to understand that since independence you had the PNM, you had the NAR, you had the UNC, and now you have the People's Partnership. So hear my partner—Mr. Speaker, for those of us who want to know where it came from, let me give you that one time: *Newsday*, May 17, 2011, Cecily Asson, and she quotes His Excellency, Makandal Daaga:

“In my...50, or 60 years, I have never heard so much corruption in my land as” —in the—“last few days.”

The last few days is not the PNM.

There is too much corruption and—“People are stealing money as” —though—“they”—have—“invented it;”

I cannot understand why we cannot “open our jail doors, and...pack them” —inside.

Mr. Speaker, that is what Makandal Daaga had to say, but he might say is something else so let me give you some more examples. Reshma Baal's article, *Newspaper*, Wednesday November 02, 2011; hear what she says, and she quotes Bertrand de Speville, international anti-corruption consultant, and hear what he says:

“Corruption is on the rise in Trinidad and Tobago...”

That was in 2011, PNM was not in power then.

Dr. Windford James says:

“The Government’s non-fulfilling of its promise of procurement legislation...was also”—a—“cause for concern”—“we see people getting contracts left, right and centre and we don’t know how they are getting these’.”

I am giving you some more examples again. October 23, 2012, the *Express* this time, Mr. Reginald Dumas, who you all like to quote ever so often, hear what he had to say:

“I don’t think it is right enough for the Prime Minister to say that there is no evidence—”—of corruption—“There are too many instances now that we have seen over the years, in the last few months in particular, where representatives that have been appointed are not behaving at the kind of ethical level one would expect.”

PNM not in power eh. That is Mr. Reginald Dumas.

So, Mr. Speaker, “doh come and talk about PNM this and PNM dat”. What happened with O’Halloran and them is peanuts to what is happening now. I would demonstrate in a while why that legislation coming so late—2011, 2012, 2013, and now you are rushing this thing. We remember when they were going to pass the Bill and they rushed it just the night before independence—they went and pass legislation. You all have a habit “ah trying to rush dong thing dong people throat”, but whatever you do we will undo it.

Mr. Speaker, my friend, the Member for Arouca/Maloney, spoke about the whole question of Transparency International, [*Crosstalk*] and you know what happens—[*Interruption*] I have no fear, partner. Mr. Speaker, we know that between 2010 and 2013, there were 115 suspicious financial transactions valued at \$1.12 billion in this country. *Newsday*, March 12, 2014—“things going nice in this country, man”. Mr. Speaker, you know, I want to quote a little bit from the *Guardian* poll, March 12, 2012, conducted by ANSA McAL, and they were asking people about how they feel about Government handling of corruption: 60 per cent rated the Government handling of corruption and white-collar crime as poor, 21 per cent said extremely poor, and 39 per cent said poor. They went to look at people in the community: people who had up to secondary education, 64 per cent said poor; people who went up to technical/vocational education, 58 per cent

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talked about the corruption; for those with tertiary level education, 58 per cent, and those who only had a primary level education was 51 per cent. Mr. Speaker, this corruption thing is bad business in this country.

Mr. Speaker, in a Denyse Renne article of the *Guardian* newspaper, April 14, 2013, hear what she says:

“Republic Bank has alerted the Financial Intelligence Unit (FIU) to the suspicious transactions of a senior government official.”

April 14, 2013, Mr. Speaker, PNM not in power.

“The bank, sources say, raised a ‘red flag’ after the official paid off two million-dollar mortgages within a six-month time...One of the mortgages was for a property purchased through the official’s private company in 2010 valued at \$1.75 million, while the other was for a property purchased in September 2011 at a cost of \$3.3 million.”

Mr. Speaker, we all know the salaries that Ministers and MPs are getting inside of here, how in that short space of time—where that money coming from, Mr. Speaker?

The Financial Intelligence Unit observed suspicious transactions for the past four years.

Let us go through it, Mr. Speaker. In 2010, there were 111 cases worth \$236 million; in 2011, 303 cases worth \$569 million; 2012, 358 cases valued at \$639 million, and in 2013, 554. And we want to say that this Government doing good. I would like to ask the question: Who is the political figure whose father controls the majority of the URP projects in Oropouche? Who is the political figure, Mr. Speaker? That is a question we should get answers for because one would like to know, we are talking about procurement. How it is one person could get so much URP projects, Mr. Speaker?

We want the procurement legislation but I want it to go retroactively from May 2010, because the amount of corrupt practices that took place, plenty people have to prepare for the jail. [*Desk thumping*] Plenty people. You know, we have so much transactions, because the Republic Bank talking about Government officials. Who is the politician, Mr. Speaker, who went to buy a house in Moka, Maraval, and in the car trunk had US \$3 million? Who is the politician?

Miss Mc Donald: How much?

Mr. F. Jeffrey: Three million. Who is the politician, Mr. Speaker? And it is not under PNM. That is not under the PNM administration.

7.40 p.m.

Mr. Speaker, we are in serious trouble. We are in very, very serious trouble and we need to take stock.

Let me tell you what happened in 2011. The National Petroleum Company Limited (NP), invited bids for a \$40 million cab-over-engine-design tractor deal. By the way, I am extracting from the *Express* of May 28, 2011. CDS Transport Limited was way ahead of its closest rival and winning bidder. Do you know who it is? Gopaul and Company Limited. Gopaul and Company trailed the top ranked CDS group by 21 points on two of the three criteria that points were awarded in the summary pre-qualification evaluation score sheet—trailed. Five of the 14 companies that submitted bids, including CDS, scored overall higher marks than Gopaul and Company Limited, and one, D&D Auto World Limited, which received an overall score of 52 points—the same as Gopaul—CDS got a failed grade, while Gopaul was awarded the contract.

Mr. Speaker, down in my La Brea area, we have a saying “Gopaul luck is not Seepaul luck”, so that is why CDS did not get the contract. That was 2011, so you could not bring that legislation then. Let us go to 2012.

I am quoting from the *Express* article by Asha Javeed, January 26, 2013. It says that a top PP financier was awarded a \$232 million contract from NIPDEC. Let us go through that, Mr. Speaker. “Leh we go through dat.” November 27, 2012, NIPDEC wrote SIS manager, Einool Hosein, informing him that SIS had been awarded the contract of \$232,501,329.22:

“to SIS and its Barbados-based precasting partner, Preconco, for the design-build-construction of the Motor Vehicle Authority...in Frederick Settlement, Caroni.”

It was revealed that:

“SIS did not commit to a ten per cent contingency fee in its total cost”—as was required and, therefore, they gave a figure of \$232.5 million.

Mr. Speaker, when they examined the other bidders, hear what happened: Beijing Liujian’s bid was \$160 million; Moosai Construction, \$193 million; Adams Construction, \$207 million; Yorke Structures Limited, \$208 million; Kee Chanona, \$246 million. SIS, when they worked out the whole thing, was \$259 million.

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Let me tell you this: the Chairman of NIPDEC was the campaign manager for the Member for Tunapuna in the 2010 election. You see that bid rigging “ting”, is serious business. That is 2012. Let us see what happened in 2013, 2014. They had the Siparia market; you had the Preysal interchange—\$45 million and \$70 million respectively; SIS got that; but now we have the Beetham Water Recycling Plant. NGC and WASA invited tenders on September 08, 2013. Fifteen contractors attended the pre-tender project briefing and site visit at Kapok Hotel in St. Clair on September 25, 2013. They were given a deadline of October 28, a mere seven weeks, to submit a document. Those contractors begged, they begged for an extension, they “blanked” them. Only two contractors were able to return their bids, Atlatec and SIS. Atlatec’s bid was US \$95 million or TT \$608 million. SIS’ bid was US \$167 million or total TT \$1.088 billion.

It is worth noting that the Chairman of NGC, Mr. Chan Chadeesingh is also a former Chairman of SIS. “Mr. Speaker, how dat sound?” Mr. Chadeesingh, Chairman of the National Gas Company is a former Chairman of SIS, and SIS and Atlatec are now bidding for a contract. Do you know what happened? SIS got the contract. Mr. Speaker, you see what is happening? That is why we could not have this procurement legislation before—we could not have it before.

Dr. Gopeesingh: “Is allyuh keep it back; allyuh keep it back.”

Mr. F. Jeffrey: Deep down you know that. You try that little excuse. It is just like how you had the Anti-Gang Bill, “you come up with thing and yuh playing as so, so, and so and so”, when in fact you have another motive. We know that. “We accustom with you all for a long time now.” [*Laughter*]

“Boy, dat is one ting with yuh pardner, I does talk de truth. That is one ting, your pardner does talk de truth. [*Crosstalk*] Like yuh worried bout your pardner, boy.” Let us go to the Bill.

I want us to look at clause 10(1) where, for example, the number of the board is between eight and 11. I could not understand what the rationale was for having eight to 11. It is either you want, eight, you want nine, you want 10 or 11, because it means as though that you have three persons that “yuh really eh really need”, you just putting them there for so. We must know, for example, why it is not eight or 10, as the case might be, why you have this flux. Because really and truly, when we come to the quorum, you need six plus the Chairman or the Vice-Chairman so, therefore, that is something else. [*Interruption*]

Mr. Speaker: Hon. Member for La Brea, we have a procedural motion.

PROCEDURAL MOTION

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, in accordance with Standing Order 15(5), I beg to move that the House continue to sit for further discussions on the current Bill before the House.

Question put and agreed to.

**PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC
PROPERTY (NO. 2) BILL, 2014**

Mr. Speaker: Hon. Member, you may continue, please.

Mr. F. Jeffrey: Thank you very much, Mr. Speaker.

In that same clause 10, the procurement regulator must have “at least ten years’ experience in matters relating to procurement”, and possess a degree, and so on. “ten years’ experience in matters relating to procurement” could mean anything. You could be a junior member of staff who “eh” move for 10 years. Are you telling me that that person could qualify for the position of procurement regulator? They go on further to talk about a degree from an accredited university in a field relating to finance, economics or law. Are you telling me that somebody who now come from university with a first degree is eligible? “You eh find yuh want somebody with some postgraduate experience?” Something is wrong here.

Let me quote a little bit from the *Project Management for the Caribbean, 2014*. They mentioned that the National Insurance Board of Trinidad and Tobago was looking for a procurement manager, and here is what they asked for:

The person must have a postgraduate degree in management or finance; CPM designation, which is certified property management, or CIPS professional diploma in procurement and supply preferred, and a minimum of five years progressive experience in public sector procurement or any equivalent combination of qualifications and experience.

Mr. Speaker, you understand the difference? In the case of NIB, they are looking for somebody, not just with experience, but progressive. They must move up over that period. [*Interruption*]

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

Mr. F. Jeffrey: Yes, Mr. Speaker, I need the extra time. [*Laughter*]

Mr. Speaker: Hon. Members, the question is that the speaking time of the hon. Member for La Brea be extended by 15 minutes.

Question put and agreed to.

Mr. Speaker: You may continue, hon. Member.

Mr. F. Jeffrey: Thank you very much Members, colleagues.

Mr. Speaker, in that same clause 10, they talk about:

“(b) a member with qualifications and experience in accounting;

(c) a member with qualifications and experience in finance;”

After we have heard so much about Dayanand Birju, Resmi and company, and so many people with degrees from paper mills, I thought we would have been more cautious. You know, for the regulator you are talking about an accredited university, but conveniently in (b), (c), (d), (e) and so on, nothing about an accredited university. What is the reason for that? And “experience in accounting”; you did not say, well, two years’ experience or three years or five years, just “experience”. So you work for one month and “you qualify”; foolish, that does not make sense—that does not make sense.

When I hear that the Minister of Planning and Sustainable Development talked about “he eh making no amendments”, he has to be joking. That is a serious omission. If we are serious about having good legislation, they have to correct that. We have to be serious.

7. 55 p.m.

Mr. Speaker, we go on. On clause 11, I am a little bit confused about:

“three members shall be appointed for a term not exceeding six years...”

And then:

“three members shall be appointed for a term not exceeding five years...”

Who are these “three”? Right? So in other words, those for six years, will it be the one in accounting, the one in finance and the attorney-at-law? We need some clarification there, Mr. Speaker. We need come clarification in that regard.

Then we come to another troubling clause. In clause 12:

“The President may remove a member from office upon being satisfied that the member—”

And we come to:

“(g) has been convicted of an offence punishable by imprisonment for one year or more or an offence under this Act.”

Mr. Speaker, then we come to 29(c):

“A procuring entity shall ensure that suppliers and contractors—

(c) have not, and their directors or officers have not, been convicted of any criminal offence;”

So in the case of the director, once he “aint” get imprisoned for more than a year, it is okay—to go to jail, eh. But for six months, nine months, that “aint no big ting”. But in the case of the supplier and contractor, once he goes to jail, “pardner”—it could be for three months, he “out of de loop”. Something “aint” right, Mr. Speaker. Something not right here. And I am hoping that the Minister of Planning and Sustainable Development was not serious when he spoke here earlier tonight, because that too needs correction.

I want to make the statement that we know that procurement legislation is important. We know that. We all agree with that, but we need to correct the deficiencies in the Bill, if you want the support of us on this side. Granted that you would not be here much longer, [*Crosstalk*] and I know you like to have company by trying to include “yuh boy”, you know. [*Laughter and crosstalk*] Sorry, not for me. Sorry, not for me, but for yourself. All right? You know? Sorry, not for me, but for yourself. You see—[*Crosstalk*] that is all right. That is all right.

Mr. Speaker, my colleagues on the opposite benches, I want them to understand that, very seriously, let us deal with the corrections, the deficiencies in the Bill, right, so that we can have this Bill passed. If you “doh” do that, we are not supporting the Bill. I thank you.

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to Friday, November 28, 2014 at 1.30 p.m. On this day it will be Private Members’ Day. I will ask my colleague opposite to serve notice as to the business on November 28, 2014, 1.30 p.m. Mr. Speaker, I beg to move.

Miss Mc Donald: Mr. Speaker, I hereby give notice to the Government that on Private Members’ Day which is Friday, November 28, 2014, we will be

Adjournment
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debating Motion No. 1 under Private Business. That is the Motion with respect to the state of preparedness for the Ebola virus. Thank you.

Leave of Absence

Mr. Speaker: Hon. Members, before putting the question, I just want to revert to Announcements. I have been—I have received, rather, communication from the hon. Colm Imbert, Member of Parliament for Diego Martin North/East who is out of the country, and has asked to be excused from today's sitting of the House. The leave which the Member seeks is granted.

Hon. Members, the question is that this House do now adjourn to Friday, November 28, 2014 at 1.30 p.m.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.59 p.m.