

Leave of Absence

Tuesday, October 29, 1991

SENATE

Tuesday, October 29, 1991

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave from today's sitting to Sen. Haji Ralph Khan.

PAPERS LAID

1. Report of the Auditor General on a Special Audit of the Operations of the "Football Massive" Project. [*Sen. Alloy Lequay*]
2. Report of the Auditor General on the accounts of the Airports Authority of Trinidad and Tobago for the year ended December 31, 1985. [*Sen. A. Lequay*]
3. Report of the Auditor General on the accounts of the Airports Authority of Trinidad and Tobago for the year ended December 31, 1986. [*Sen. A. Lequay*]
4. Report of the Auditor General on the accounts of the Custodian of Enemy Property for the year ended December 31, 1987. [*Sen. A. Lequay*]
5. Report of the Auditor General on the accounts of the Custodian of Enemy Property for the year ended December 31, 1988. [*Sen. A. Lequay*]
6. Report of the Auditor General on the accounts of the Custodian of Enemy Property for the year ended December 31, 1989. [*Sen. A. Lequay*]
7. Report of the Auditor General on the accounts of the Custodian of Enemy Report for the year ended December 31, 1990. [*Sen. A. Lequay*]
8. Report of the Auditor General on the accounts of the Arima Borough Council for the years ended December 31, 1981, and December 31, 1982. [*Sen. A. Lequay*]
9. The Minimum Wages (Catering Industry) Order, 1991. [*Sen. A. Lequay*]
10. The Minimum Wages (Shop Assistants) Order, 1991. [*Sen. A. Lequay*]
11. The Minimum Wages (Household Assistants) Order, 1991. [*Sen. A. Lequay*]

SATYA KABIR NIDHI (INC'N) BILL**Presentation**

Sen. Leonard Bradshaw: Mr. President, I have the honour to lay on the table, the report of the Special Select Committee of the Senate, appointed to consider and report on a private bill for the incorporation of the Satya Kabir Nidhi of Trinidad and Tobago.

ORAL ANSWERS TO QUESTIONS**Loans Contract**

65. Sen. Wade Mark asked the Minister of Energy:

- (a) Is the Minister aware of a letter dated January 9, 1991, which forms part of the Loans Contract between Trinidad and Tobago and the Inter-American Development Bank?
- (b) If the Minister is aware, could he provide a copy of the same letter for the information of the Senate?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, I apologize for detaining the Senate.

Yes, the Minister is aware of such a letter, and a copy will be circulated.

Sen. Mark: Mr. President, would the Minister indicate when?

Sen. Atwell: I have it here, and I will circulate it.

Hydrocarbon Sector**(Role of Ministries)**

66. Sen. Wade Mark asked the Minister of Energy:

- (a) Could the Minister state what would be the new roles of the various Government ministries involved in the Hydrocarbon Sector Rationalization Programme?
- (b) Could the Minister identify these Government ministries and outline their new roles in the context of the Inter-American Development Bank Loan?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, the Government ministries which, it is envisaged, would be involved either directly, or indirectly, in the rationalization of the state-owned petroleum and petrochemicals sector are as follows:

- i) the Ministry of Energy;
- ii) the Ministry of Finance;
- iii) the Ministry of the Economy;
- iv) the Ministry of Planning and Mobilization

The Ministry of Energy will retain all of its functions under the Petroleum Act and Regulations, and other pertinent legislation. That is, *inter alia*, regulation, supervision and control of the petroleum industry in the established manner. For example, the issuing of licences and entering into the various contracts obtained in the industry.

The ministry will continue its role in the assessment and collection of revenue; the provision of technical advice to other governmental agencies; and energy planning and policy formulation. The role of the Ministry of Energy, therefore, continues as before and would remain unchanged.

A special unit will be located in either the Ministry of Finance or the Ministry of the Economy, which will perform the functions of the Corporation Sole, in respect of the state-owned petroleum and petrochemical companies. The Corporation Sole Unit will audit the companies and report its findings to the Ministry of Planning and Mobilization. This Ministry, it is expected, would be responsible to present its report to Parliament, via the normal route of Cabinet.

Sen. Mark: Mr. President, could the Minister indicate whether he is aware of the fact that the Ministry of Energy is to be downgraded to a regulatory agency and a mere collector of royalties? Is he aware of this reality?

Sen. Atwell: Mr. President, that is the point I am making. I think I was very clear, and I would like to repeat:

"The role of the Ministry of Energy, therefore, continues as before and would remain unchanged."

The question therefore does not deserve an answer.

Sen. Mark: Mr. President, could the Minister indicate whether the Ministry of Industry, Enterprise and Tourism, apart from those ministries that he has mentioned, will form part of this overall arrangement in terms of redefinition of roles?

Sen. Atwell: Yes, Mr. President. It is expected that the Ministry of Industry, Enterprise and Tourism will undergo changes which will be transferred to either the Ministry of Planning or the Ministry of the Economy, as I have stated.

Sen. Mark: One final question. Could the Minister indicate whether, at this point in time, he would be in a position to identify the redefined role of the Ministry of Industry, Enterprise and Tourism?

Sen. Atwell: No, I cannot, at this time.

Hydrocarbon Sector (Establishment of Holding Company)

67. Sen. Wade Mark asked the Minister of Energy:

Could the Minister state the rationale for the establishment of the holding company under which all the country's hydrocarbon enterprises will now be placed?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, the prime objective of rationalization of the petroleum sector is to improve the efficiency of the state companies. The steering committee considered three organizational concepts in order to determine which was best suited to achieving the objectives of rationalization. These were the following:

1. An operating company, which is essentially one monolithic business company.
2. A management company, that is, a company with a single board of directors and a managing director and consisting of several operating units, each of which is headed by a manager.
3. A holding company, comprising an overall board of directors, and a managing director, with corporate staff, who co-ordinates self-sufficient operating units; each of these units would have its own board of directors.

1.40 p.m.

The steering committee after critical study and analysis of the advantages and disadvantages of the management company *vis-a-vis* the holding company, and after examining the way in which other countries have reorganized their energy sectors, opted for the latter.

The committee was of the view that in the context of Trinidad and Tobago's needs, and having regard to the historical development of our energy, our culture and so forth, the advantages of the holding company outweigh those of a management company.

The major advances of the holding company are:

- (i) existing companies will remain, to a large extent, intact and they will also maintain the freedom to operate within their assigned functional specialization without undue interference. Thus, the disruption of existing operations will be minimal;
- (ii) the reorganization of the industry under a holding company structure would facilitate the optimum allocation of the sector's, human and cash resources;
- (iii) there would be improved co-ordination of activities of the various entities in the sector on an on-going basis;
- (iv) the holding company would facilitate improved strategic planning for the sector as a whole;
- (v) it would allow for the decentralization of the decision-making; and
- (vi) a holding company would permit greater flexibility in transition, that is, it is easier legally to move to a holding company structure than to a single company.

It is significant that throughout the world in recent times, major petroleum companies such as PDVSA, the national oil company of Venezuela, Amoco, Exxon and Shell, in recognition of the utility of the holding company corporate structure, have arranged their organization around these lines. These companies have considerable international experience.

Sen. Mark: Mr. President, could the hon. Minister indicate the companies that would fall under the rationalization plan when this holding company comes into being?

Sen. Atwell: Mr. President, those companies would be: Trintoc, Trintopec, Trintomar, Trinmar and the petrochemical companies.

Sen. Mark: Could the hon. Minister indicate whether the steering committee's report on the rationalization of the oil industry is a public document or a private document?

Sen. Atwell: That report is not a single report. It is an aggregate of reports that were used for the submission to Cabinet for it to take a decision.

Sen. Mark: Were the recommendations of the steering committee's report accepted by the Trinidad and Tobago Cabinet?

Sen. Atwell: Mr. President, there were several recommendations, some of which were accepted by the Cabinet and some of which are still under consideration by the Cabinet.

Sen. Mark: Could the hon. Minister indicate whether the recommendations of the steering committee and the conditionalities imposed by the IADB, coincide?

Sen. Atwell: I do not understand the question.

Sen. Mark: Could the hon. Minister of Energy indicate whether the steering committee's recommendations for the rationalization of the energy and oil sector are similar to those that were advanced in the letter to the President of the IADB on January 9, 1991?

Sen. Atwell: Yes, I now understand. By and large, the recommendations of the steering committee are not dissimilar from what was agreed with the IADB when those negotiations were conducted.

Sen. Mark: Finally, Mr. President, could the hon. Minister indicate why, for instance, he had to occupy the position of chairman of the steering committee and replaced the previous chairman, Mr. Noel Wyatt?

Sen. Atwell: Mr. President, the previous chairman of the steering committee resigned by letter as chairman.

Hydrocarbon Sector (Rationalization Report)

68. Sen. Wade Mark asked the Minister of Energy:

Could the Minister indicate whether there is a report on the rationalization of the hydrocarbon sector by Booz, Allen and Hamilton and precisely how much this report cost the taxpayers of Trinidad and Tobago?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, there is a report on the rationalization of the petroleum and petrochemical sector which was prepared by the firm Booz, Allen and Hamilton Inc., a management

consultant firm of New York, United States of America. The study of this sector cost US \$423,101 and was paid for by the following companies: National Petroleum, Trintoc, Trintopec, Urea, NGC and the Methanol Company.

Sen. Mark: Could the hon. Minister indicate whether that said report of Booz, Allen and Hamilton could be circulated to Members of the Senate?

Sen. Atwell: I think, Mr. President, that is the next question. So if he is posing question 69 and he wants me to answer that I shall do so with his permission.

**Booz, Allen and Hamilton Report
(Status of)**

69. Sen. Wade Mark asked the Minister of Energy:

Could the Minister state whether the Booz, Allen and Hamilton Report is a secret document or a public document?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, the Booz, Allen and Hamilton Report is a private document which was prepared to assist the rationalization steering committee in the rationalization exercise.

The document was used for discussion, comparison and analysis to determine what was the most appropriate organizational structure for the sector. The steering committee was not obligated to accept any or all of the recommendations made by the consultants.

Sen. Mark: Could the hon. Minister indicate what was the basis of this secrecy in terms of the document prepared by Booz, Allen and Hamilton, particularly having regard to the strategic nature of the energy and hydrocarbon industry in Trinidad and Tobago?

Sen. Atwell: Mr. President, I think Sen. Mark needs to understand how things are done and how governments operate. It is not a question of anything being secret as his question was posed. What I indicated to him is that the consultants were hired to give advice and the advice may be accepted in part or not at all. That is the answer to his question. There is no question of secrecy. I have indicated that they were used for consultancy.

Sen. Mark: Mr. President, if the Minister accepts the view that ultimate sovereignty resides in the people of a country, why is the Government not prepared to release that document to the public so that we can make a proper

assessment of the final recommendations that have been submitted to the President of the IADB?

Sen. Atwell: What has been submitted?

Sen. Mark: The final recommendations for the rationalization of the hydrocarbon sector to which the Government has committed this country.

Sen. Atwell: Yes, Mr. President, we have committed this country to rationalization and we have committed the country to having a loan from the IADB. In order to do so, several things are necessary. One of the things was the hiring of consultants and I think I have responded totally and adequately to Sen. Mark's concern.

Sen. Mark: Mr. President, is the Minister trying to cover up on this matter? Mr. President, this is a very serious matter and it affects the whole country.

Mr. President: Yes, but I think it is bordering on an argument. Questions are to solicit information dealing with a matter.

Sen. Mark: Mr. President, if I sound argumentative I apologize. I am putting a question to the Minister whether he would consider very seriously making that document public to the people of Trinidad and Tobago.

1.50 p.m.

Mr. Atwell: Mr President, question No. 69 is what he is asking again. For his information, I would repeat my answer. The Booz, Allen and Hamilton Report is a private document which was prepared to assist the Rationalization Steering Committee in the rationalization exercise.

The document was used for discussion, comparison and analysis to determine what was the most appropriate organizational structure for this sector. The steering committee was not obligated to accept any or all of the recommendations made by the consultants.

Hydrocarbon Sector (White Paper)

70. Sen. Wade Mark asked the Minister of Energy:

Could the Minister of Energy state why the Government did not think it necessary to issue a White Paper on the rationalization of the hydrocarbon sector of Trinidad and Tobago?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, a White Paper is a document that sets forth the policy of the Government on a particular matter before Parliament or to be presented to Parliament. Government took the option of following a procedure which allowed for consultation, comments and feedback on the rationalization programme before it is instituted.

In this respect, consultations were held, *inter alia*, with OWTU, South Trinidad Chamber of Commerce, Trinidad Chamber of Commerce and the Energy Subcommittee of the National Planning Commission, amongst others.

Sen. Mark: Mr. President, could the Minister indicate when these consultations were held?

Sen. Atwell: Mr. President, regrettably, I do not have the specific dates. But to assure Sen. Mark and this honourable Senate that I was present at all of these consultations to which he adverted; and they were held earlier on in the year. I do not really remember the dates.

Sen. Mark: Mr. President, could the Minister indicate whether these consultations were held prior to the letter being dispatched to the President of the IADB on January 9, 1991?

Sen. Atwell: Mr. President, the consultations were held in 1991; probably March, April or May, I do not really remember the exact dates.

Sen. Mark: Mr. President, I find it a bit strange that the Minister of Energy does not know things all of a sudden. Let me pose the question: Could the Minister indicate whether he was conscious of the fact that a letter had already been dispatched to the President of the IADB, committing this country to a rationalization programme, when those consultations were taking place?

Sen. Atwell: Mr. President, the first point is that I want to make it clear to the Senate that it is not a question of the Minister conveniently forgetting. What I said is that there were several consultations held and I do not remember the specific dates. If Sen. Mark wishes to know the dates, that information can be made available to the Senate.

Secondly, I am very well aware that a letter dated January 9—which I said I will circulate; and the only reason it was not circulated is because I was late—was written and when you read the letter, it would be very clear that what was said in the letter is that there were going to be consultations.

Sen. Mark: Mr. President, could the Minister indicate whether he consciously, deliberately and surreptitiously misled and virtually “mamagued” the Oilfield Workers’ Trade Union in April and May of 1991, when he held these consultations?

Sen. Atwell: Mr. President, I am finding it a little difficult to respond to such questions. What Sen. Mark is clearly doing is trying to put the Government in an awkward and embarrassing position.

I do not think that the purpose of question time is to do that. But having said that, I think that Sen. Mark is trying to get the Government in an adversarial situation with the OWTU. I can tell the Senate that the consultations were held and I take it that they were held—certainly from the side of the Government—in good faith. Their views were listened to and they listened to our views. We were committed; and I did give that undertaking personally, to the President General of the Union and I give it to Sen. Weekes in the Parliament, that I would consult them before we had done anything. The Government, true to its word, equal to its responsibility, conducted its affairs in that way.

Hydrocarbon Sector

(Assets)

71. **Sen. Wade Mark** asked the Minister of Energy:

Could the Minister state the precise value of the assets of the Hydrocarbon sector due to fall within the ambit of the holding company?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, because of the disparate nature of assets of the companies which constitute the state enterprises of the energy sector, ranging from real estate to plant and equipment, it is difficult, if not impractical, to give a precise value of the assets of this sector which would fall within the ambit of the holding company, as Sen. Mark is asking.

The assets of the individual companies in this sector include the following:

Trintoc	-	TT \$1.518 million
Trintopec	-	TT \$984 "
NGC	-	TT \$563 "
Methanol	-	TT \$374 "
Urea	-	TT \$258 "
National Petroleum	-	TT \$105 "

When the state's shareholding in Fertrin, Tringen and Trinmar are included, the total is approximately \$5 billion.

Sen. Mark: Mr. President, is the Minister happy with—

Mr. President: Sen. Mark, you have asked many questions during your term of office here and most times the questions that you ask seem to be based on information that you already have. You are asking the Minister to make a statement which you tend to use as an argument to dispute something that may have happened with a trade union or somebody else.

The purpose of questions is merely to solicit information within the purview of the Minister. If you get the information, you can use it somewhere else.

Sen. Mark: With all due respect, Mr. President, I think that you are begging the question in this area.

Could the honourable Minister indicate whether the value of the social and physical infrastructure, which I understand is estimated around \$6 billion, would be included in the final valuation of the assets of the oil industry when this holding company is formed?

Sen. Atwell: Mr. President, that is the point I was trying to make when I was answering the question. His question asked what was the precise value and it is difficult to answer that question, which is why I tried to respond in the way that I have responded. Now, when one is taking the question of assets, one would take whatever assets are on the books of a company. One expects that is how you denote your assets.

I am not sure what he is after, that is why I gave the answer in terms of the companies, seeing that those are their assets.

Energy Ministry (Vacancies)

72. **Sen. Wade Mark** asked the Minister of Energy:

Could the Minister indicate how many high-ranking officers of his Ministry have resigned, retired or just left the job, and what efforts are being made to have them replaced?

Sen. Atwell: The Minister is unsure of the meaning of "high-ranking officers" in the context of the question, since all of the technical/professional officers of the

Ministry of Energy are considered to be high ranking in what is essentially a specialist ministry.

Also, the Constitution of Trinidad and Tobago provides for the Public Service Commission and not the Minister, to be responsible, among other things, for the appointment of persons to the service, the transfer and promotion of officers and the termination of appointments. Since it is presumed that Sen. Mark is genuinely looking for information, the following is submitted.

Ten technical officers at or above Range 53 left the Ministry effective 1991. Five officers are acting as replacements in the higher posts and one post has been filled by a permanent appointee.

The Public Service Commission has been notified of the vacancies and steps have been taken, first of all, to fill vacancies internally where suitable replacements exist and, secondly, to recruit staff from outside of the Ministry. It must be recognized, however, that personnel with the necessary training and experience are not easily available.

2.00 p.m.

It should be noted that during the last two years, activity in the petroleum sector has intensified especially in exploration, where five foreign companies, Pecten, Mobil, Exxon, Chevron and Total are now engaged in the search for oil in Trinidad and Tobago. The resulting demand for technical skill such as those resident in the Ministry together with the substantially greater remuneration offered by the companies have served to attract technical and professional personnel away from the Ministry.

Sen. Mark: Could the hon. Minister indicate how many professionals above the range of 50 have resigned, retired or left the Ministry of Energy over the last three to four years?

Sen. Atwell: That is an entirely new question. The question posed by Sen. Mark was high-ranking officers. I did not stop and say that I was not sure what he meant, but I tried to assist him because like yourself, Mr. President, I am assuming that he is genuinely looking for information. Whether he uses it elsewhere or not, we will be able to respond elsewhere appropriately.

Sen. Mark: Would the Minister be kind enough because I am seeking genuine information to assist in providing that information?

Sen. Atwell: Sen. Mark is well aware that whenever he puts questions to the Minister, he responds on every occasion. This time I was a week late.

**Trintoc's Refinery
(Expansion)**

73. Sen. Wade Mark asked the Minister of Energy:

Is the Minister of Energy aware that as a result of the intended expansion of Trintoc's refinery capacity the country would now expend some US \$800 million annually to import crude oil as well as compete on the international market?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, the answer to this question is, no. This is a good example of the propensity of some persons to use figures in an arbitrary and cavalier manner, without any premise, in order to mislead and confuse the public.

To suggest that Trintoc would be expending US \$800 million annually to import crude oil without indicating the quantity of crude to be imported, or the per barrel price or the commercial returns to the company, or the gross margin to be realized on each barrel is mischievous. Trinidad and Tobago's crude refining capacity is such, that even if the refinery were not upgraded, it would be necessary to import crude to achieve the optimum refining cost per barrel.

Sen. Mark is well aware that at the present time Trintoc imports 70,000 barrels of crude oil per day under processing agreements. Under this agreement, the company is able to meet all pertinent expenses and also realize a reasonable margin on each barrel of crude refined.

In 1995, when the upgraded refinery comes fully on stream, Trintoc projects the importation of crude at about 65,000 barrels per day, costing US \$593 million at the projected crude price of US \$25 per barrel. The imported crude oil would be processed to produce high value distillates (gasoline, jet fuel and diesel) with only a relative small proportion of fuel oil. The average value of the products is estimated at US \$29.50 per barrel, giving a gross margin of US \$4.50 per barrel. This means that the expenditure of US \$593 million will bring in revenues from international sales, all in foreign currency, of US \$700 million per year. Therefore, it should be clear that there will be an annual surplus of US \$107 million from this development.

The country will benefit from a net gain in foreign exchange earnings from this project because more than half of the operating expenses will be local costs (operating and maintenance, wages, local materials, *et cetera*). For example, if the products yielded by a barrel of crude oil which is purchased for US \$20.00 are sold for US \$25.00, there is a gross gain in foreign exchange of US \$5.00. If the refining expenses per barrel entails the actual expenditure of US \$1.00 per barrel, the rest of the expenses being in TT dollars the net gain in foreign exchange in this country would be US \$4.00.

It has been estimated that the net increase in the country's foreign exchange earnings from the Refinery Upgrading Project will be more than US \$1 billion over the life of the project.

Concerning Trintoc's ability to compete on the international market, it must be recognized that Trintoc has a long and successful history of selling cargo; high quality petroleum products internationally at good prices.

It also needs to be stressed that the Refinery Upgrading Project is designed, not only to increase crude processing efficiently and viably, but also to be able to manufacture the higher quality products (such as reformulated gasoline and low-sulphur diesel) which the market will demand in the 1990s and beyond.

With regard to the effect of the upgrading on the country's foreign debt, about 90 per cent of the cost (over US \$250 million) will be financed by foreign loans. However, there will be a moratorium on repayment until after commissioning in 1995 and thereafter the debt service will be more than covered by the increased cash flows.

Sen. Mark: Could the Minister indicate whether the country will experience any crisis in its balance of payments, foreign exchange and foreign debt, given the quantum that we will have to expend on the importation of crude oil to the tune of US \$595 million?

Sen. Atwell: It is being mooted by people who have space in the newspapers that Trinidad and Tobago would be spending \$800 million to import crude oil. That is not so and it is not based on any arithmetic or any numbers.

What I am categorically saying is that we anticipate that we will import \$65,000 barrels of crude using a figure of \$25.00; we will process it through the refinery; we will get higher products; we will have a higher selling price and we will have no difficulty in paying back the money that we have for the upgrading.

Insofar as the country's debts are concerned, I think that he knows where to put that question, the overall effect.

Sen. Mark: Could the hon. Minister indicate what percentage of oil per barrel will come out of the refinery in operation at the end of the process to which he is referring? Because at the present moment, I would like him to indicate what exists and what he anticipates.

Sen. Atwell: I do not have the specific percentages, but I think it is well-known that at present, having regard to what happens, you have a higher yield of fuel oil and it is going to be substantially reduced. I do not want to give wrong information to the Senate. I can give him the precise information if he wishes, but it will be substantially reduced. If you wants to know, I will tell him privately but I do not have that information now. I do not want to say anything to be misquoted.

Hydrocarbon Sector

(Job Loss)

74. Sen. Wade Mark asked the Minister of Energy:

Could the Minister state what is the anticipated job loss in light of the proposed rationalization of the hydrocarbon sector as outlined in the loan contract between the Republic of Trinidad and Tobago and the Inter-American Development Bank?

The Minister of Energy (Sen. The Hon. Herbert Atwell): Mr. President, one of the primary objectives or rationalization in this dynamic industry is to protect jobs, and where possible to create jobs but certainly not to have job losses.

One cannot determine at this time in detail what kind of structural changes will occur in the work place, nor could one foretell until completion of a manpower study, what changes will be required or necessary. Of course, for reasons of efficiency and requirements of operations, there will be need to re-deploy and retrain personnel, but every effort would be made to minimize the number and degree of dislocation.

In any reorganization it is expected that people will be promoted, redeployed, retrained for upward or lateral movement, but since, as has been stated, the objective is to protect jobs, every effort would have to be made to ensure that the objective is achieved.

Further, one has to bear in mind that there are new developments taking place in the industry and additional opportunities are expected to open up.

For example, exploration activity is now underway in the Southern Basin, Block S-11 and the Lower Reverse L-Block, while contracts are being negotiated with BHP Petroleum and Unocal with respect to blocks offshore the East Coast. Downstream, more opportunities are also developing with the planned methanol plant at Point Fortin and the MTBE plant which is to be built by the Methanol Company.

The new energy thrust of the NAR, whether in exploration and production of petrochemicals, is giving rise to job opportunities in the country's energy sector. This is significant when one considers that in another mature oil-producing country, the USA, it is reported by the prestigious oil industry publication, the Society of Petroleum Engineers, Formation Evaluation Journal of September 1991, that:

"Many major oil, gas, and service companies are announcing 10 to 15 per cent staff reductions and are offering voluntary retirement packages to employees with seniority."

Sen. Mark: Could the hon. Minister indicate, with the upgrading of the refinery, and the anticipated amount of moneys we will have to spend on 60,000 barrels of oil per day, what level of employment he anticipates would be required to keep that refinery on a competitive basis internationally?

Sen. Deosaran: Mr. President, before the hon Minister responds, my understanding is that there is a time limit to question time. Now these questions, I recall are in addition to the normal allocation. I have two questions on the Order Paper and I was wondering whether we can make some adjustments so I can get my proper entitlement to these two questions, they having been postponed from last week to today.

2.10 p.m.

Mr. President: The Standing Orders have adequate provision for these and you are only using up more time by intervening at this stage.

Sen. Atwell: Mr. President, the Senator asked what is the level of employment. I do not know if he expects me to walk with numbers. I have no numbers to which I can refer and I have fully answered the question that he has put to me on the Order Paper. His question was, "...What is the anticipated job loss?" I think that I have responded to that in a full way.

Sen. Mark: Does the Minister anticipate any retrenchment in the oil industry?

Sen. Atwell: That is the question that he wanted to put in the first place and he was beating around the bush. Again, I have explained to the Senator that until a full manpower study is done, we do not know what the position is. We have set an objective. We have new, exciting, tremendous challenges coming up, of which I have spoken, and I am only being repetitive when I tell him about the MTBE and the methanol and so forth. We are going to use people; we are going to need people and this Government's position is that it will use all of the human resources that it can, at all times, particularly in such a specialist industry.

Sen. Mark: One final question. Could the Minister indicate whether the real objective of the rationalization exercise is to privatize the energy sector of Trinidad and Tobago and put its resources into the hands of a few people?

Sen. Atwell: Mr. President, again that statement has been made and continues to be made, even in this Senate and it is so ludicrous, so preposterous. We have set out how we intend to proceed. We are reorganizing the energy sector. We are having a holding company; we are having six subsidiaries. Where is the small clique going to be, if you have a board of directors comprising—we anticipate—13 people; if we have six boards of about seven people? It is being said all up and down this country by a certain element of people—I will deal with that at the right time—and people like Sen. Mark ought not to keep repeating in *psittacine* fashion what they have been hearing all the time. It is just not true.

Common Entrance Examination (Concordat)

75. Sen Dr. Ramesh Deosaran asked the Minister of Education:

In view of the wide public interest over the 1962 Concordat between the Government and the Church regarding the 20 per cent allocation of Common Entrance passes, could the Minister of Education state whether the Government is fully satisfied with the operation of the Concordat and whether the Government intends to review this Concordat, and if so, how soon?

The Minister of Education (Hon. Gloria Henry): Mr. President, the Concordat came into operation in 1962. Its purpose was to facilitate the implementation of the policy decision regarding the introduction of free secondary education. This was because the majority of secondary schools then were fee-paying institutions, owned and operated by denominational boards.

The Concordat dealt with:

- (1) Respecting the property rights of denominational bodies in relation to their schools;
- (2) The right of appointment, retention, promotion, transfer and dismissal of teachers in primary schools by the Public Service Commission;
- (3) The inspection of secondary schools by the Ministry of Education;
- (4) Shifting the right of removal of students from the school, to the Government;
- (5) Reserving to the Government the establishment of the new central schools;
- (6) The right of the Government to select teachers for training at the Government Teachers' College.

Some of its key provisions are contained in the following statements. Here I am quoting from the Concordat:

- “(1) The governing bodies of these schools will continue to be responsible for the administration of these schools and for their maintenance, repair and furnishings. These schools will continue to qualify for Government aid.
- (2) The principals of assisted secondary schools will make available a minimum of 80 per cent of the first form places to those who, by passing the test, qualify on the results of the Common Entrance Examinations, for free secondary education. The principals will be represented on the panel of examiners to be set up to administer the test.
- (3) The principals will be free to allocate up to 20 per cent of the remaining places as they see fit, provided normally from the pass list of the Common Entrance Examination.
- (4) Entry above the first form will be under the control of the Ministry of Education and Culture and will require the approval of the Minister.”

These provisions have ushered in a change in the intake of these schools and the Concordat has operated satisfactorily over the years. Hon. Members may wish to note the following:

- (1) The change in the selection process for secondary education mainly from religious affiliation and financial capability, to academic ability and performance. This has, in turn, brought the denominational schools within the reach of a major segment of the population to whom they were inaccessible.
- (2) With the change in the religious mix of the students in the different denominational schools, social cohesion has been promoted.
- (3) The religious character of the different denominational schools has been preserved.
- (4) The schools are kept in a generally good state of repair.
- (5) The schools are generally efficiently managed and perform well.

Notwithstanding recent criticism of the 20 per cent intake by principals, it has been found that students start catching up with their 80 per cent counterparts by the middle of the first term and are on par with them by the end of the first and second years of their school career. The administration of the Concordat has been reviewed on at least three occasions since the introduction in 1962. One of the provisions in which changes have taken place is the 20 per cent intake. The respective changes in this over the years are as follows:-

- (1) Selection of the 20 per cent intake by the denominational boards from the Common Entrance pass list;
- (2) Selection of the 20 per cent intake from among students eligible for placement at five-year schools on the basis of the Common Entrance Examination; and
- (3) Selection of the 20 per cent intake from a list provided by the Ministry of Education with the names of students who have qualified for a five-year school on the basis of the Common Entrance Examination.

The Ministry will continue to monitor its operation to ensure that it works as fairly and impartially as possible and in the best interest of all concerned.

Dr. Deosaran: I thank the Minister for her response, especially since I understand that she has just returned from abroad. Thank you very much.

If you will allow me, I want to ask a supplementary question. The pass list that she mentioned, does that include those who would have ordinarily gone to junior

secondary schools as well? While she is thinking of answering this question, would the Ministry have any objection, given the need for public confidence in the Common Entrance system, to the publication of the marks?

2.20 p.m.

Mrs. Henry: With respect to the 20 per cent, I think it is quite clear that the 20 per cent intake is from students eligible for placement at five-year schools based on the examination.

With respect to the publication of the marks, I do not think there should be any objection to such publication. But I think one has to look at what other examination boards do. It is not normal for either Cambridge or CXC, for example, to publish their marks, and one has to look at whether there is any positive benefit to be gained from the publication of the marks. But that, of course, is right now under consideration

Dr. Deosaran: Would the Minister also consider, given the revisions that the Ministry has made from time to time, that perhaps, now is an opportune time for the Government to meet with the different denominational boards and have a more comprehensive review of the Concordat in its different aspects?

Mrs. Henry: I have no doubt that one has to review the arrangements between the denominational boards and the Government. Especially as in my own opinion, who pays the piper should call tune, I think that the whole question of the Concordat is in need of a review.

Sen. Mark: Could the Hon. Minister indicate what efforts are being made to provide adequate, proper and reliable transport services for our school children?

Mrs. Henry: That is not within the purview of the Minister of Education. It is within the purview of the Minister of Works.

Mr. President: Sen. Deosaran, you have one more question but in accordance with the amended, Standing Order 18(7), it says:

"In any case where forty-five minutes after the opening of the sitting of the Senate, a question has not received an oral answer, it shall be placed on the Order Paper for the next sitting."

This is why I told you the Standing Orders make adequate provision for dealing with the problem, and you almost missed the chance of asking the one you have just asked, by 45 seconds. We are well over 50 minutes since the beginning of this session, so it would have to be placed on the next Order Paper.

TELECOMMUNICATIONS AUTHORITY BILL**House of Representatives Amendment**

The Minister in the Office of the Prime Minister and Ministry of the Economy (Sen. The Hon. Horace Broomes): Mr. Speaker, I beg to move, that the House of Representatives amendment to the Telecommunications Authority Bill, 1991 listed in the Appendix be now considered.

Question proposed.

Sen. Mark: No, we are not in favour of it.

Mr. President: I just want to explain. The motion is just to ask if the Senate will consider the amendment. This motion is merely to agree or not to agree that the amendment should be considered.

Question put and agreed to.

Clause 63.

House of Representatives amendment read as follows:

Delete subclause (2) and substitute the following:

"The accounts required to be kept pursuant to subsection (1), shall be audited annually by the Auditor General or by an Auditor authorised by him for such purpose."

Sen. Broomes: Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

Question proposed.

Sen. Alexander: Mr. President, while I understand that amendments such as this can be made, it does not appear that one can decide, reasonably, what this amendment is, when this is placed on the Order Paper when Senators come and sit here. One does not necessarily walk with all the bills which have been passed in the Senate in one session and were sent to the House. So it is quite unfair to ask Senators to come and give consideration to this amendment, not knowing what the amendment is all about. I express my strong disapproval of a matter such as this. If this was intended, then, at least, Senators should be forewarned before coming to this Chamber, of the proposed amendment.

Dr. Persad: Mr. President, I rise on a point of order under Standing Order 59(2), and I propose an amendment that we do not consider the motion now, but rather at the next sitting.

Mr. President: I made it clear that we were considering, whether we wanted to deal with the amendment now or not. That was the motion. This motion that you are trying to move now, should have been moved earlier. I paused, I explained and you said you would wait. The Senate has already agreed to consider the amendment now. I appreciate the fact that you said you wanted to move an amendment. I thought it was an amendment to the amendment. I explained to you that the motion which was moved by Sen. Broomes, was for the Senate to consider the House of Representatives amendment. That was all. We are not discussing the amendment and I made that clear.

Dr. Persad: Sir, with due respect, when I drew your attention to my intention to stand under Standing Order 59(2) to indicate that it be changed forthwith to some later date, you asked whether we wanted to discuss the bill. You did not say forthwith, now, or a future date. My understanding was that maybe, it is a two-staged process. I seek your indulgence on this.

2.30 p.m.

Sen. Lequay: Mr. President, with your kind permission and that of the Senate, the Government would be willing to put the motion on tomorrow's Order Paper so that Members will have an opportunity to look at it. It is a simple amendment.

Sen. Dr. Persad: Mr. President, I thank the hon. leader of the Government business for displaying such a measure of tack. I thank him and we agree with such a motion.

Mr. President: Yes, I am very glad that the Senators have been able to sort this out. But you have to understand the position of the Parliament department. This amendment was made yesterday. The matter was given notice, so it could only appear on the Order Paper today. So there is no means of getting in accordance with the Standing Orders and it appears today. So that if the Members are not in a position today, I am sure reasonable requests are always greeted with sympathy.

Sen. Furness-Smith: May I record my protest, Mr. president, at the suggestion that tomorrow we will be having another sitting. That is not in accordance with the practice. I know the hon. Leader gave notice of that last

week, but it causes extraordinary inconvenience to Members to be made to sit days after day and for absolutely no reason at all. There is no suggestion that there is any serious reason we should sit tomorrow. There is some talk that the Parliament session has to be prorogued on an entirely incorrect interpretation of the Constitution with which the Government has saddled itself.

Mr. President: I would like to get in another word on the ruling of prorogation, but this is not the appropriate time. When the Leader of Government Business moves appropriate adjournment to whatever date, if you have objection to that date, you can say something. The motion will stand over to the next sitting of the Senate.

CENTRAL TENDERS BOARD (AMDT.) BILL

[THIRD DAY]

Order read for resuming adjourned debate on question [October 15, 1991]:

That the bill be now read a second time.

Question again proposed.

Sen. Dr. Krishna Bahadoorsingh: Mr. President, never in the ten years since I have been a Member of Parliament have I witnessed such tension in the Upper House of our dear land. Perhaps the atmosphere created today, which has been a consistent pattern over the last few sessions, maybe somewhat appropriate to the Bill which we are debating at this time, because it deals with issues of national security which are very delicate and very sensitive issues.

I cannot help recalling, Mr. President—and I do not know whether anyone else may have averred to this fact, because I missed about one hour of our last session—that the very Minister who presented this bill is the very Minister who was in the process of a debate in the other place—which sounds like an incongruity, but you understand what I mean—on July 27, of last year, when the honourable Chamber was invaded by a group of people whom I shall not describe.

I say this, Mr. President, to remind ourselves that this Minister, in particular, would be more highly sensitive, perhaps, and more highly *au courant*, perhaps, with matters of national security. As such, I do not think that he would bring a bill as the one we have before us today—which makes me quite uncomfortable—unless he felt it was of paramount importance to the national security of Trinidad

and Tobago. As a result of that, I do share a lot of sympathy and a great deal of empathy for him and the bill which is before us today. As I said, it deals with issues which are highly sensitive.

The Minister mentioned that one must have tools to do the job, and I quote him: "I do not believe that my good workman or any good professional could perform a job adequately unless the appropriate tools were present". The source of tools we are speaking about, on this occasion, are tools which would have to do, among other things, with arms and ammunition and so forth.

So, Mr. President, I would not like to stand in the way of the Minister if he finds that this is the mechanism to enhance the efficiency of that particular Ministry, to speed up things, so to speak, especially as they relate to national security issues. So I am inclined to give the bill my support, but in so doing, there are numerous issues which arise, because the bill has aroused my curiosity on a few important, salient points.

Mr. President, I think we have to look at this bill in a broader context, because it raises many issues. We know, that the Central Tenders Board is part of the bureaucracy of Trinidad and Tobago. Now, if this is part of the bureaucracy of Trinidad and Tobago, the mere introduction of this bill, *ipso facto*, means that the Minister is not satisfied with the procedures established by Government. As a result of presenting this bill, the Minister wishes to create mechanisms to bypass the established procedures of the bureaucracy of Trinidad and Tobago.

Now, this question of bypassing makes me uncomfortable, and I will explain why in due course. However, Mr. President, the Minister, in his contribution, so far as I recall, did have some praises for the personnel who operate the Central Tenders Board. He praised them for doing a good job. But I must ask, Mr. President, if praise is really sincere—and I am not challenging the integrity of the Minister—but if praises were due and correct for the members of the Central Tenders Board doing a good job, why then is there a necessity for the bill. Notwithstanding the fact that praises were showered on the personnel who operate the Central Tenders Board, how would they feel now; how would their pride be affected as a result of this bill, which, in essence, is causing a bypass to the system?

Would it not be better, Mr. President, if a course of action were adopted in the country as a whole to affect in a positive way, the efficiency of the entire country, the efficiency of the entire bureaucracy, rather than to create a mechanism to bypass the system for one particular ministry?

Mr. President, I ask a question: Are there structural weaknesses which exist in our system, and if so, what are we doing about these weaknesses? After all, the Government has been in power for five years. The Government has created a separate Ministry of Decentralization. By that I mean, by implication, a ministry to enhance the procedures for the bureaucracy and to restructure for efficiency. If that is the case, I must ask, is this the maximum that we are at after five years? Or, I ask again, is this bill a public admission that the efforts at public administrative reform have not succeeded?

Mr. President, there is no doubt in my mind that there is a natural correlation between issues of national security and issues of economic development. It is on this score that my curiosity was further aroused. Economic development correlates in terms of our level of development with national security, perhaps, in an inverse way.

What I am trying to say is that the more we develop economically, the less is the likelihood that we would have more national security matters internally. Now, this is not always the case. The point I am trying to make is that perhaps the reason it has become necessary to bypass the normal bureaucracy for the reasons of efficiency is that our process of economic development had not been studied enough to avoid internal uprisings, hence the reason to ensure that our national security mechanisms are put in place in a faster and more efficient way. But we come down to the fundamental problem, and that is bureaucracy. Bureaucracy is the weakest link in the whole process of economic development in Trinidad and Tobago. I know, Mr. President, that to transform the bureaucracy in the country is a big task; it is a tall order. But without it we would have no sustainable economic development, and we would be constantly operating in a state of frustration.

Mr. President, as a result of not being able to transform and make our bureaucracy more efficient, this has the effect of derogating from several of the good things the Government could have done over the last few years. For example, we debated *ad nauseam* a couple of years ago and we transformed the Aliens (Landholding) Ordinance into the Foreign Investment Act. The question I want to ask now is: To what extent is the bureaucracy in Trinidad and Tobago making the work of the Government less effective? To what extent is the bureaucracy derogating from the Foreign Investment Act? Is it working?

I ask a specific question and I do not know whether this particular Minister may have the answer for it: Has the necessary schedule to that particular bill been put in place? It is the schedule related to determining what properties may be out

of the ambit of that Bill that may be on the shoreline of Tobago and certain areas of Trinidad. That is a specific question. The Bill was passed about two years ago in this place.

Mr. President, the situation in Trinidad and Tobago today is that we have still with us an archaic bureaucratic structure without any meaningful reform, so far as I am aware—if I am incorrect about this, I would like the Minister to correct me—having that archaic structure, the system is further exacerbated as a result of having dissatisfied public servants who had to undergo a pay cut, who had to undergo the loss of the cost-of-living allowance, *et cetera*.

Mr. President, it is in this particular context that we read in the *Express* of Monday, October 28, at page 5, what the private sector must do; what the responsibilities of the private sector would be in the development of Trinidad and Tobago. And I quote a statement by no less a person than the Minister of Finance, Minister Wilson:

“It became evident at these meetings...”

meaning meetings of the International Monetary Fund and the Commonwealth Finance Ministers meetings,

“‘that governments needed to govern properly and manage their economies wisely’, he said. It was also established that the private sector had to play a significant role in economic growth and that an environment which encouraged this process had to be fostered.”

Mr. President, I contend that this environment, so far as the bureaucracy in Trinidad and Tobago is concerned—I know the Government had done other things to encourage private enterprise. It has mentioned on numerous occasions that its new role is to be a facilitator, which is good and I commend the Government for that, but so far as the bureaucracy is concerned, as we say in our Trinidad parlance, it continues to “strangulate” the country and economy.

In addition to that, Mr. President, when we continue as we are, without the necessary important reforms which we need, we lend—and I use the word advisedly—“ammunition” to certain people of certain ideological persuasions, which are inconsistent with our philosophies in Trinidad and Tobago, to indicate that our system is not working. We have not gone any farther than that. Let me add: I have been speaking about the bureaucracy, but I want to say that I am not referring to our public servants, particularly, because of the good public servants

we have in Trinidad and Tobago, and most of whom are quite good, that notwithstanding the inefficiencies of the structure, we are still able to get through with the job in the private sector; it is because of those good public servants.

Another question for the Minister, Mr. President, is that in this new scheme of things, he did mention that the procurement function would be localized in that particular ministry. Now, I would like to have a little bit more information as to how that is going to operate. Would the new system be set up in such a way that it would be above suspicion? Is it going to be a committee? Who is going to be on that committee? Would the Minister be on that committee? Would Defence Force personnel be on that committee? Would any Member of the present Central Tenders Board be on that committee? Would the procedures be formulated in such a way as to create a situation where that committee and the Ministry would be above suspicion? I think that is very important.

One last question to the Minister: I would like to ask him, Mr. President, if any particular attention had been given to the formulation of a special committee within the existing Central Tenders Board structure, with the existing Central Tenders Board rules and regulations and structure, to deal with priority items, to deal with emergency items, and would that special emergency committee have special rules and regulations to enable them to act efficiently and without delay?

Now, it is quite likely they may have given some thought to such a committee, is it a feasible mechanism to work with? So you retain the present system, but you create a special committee within the Central Tenders Board Ordinance in order to expedite the matters which deal with national security which are of a very important nature.

In concluding, Mr. President, I would like to say that although the bill does not make me entirely happy. When one looks at it in its broader context, I think one can argue that maybe the items that deal with national security ought never to have been part of the regular system anyway. One can argue along those lines. After all, one can say that when you are dealing with national security matters, which are the most important considerations in the country—everything follows after considerations of national security. This is so, not only in Trinidad, but in any country in the world—you are not dealing with the ordinary, everyday, mundane method of building a road or perhaps buying office equipment for the Ministry of the Environment; you are dealing with very important matters; you are dealing with things to do with arms and ammunition.

Central Tenders Board (Amdt.) Bill
[SEN. BAHADOORSINGH]

Tuesday, October 29, 1991

As a result of these comments, Mr. President, I would like to indicate once more my empathy, my sympathy for the measure in front of us, and I intend to give it my critical support. Thank you.

Sen. Dr. Prakash Persad: Mr. President, again, let me welcome the hon. Minister of Justice and National Security to this Senate.

The purpose of this bill, as stated in the explanatory note, is to exempt from the provisions of the Central Tenders Board the purchase of items and provisions of services listed in the Third Schedule. This includes arms and ammunition; repair and maintenance of vehicles, including Coast Guard vessels; security equipment, including scanners, detectors and safe fax machines; uniforms and protective gear; vehicles and appliances; wireless equipment and spares.

Now, Mr. President, one wonders, why is it that you would want to exempt the repair and maintenance of vehicles from the Central Tenders Board. I mean, one would have no problem with arms and ammunition, but such simple matters as the repair of vehicles, which would include motor vehicles, from the Central Tenders Board, the Minister must give an appropriate explanation.

Mr. President, if I quote from the *Draft Estimates* and we look at some of the items that the Minister wants to exclude from under the purview of the Central Tenders Board, these items include uniforms, repair and maintenance, materials and supplies, transport and freight, wireless equipment, vehicles replacement, repair to vehicles. In 1989, for the Fire Service of Trinidad and Tobago, the vote allocated to such goods and services was \$3,736,805; in 1991, the draft estimate is \$5,439,118. For the same items, Mr. President, for the Prison Service in Trinidad and Tobago, in 1990, the estimate was \$5,037,050; in 1991, it is estimated to be \$7,990,937. For the coast guard in 1990, for the same time items, \$5,846,590; for 1991, \$7,224,426. For the Police Service, the same items again, in 1990, \$13,653,670; in 1991, \$13,968,836. For the same items again, for the Regiment, in 1990, \$7,198,660; in 1991, \$8,032,386.

Mr. President, if we add up the expenditure for all the protective services listed in the Fourth Schedule, for 1990, it came up to approximately \$36, million; in 1991, approximately \$44 million. In 1990, that was approximately 0.175 per cent of the current GDP of the country, and for 1991, it amounted to 0.2 per cent of the current GDP. So what we are dealing with is sums of money that are quite large, quite significant. Since this money belongs not to the Government of Trinidad and

Tobago, but rather to the people of Trinidad and Tobago one needs to be careful how it is spent.

You see, Mr. President, I understand there is a figure being bandied about, about 10 per cent on contracts. With 10 per cent on contracts you will see it comes out to \$3 million and \$4 million, a lot of money. Therefore, one must be careful when new proposals are being put forward for spending of such moneys.

Mr. President, whenever the Government spends money, we must be careful to ensure that the money spent is maximized in returns. There must be public accountability, and whatever system is put in place for acquiring goods and services, the public must have confidence in such a system. It is very important that the public must have confidence in such a system. These were the very reasons why the Central Tenders Board was set up in the first instance. Therefore, one needs to examine, critically, any new proposals.

Now, the hon. Minister stated that the reason he wants to set up this new body, located within the Ministry of Justice and National Security, away from the purview of the Central Tenders Board, were:

- (1) that the lead time for goods and services and tools, as he called them, is far too lengthy—too many channels go against sensitivity requirements;
- (2) that there was little money at the disposal of the Ministry; and,
- (3) he needs to acquire these goods and services and tools in the shortest possible time.

If he wants to acquire the services in the shortest possible time, Mr. President, why? Has this Minister all of a sudden gotten an inspiration? Has it dawned on him that the situation in Trinidad and Tobago is bad, that citizens are under seige, that the police force is woefully under-equipped? Has he suddenly realized that? Was it an inspiration last week or two weeks ago to two months ago? Why all of a sudden has he realized this?

Since his Government came into power, the crime situation has been critical. As other Senators have said, we live under seige in this country. Has he suddenly realized this and he wants to run out and acquire tools in the fastest possible time? He must have more regard for this Chamber. He must have more regard for the people of this country.

He says that the lead times for acquisition are far too lengthy. I would think that in any ministry in which there is planning—and there is a Ministry of Planning and Mobilization in this Government—they are planning and they have planned to have endless documents. If you plan properly, then surely you know what you need when you need it, and you order appropriately. Then there would be no problem with lead times.

The fact that he is saying now—I do not know if he is complaining, because he is normally a very pleasant fellow, I must give that to him, so I do not say that he is complaining—but he must indicate to us whether this lead time, the fact that you have problems with the lead time means that the Ministry abdicated planning, or that if they have systems of planning and the implementation of some planning, then the Minister must take blame if there was incompetence in his Ministry. He is the head of the Ministry, he must take the blame.

So he has to give us reasons why, in the first instance, he realizes all of a sudden there is an urgent need to acquire tools for the protective services, and secondly, whether there is planning at all in his Ministry and if there is planning whether they are implemented. If not, he should do the honourable thing. But these days it would seem that that is an unknown word, on the other side, but, I will deal with that later on.

3.00 p.m.

Hon. Senator: Tell Panday to do the honourable thing.

Dr. Persad: Mr. President, the Minister comes now and says he wants to set up his own tendering procedure in the Ministry of Justice and National Security. Can he assure this Senate that he will provide proper accountability to the citizens of Trinidad and Tobago? Can he assure us that the systems that he will set up, will be free from corruption? Would the public, generally, have confidence in such a system? For the public to have confidence in such a system, one must look at the ethos that prevails in the country; whether people think that politicians are corrupt; whether people think that tendering procedures are corrupt. While it may not be so, as far as people are concerned, perception becomes the subjective reality, and we must consider that carefully. Therefore, the success of this system which the Minister proposes hinges upon the public's perception of the Government's performance in this area of corruption. Therefore, we must examine the Government's performance and the public's perception of the Government's

performance in this area. I am prefacing my arguments on corruption, so that Senators opposite will find no need to rise.

Mr. President, let us define corruption. I quote from the *Shorter Oxford Dictionary, Volume I*. "Corrupt", what does it mean? Some definitions include, and I quote:

"To turn from a sound into an unsound or impure condition; to infect or taint; to render morally unsound; to pervert good quality; to debase and defile..."

I hope the Minister responsible for Tourism is listening.

"To induce to act dishonestly or unfaithfully."

Not only to act dishonestly, but "to induce to act dishonestly". Those are some of the definitions of the verb "to corrupt". We see that includes much more than bribery or the passing of money. Corruption includes much more than that. Therefore, we must examine all the aspects of corruption.

Mr. President, how can we determine whether it is corruption or not? What is the mechanism? One of the first mechanisms which comes to mind is accountability. When moneys are spent, it must be accounted for. What is this Government's performance in that regard? It is very instructive to look at its performance in that regard.

I want to quote from "House Paper No. 6 of 1985—Second Report of the Public Accounts Committee, 1981—1986 term." This committee was chaired by the hon. Minister of Planning and Mobilization; and I have no doubt whatsoever that this Member is indeed honourable.

Mr. President: I just want to get it clear. Are you saying that report is 1985, and the committee was chaired by the Minister of Planning and Mobilization?

Dr. Persad: The present Minister of Planning and Mobilization.

Mr. President: The present Minister! There was no Minister of Planning and Mobilization then.

Dr. Persad: I am fully aware of that.

Mr. President: That Minister was then in the Opposition.

Dr. Persad: That is right.

Mr. President: All right, continue.

Dr. Persad: Thank you, Sir, for removing any doubts among hon. Senators, as to who the particular Minister was. On page 14, the committee states some of the problems it encountered as follows:

- "1. Inadequacy of operations and accounting systems to provide operation support;
2. Appropriate reporting and budgetary accounting controls;
3. Lack of adherence to established procedures, for example, to seek approval for overseas visits.
4. Inadequate information not readily available to members of the committee to enable them to interpret properly, documents handed to them."

Mr. President, from these few quotations, you can see that the committee's work was severely hampered. But what makes even more interesting reading in this report, is page 38, Appendix 3. It is a minority report by one Sen. A. Chow. He says, in the third paragraph:

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

This was way back in 1985. The hon. Sen. Kelvin Khan did make mention of that. This Government came in on an electioneering plank and a promise of accountability, and they knew, from before they came in, that the present mechanism to ensure that there was accountability, did not exist. One must rightfully ask: Their term is coming to an end, have they changed anything with regard to that? They have done nothing whatsoever with regard to that. Therefore, one must question their sincerity, and one must acknowledge their total lack of performance in this area—one might call it, "abdication of election promises.

In the Auditor General's report, similar instances are quoted—of moneys missing, irregularities, mismanagement. Year after year, the Auditor General says these things, yet nothing is being done. If there is not proper accountability, then how could any Government, with any conscience, come to this Senate and, indeed come to the country, to ask that another system be set up when the accounting systems are rotten? There are endless instances of fraud; of mismanagement, and nothing is being done about these matters.

Sen. Rampersad: On a point of order, Mr. President. The hon. Senator just does not seem to comprehend the manner of debating a bill. The bill before the Senate is the Central Tenders Board (Amdt.) Bill. He has spent the last 15 minutes talking about accountability, corruption, and a report and not tying it in at all, in any way, with the bill which is before us. Therefore, I want to invoke section 35(1) of the Standing Orders.

Mr. President: What is your point of order?

Sen. Rampersad: The point of order is that he is irrelevant.

Mr. President: Senator, I appreciate the point of order that you are making, but it is difficult to debate a bill dealing with Central Tenders Board procedures and not to expect, as others have done, to bring in questions of accountability, and so forth.

I think that what the Senator finds is that you are probably spending too much time away from the purpose of the bill. Probably you have made the point about accountability sufficiently to impress him, and maybe you can go on to something else.

3.10 p.m.

Dr. Persad: Thank you, Mr. President. I am not finished yet, I have just started. As I have indicated to you, I would preface my comments as to why we must discuss corruption in all its forms and facets. But one understands why he was rejected in his constituency; he is irrelevant to the political process.

The Minister says that he wants to provide the tools for the police service to deal with the situation. Do you know that presently 35 cars are being stolen daily? The police forensic centre can deal with—and I have the figures here—four cars per week. So I understand that if your car was stolen a week ago and the police recovered it, you have to wait about five years before your car is processed to determine ownership.

Let us consider the situation where a car has been stolen from owner (a); the registration number, chassis number and engine number are changed and your car is repainted sold to owner (b) who has paid money for it also. If owner (a) reports his car stolen and owner (b) is caught, it will take five years at the minimum to determine ownership of the car. At that time, owner (a) has lost his money; owner (b) has lost his money also and the car rots right over there. I am asking that if the

registration number is changed, is it not seem logical there seems to be some sort of corruption in an operation on this large scale, maybe involving insurance or the Licensing Department? I do not know. If they are talking about corruption, then they must answer these sorts of questions because these situations impact directly on the Government's performance and the people's perception of corruption and, indeed, there will be corruption. I will deal with specific instances later on.

I am asking the Minister the question: Is it not more important to train people to do such forensic analysis faster? Four cars a day! It is a shameful performance.

If this Government is serious about corruption, what about the commission appointed in March, 1987 to examine three projects. The first being the establishment of a joint-venture company between Tesoro Corporation of Texas and GOTP in 1969; purchase of aircraft from McDonnell Douglas. In 1976, the award of a contract to Sam P. Wallace and Company to build the Caroni Racing Complex. Where is the report? They have not done anything as far as corruption is concerned. There is a lot of old talk.

Again, this Government, it would seem, is riddled with corruption. For instance with the LID Programme. Mr. President, LIDP really—

Mr. President: I appreciate the issue of corruption but when coming to the debate on the amendment of the Central Tenders Board, it must relate to the operations of the Central Tenders Board Ordinance and matters connected. It is not a free debate. It is not a motion of no confidence. So if you can identify in what way the corruption you are referring to is related to the tendering process, I would accept it.

Dr. Persad: Mr. President, the case I am making is one of induction, that if there is rampant corruption, then it stands to reason that, by inference, such corrupt practices will infiltrate the tendering procedure. That is the case I am trying to make. Now, if you rule that, is an invalid case, I will—

Mr. President: The Central Tenders Board was introduced to prevent corruption, so if it is failing in that respect, then by all means, go on.

Dr. Persad: Mr. President, I will continue and be a bit more specific in this regard.

Let us look at the Municipal Corporations Act that this Government has not put fully into place as yet. Those corporations must fall under the Central Tenders

Board and right now democracy is being subverted because these county councillors are the elective representatives of the people and yet the Minister of Works, Infrastructure and Decentralization—I will think he is the god of democracy—sees it fit to employ such county councillors on a month-to-month contract. People who were voted in by the people of Trinidad and Tobago to serve their interests and all the services that these corporations provide fall under the Central Tenders Board and there is massive corruption there. This Government is “ECHO-ing” all over the country because this Government aims to say “YES”, to corruption and they are “SIP-ing” away the money with a new programme called SIP (Special Incentive Programme) and with no accountability whatsoever. That relates to the Central Tenders Board and they must reply.

Mr. President, do you know what LIDP is? LIDP is the lowest form of dotish politics and that is what they are engaged in—massive corruption. There is no accountability. The county councillors are unsure as to whether they are councillors or acting councillors; whether they are coming or going and who is providing the goods and services to the people of this country. If you go anywhere in this country wherever a government minister wants to contest a seat, you see oil sand flowing left, right and centre. I understand that one government minister was unaware that they had changed the boundaries and when he dropped the oil sand in another constituency, he said, “Oh, gosh, I dropped it in the wrong area.”

Sen. Furness-Smith: On a point of order, Mr. President. Other Members of the Senate and yourself have attempted to bring the learned Senator within the bounds of the Standing Orders. I have to again point out and object that he is not being relevant. There is no way that the possible corruption in respect of the municipal corporations, or the intentions of the Government to encourage corruption can be relevant to the Minister's bill which relates to the Ministry of National Security. With due respect, this is not a political meeting. The hon. Member will have the chance just now to “ramajay” on the thing, but not here.

3.20 p.m.

Mr. President. Senator, I know you can do better than that. One Senator has raised a point of order and I have spoken. The matters to which you were just referring, really, are not related to any tendering process, or the operations of the Central Tenders Board.

I get the impression that you have something to say and probably feel that this is the last opportunity to get it off your chest, but we have to put all things in

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perspective. I am sure that a person of your capability can bring in something of what you want to say, but make it a little more relevant to the bill.

Dr. Persad: Thank you, Mr. President. I was convinced and I must thank you for your kind view of my capabilities; I am very appreciative.

Under Act 22 of 1981, the First Schedule clearly states the various councils that are there and they have not been exempted from the Central Tenders Board. Therefore, if the Minister wants to remove the tendering procedure from under the purview of the Central Tenders Board, obviously how the Central Tenders Board operates is of relevance. I would think so. I am referring to such situations.

I would refer to some specific instances. Under Legal Notice No. 70, the PTSC was removed from the Schedule of the Central Tenders Board, I understand. Through some investigations with regard to the recently acquired buses by the PTSC, I understand that there are some irregularities.

Now, in the first instance, if I can get such information, then there is a problem with the Central Tenders Board that information leaks; because I do not work with the Central Tenders Board. Secondly, what I was told, upon investigating this problem, seems to be a bit strange, and maybe the Minister can throw some light on this matter. I understand that in the award of these buses there were over 30 tenderers, and a short list was made of five. I understand—this is what I was told when the problem was investigated—that upon directions from a minister, the number was raised to 10. The firm that got the final award was not on the first short list of five.

I am not here to slander or call names. What I am saying is that in the first instance, if I got such information then there is something wrong with the operations of the Central Tenders Board. Secondly, if the information is true—or even if it is not true, I do not know; this is what I was told—the Minister and his Government must take steps to dispel the public's perception that corruption is endemic in this society, including the Central Tenders Board.

I understand, furthermore, that the tendering procedure was a two-way process. One needed a two-stage process; you needed to have a financial package together with the services and vehicles you are supplying. I understand, finally, that one company got the tender to supply the buses only and the financial package was done by an unrelated company, when one would have expected that the company that is tendering for the buses would have a financial package to go with the

tendering procedure. Now, it seems to me a bit irregular and something must be done about it. It seems strange to me.

I would quote from a letter that I received. I do not want to call names, but in this specific instance again, with the corruption that takes place, maybe the Minister can reply appropriately. This relates to the National Broadcasting Service.

Sen. Bradshaw: Mr. President, may I caution the Member that if he reads that letter into the record, he may be asked by Members on the opposite side to identify the source of the letter.

Mr. President: Senator, if you want to quote from a document, it should be identified.

Dr. Persad: Mr. President, then I would not quote. I would indicate verbally what the letter indicates. I am not quoting because the source is confidential. People in the society are frightened because the NAR Government is a vindictive Government. People are afraid of this vindictive Government.

It would seem that apparently some computer equipment was bought and its true value was approximately one-third of that which was quoted and paid for the equipment.

Letters were written to the Government officials, including the Prime Minister, and up to June this year, no action was taken. Furthermore, the Chairman of this particular state corporation paid for his wife's unofficial trip; moneys that were extended to him as a facility or a courtesy in the first instance, were not paid back.

These are specific instances of corruption. I do not want to go out and slander people. I am a responsible person. The UNC is a responsible party but we owe a responsibility to the people of Trinidad and Tobago to let them know when there is corruption, because the money is not the NAR Government's money, to do with as they very well please. The letter was written to the Prime Minister and to the Minister of Industry, Enterprise and Tourism. They have copies of it. What have they done so far? This is important. The country must know this.

Sen. Furness-Smith: Mr. President, on a point of order. Surely, I am rising purely to get this thing straight. Sen. Bradshaw pointed out that if you referred to a letter, you must be prepared to produce it. It is surely not acceptable, having referred to a letter from a certain organization, then to say that you are not going to produce the letter but purport to read from something; or to make an allegation, and then state that the letter is available.

Instead of just saying “I am reading from it” he has inferentially given the same message and brought upon himself, the provisions of the rules which require him to identify it.

Mr. President: Senator, what is your point of order?

Sen. Furness-Smith: My point of order is that if allegations are going to be made based on letters, they must be produced, not a general “ramajay”. I cannot understand that.

Mr. President: Sen. Furness-Smith, Sen. Bradshaw quite rightly asked the Senator to identify the document, and he said he was not going to quote from it. So he is not identifying any person. But what he is saying is that he has information; and anybody can say that they have received information with regard to certain matters.

3.30 p.m.

I think he could have avoided it by not saying that the particular letter concerning that information is in the hands of a particular Minister, because he is coming back to the very thing he is avoiding in the first instance. That part of it should be withdrawn at this stage.

Dr. Persad: Thank you, Mr. President. Then I will withdraw the reference to the hon. Prime Minister and the Minister of Industry, Enterprise and Tourism, but my other statements stand because my investigations show—and I have information to indicate so and the Ministers and Senators alike, jointly, or singly, may show otherwise if they can.

I am quoting again specific instances of corruption. I have an invoice order—and I can give them a copy of this if they want—of the CMA in which they rented properties at Plaza Aranguez for \$10,900 monthly as compared to the previous cost of approximately \$4,000. This is a specific instance of corruption and this is taxpayers' money and you cannot do as you please with it. Every time you indulge in a corrupt act and you fail to provide proper equipment for the police service, some child is mugged and killed; somebody dies in the hospital. It is not your money; it is the people's money and it must be spent to the best benefit of the people. There corruption and accountability issues are extremely important.

Since I have these documents and this Senate rules that corruption does not relate to this particular bill, I have no problems whatsoever that they would go on

the public platforms and deal with it there. They will definitely do so. From all the information I have that these cultural corbeaux called the NAR—

Mr. President: You cannot refer to Senators as cultural corbeaux.

Dr. Persad: I was not referring to the Senators in particular. I am referring to the entity known as the NAR.

Mr. President: You are in the Senate, deal with the people in the Senate; you cannot address people outside of the Senate.

Dr. Persad: Therefore, Mr. President, I humbly withdraw.

From the evidence which we have, the Government's operations are riddled with corruption, and I can only infer logically that such practices would be extended towards this Central Tenders Board, and even if it is not the Central Tenders Board Committee located within the Ministry of Justice and National Security, that there is going to be a public perception that the practices are going to be corrupt. Therefore, since the Minister has not indicated anything whatsoever to detract from that perception, if anything they are adding to enhance that perception, I have no alternative but to vote against this particular amendment.

I thank you.

Sen. John Spence: Mr. President, I have now been in this honourable Chamber nearly five years. It is interesting that we seem to be ending on a very similar note to that with which we started; wild accusations without proof.

I was horrified on the first few occasions when I attended this Chamber, then it was the Government's side accusing the past government of corruption without proof. Now we have a similar situation but the shoe is on the other foot. May I say that I do not associate myself with either set of remarks.

I think that we have a problem with wanting to change the provisions which relate to the Central Tenders Board. I think we all agree that the system was set up in order to avoid irregularities. So it seems to me, that once we are looking at mechanisms for bypassing that system, or not using it, we must be sure that the alternative which we substitute also work to avoid the irregularities which the Central Tenders Board was set up to avoid.

It seems to me that the hon. Minister, at least in his closing remarks—because to me he did not do so in his opening remarks—should give us more details on

what procedures would be used. For example, if we are going to have that change so that the Ministry undertakes its own tendering, I would like to see at least three members of the Central Tenders Board sitting on whatever tendering committee is set up within the Ministry, because I presume that there will be some form of tendering committee. It would seem to be important that there is that provision so that there is some outside influence on the procedure.

If the two arguments for change are firstly, efficiency, and secondly, security and secrecy, then surely those two issues should be addressed in themselves because if the Central Tenders Board is inefficient, then there is a general problem, not just a problem for the Ministry of National Security. For example, what about the Ministry of Health? If there is a delay in ordering some critical drug for the treatment of patients, then there will be an adverse effect on the community; perhaps a vaccine for some outbreak of cholera.

It seems to me that at some stage the inefficiency, if it is there, in the Central Tenders Board must be addressed; and if it can be addressed then perhaps the necessity for setting up a separate tendering system would be less urgent. From my point of view secrecy seems to be extremely alarming, to think that secrecy does not exist in the Central Tenders Board. That too, should be addressed.

I have some difficulty in the approach in solving the problem. When we have inefficiency or a system is not working well, instead of addressing the difficulties and trying to correct them, we either bypass it or set up some new mechanism. If an institution is not working, instead of trying to make it work, we set up a new institution to do the same work. It was the same with the last government. The maintenance system in the hospital was not working; they set up a maintenance company to do it. The school security was not working they set up a company to do school security. Surely, we should be addressing the problems which are there and try to solve them, and then we would not have this possibility of introducing a system which might be open to irregularities.

Quite fortuitously, we have been given today the report of the Auditor General of the Republic of Trinidad and Tobago, on a special audit on the operations of the football massive project. Of course, some of the statements made in this report are very relevant to the discussion which we are now having. For example, under Summary of Findings—I shall read this paragraph:

"Indications are that before the idea was introduced to the Ministry of Youth, Sport, Culture and Creative Arts, work on the project was being

undertaken privately by individuals, who subsequently became members of the appointed implementation committee. There was evidence of plans afoot prior to October 26, 1989."

So that you have this problem that the same people who were doing it privately, now sat on the committee which made the arrangements and which were involved in the financial operations.

3.40 p.m.

It is common practice in the United States, I understand, that retired generals become advisors to firms that supply arms to the security forces. It is quite possible that the same thing may happen here. Therefore, it is important that the tendering procedure for arms not be confined to persons who may have been colleagues of the advisors who are now advising the firms. So we have a problem, especially in a very small community with limited expertise.

To continue with this report, which, as I said is extremely relevant. They make the comment that the deficit was increased by 150 per cent:

"The final deficit was \$795 odd, whereas the budgeted deficit was \$312. A 16-day delay in the return of the screens to suppliers meant that the Government was threatened with litigation and a liability of approximately US \$1 million. Approaches to the relevant authorities, the Central Tenders Board and the Solicitor General's Department, were made too late to allow for proper procedures to be adopted. The Central Tenders Board demonstrated a willingness to facilitate the proposal as far as the authority limits allowed."

So it is not a case of the Central Tenders Board not being helpful when there is a case of emergency. At least, this is what the Auditor General's report implies.

Summary of conclusions:

"Failure to obtain the services of the Central Tenders Board and the Solicitor General's Department increase Government's exposure to risk as demonstrated by the threat of legal action by the suppliers of the screens."

That means that we have to set up in the Ministry of National Security all the necessary expertise which would allow for a proper tendering procedure.

"Recommendations:

The services of the Central Tenders Board and the Solicitor General must be utilized where necessary.

Fast-lane procedures should be explored for handling projects similar to the Football Massive.”

In other words, what we should be doing is to look to how we can alter the procedures of the Central Tenders Board so that when emergencies arise, whether they be in health or national security, they be addressed.

It seems to me that the Hon. Minister would have to do two things in his summing up. He would have to make a stronger case than he has made until now, for setting up a separate procedure and, if he is going to refer to a separate procedure, he must outline it in such detail that we would be able to understand how it would work and, therefore, be assured that it safeguards us against the problems that could arise through the tendering process through which we have set up the Central Tenders Board. The question must also be answered, “why not have this in other ministries as well?” In other words, do we not need to address the whole system of tendering?

Finally, one other point that I would make and that is, Government purchases, to my mind, should be used more than they are done now, to build up local capability. When we are talking about tendering we are not just talking about material goods; we are talking about services. The services sector is one area in which this country has got to address from the point of view of earning foreign exchange and, indeed, saving foreign exchange because many of our services we now import—I am referring particularly to consultancy services. We should have a policy within the system that favours the award of government contracts by way of central tendering to build up local capability.

I remember some years ago I was visiting Canada on a Government mission and had discussions with those persons who were responsible for science and technology. There they were extremely concerned because the government was about to give a large defence contract to a firm in the United States and the people responsible for science and technology within the Cabinet secretariat were very concerned because this contract could have been used to build a particular capability within Canada, rather than to expend the funds in the United States. Now, it may well have been that the economies of doing it by purchasing in the United States were such that the Government felt that they could get it at a lower cost. Nevertheless, taking the broader view, it was clear from the point of view of the scientists and technologists that this was not what should have been done. Of

course, it applies even to a greater extent to a developing country which is just trying to get as many capabilities.

Hon. Minister Rambachan has made the point about the use of local services and I agree with him entirely. I do not want to take up this Senate's time with examples of when this is not being done, but I am sure that we all are aware of the problems in this regard and it is something which we must address.

It seems to me, again, that if you have a central tendering system, a policy such as this is easier to maintain than if you have separate ministries doing their own thing with their own priorities. I am not suggesting that it necessarily will be the case, but the risk exists that there may be closer contacts between people in a certain ministry and the system outside that is supplying the goods or services.

I must say that at this stage I am not convinced of the necessity for the changes that are being proposed but I hope that the Hon. Minister will address my concerns in his winding up. Thank you.

Sen. Alan Alexander: Mr. President, as you yourself have said during the course of this debate, the Central Tenders Board Ordinance, which was enacted in 1961 was for the purpose of preventing corruption in connection with the award of contracts by Government and certain statutory bodies. The bill which is being considered now, is a bill which seeks to exclude from the purview of the Ordinance, the Trinidad and Tobago Defence Force and the protective services of the country. Instead of the procedure which was laid down in the Ordinance, in aid of the prevention of corruption, the Senate is being asked to replace that procedure insofar as the Defence Force and the protective services are concerned, with a subsection providing that "the President may by Order make rules governing the award of contracts for items and services referred to in the Third Schedule."

Now, as I understood the Hon. Minister in his presentation, the reason for the exclusion sought is the speed with which it is necessary to award contracts for the purchase of articles and services insofar as the Defence Force and protective services are concerned. So, I assume, Mr. President, that these rules which will be made by the President, will be rules which are already conceptualized to hasten the award of contracts to these entities.

3.50 p.m.

In the first place, if these rules have been conceptualized, I do not see why they were not put before us for approval, and secondly, I am sure that all ministries and

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statutory bodies would like to have a procedure which is on the side of speed, and I ask myself: Why are those rules which have been conceptualized not going to be made applicable to the other ministries and statutory bodies? I do not see why there should be any reason to the contrary. In other words, Mr. President, if I am right in implying that these rules have been conceptualized, I would have thought that what Government should have done was seek a comprehensive amendment of the Ordinance to make these rules applicable to the entire gamut of Government activity. Of course, if I am wrong in implying that these rules have been conceptualized well then, why are we here? If you do not know what rules you are going to institute to bring about speed, then we are only spinning top in mud.

Mr. President, insofar as softening up bureaucratic systems is concerned, I am all for it, but you must show me that your proposals are going to be effective because in effect, this amendment is not by itself going to create any tendering procedure for the Defence Force or the protective services. The procedure, if any, which will be provided, will be by those rules. The rules which are foreshadowed by subclause 2(b) of the amendment. So what in fact, we will be doing if this amendment is passed is that the Defence Force and the protective services will not be under those procedures which in our law are procedures to prevent the incidence of corruption insofar as Government and the protective services are concerned.

Mr. President, I am very concerned that the award of contracts for arms and ammunition, repairs and maintenance of vehicles including Coast Guard vessels, security equipment, uniforms and protective gear, vehicles and appliances, wireless equipment and spares will be an "open sesame". I am not saying that is the intention, but that will be the result of this amendment.

Mr. President, if the entire Ordinance was being repealed because the people in Trinidad and Tobago in 1991 were not corrupt as they could have been in 1961, I would say okay, we do not need this piece of legislation at all. But since it has sought to retain those procedures in respect of the other ministries and departments, it is not, in my respectful submission, a sufficient reason to say that the reason for this amendment is speed because, Mr. President, what we are dealing with here, is the Ministry of National Security and one would imagine that there will be some sort of planning in that Ministry which will account for time. This is not a bill which is seeking to assist ad hocism, and in any event, I do not think that we should give any assistance to ad hocism, but we do know that there

are situations of emergencies. Emergencies arise from time to time, but this is not what the bill is all about. This bill is not about emergencies because as the Minister well knows, the law provides for situations of necessity. When a situation of necessity or emergency arises, the laws could be circumvented as it were.

Mr. President, this bill is not about adhocism. On the face of it, this bill is to take away from the Ordinance which was enacted to prevent corruption on the award of contracts insofar as the Ministry of National Security is concerned, a situation which to me, is very, very frightening. It is frightening to me, because the political history has demonstrated that when a government is corrupt it uses the protective services to keep it in power.

Mr. President, It has happened not so far from us and it is happening now. So I think that I personally, and the Members of the Senate—

Mr. Toney: Mr. President, on a point of clarification. The hon. Senator made the point that political history has shown that when a Government is corrupt, it uses the protective services to keep itself in power. He also said that this is happening not very far away from us, and it is happening now. I would be very thankful if he could specifically indicate where exactly he is speaking of when he says that is happening now. Is he referring to Trinidad and Tobago?

4.00 p.m.

Sen. Alexander: I said not far away from us. I am not saying that it happened to us. I am saying not far away from us. You repeated what I said.

Mr. Toney: Mr. President, the hon. Senator said that it is happening now, I am just asking if he is referring to Trinidad and Tobago. If he is not, well then I have no problem with the remarks.

Sen. Alexander: Because I am sure that the hon. Minister for External Affairs will give him that advice, where it is happening now, not very far away from us. Because the hon. Minister was involved in a very serious exercise where the protective services were not only seeking to keep itself in power, but seeking to tell other people, “You better leave us alone, or else”.

Mr. President, I never said that it was happening in Trinidad and Tobago. I am sure I said it was happening not far away from us. When I use the term “us”, I mean Trinidad and Tobago, the nation. So, I think the Minister needs to give us some explanations.

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You see, Sen. Bahadoorsingh introduced the question of national security. But the Minister himself did not, in his presentation, say that the necessity for the exclusion of the Defence Force and the protective services from this bill was a matter of national security. I do not think he said that. I am wondering whether, subconsciously, that is not the situation. But I doubt whether it is because, Sen. Bahadoorsingh alluded to the events of July, 1990. It is the first time I have heard that novel rationale that the Central Tenders Board was responsible for the 1990 events. I think that is a bit far-fetched.

So, Mr. President, I think, from a political point of view, a serious question of the almost symbiotic relationship between corruption and military reaction is a matter for deep consideration of this bill. I am all for speed and I am all for breaking down bureaucratic barriers, but if the Minister has a view as to how the tendering procedures could be speeded up, then he should not discriminate against the other Government ministries. The barriers should be broken down insofar as the tendering procedures of all Government ministries, departments and statutory bodies are concerned. That, Mr. President, is my short contribution. Thank you.

Sen. Mootilal Moonan: Mr. President, this afternoon, before I start my contribution to this Bill, I want to make it quite clear that for the past 12 or 13 months I have been here, I have enjoyed being in this Parliament. I have learnt a lot, and what I have said was always the fact and always the truth. I want that to be noted. I never came here to embarrass anybody. We come here to pass laws and get things done to rule this beautiful country of Trinidad and Tobago.

This afternoon, I heard Sen. Alexander speak and I want to endorse everything he has said. He has spoken brilliantly, honestly and factually in all that he has said. I could not be better. I think it is the best speech I have heard Sen. Alexander make while I have been in this Senate. I congratulate him, through you, Mr. President.

Mr. President, this afternoon, as you know, we have to debate the amendment of the Central Tenders Board Act presented by the Minister of National Security. I heard Sen. Alexander make a statement, "all want to vote with full speed ahead". When you travel full speed ahead, you know what happens; sometimes you crash. When you crash, you know what happens; you get killed. We do not want to kill anybody and we do not want the country to die. So if our Minister of National Security wants to kill the country by passing laws and getting things done quickly, then woe be unto us. I do not think even his own Senators would want that.

Therefore, I think the Central Tenders Board Act, which was passed by a great Prime Minister, the late Dr. Eric Williams, should remain in force. He knew what he was doing. After 25 years' experience he learnt the weaknesses. Now, my friend has spent a few months in the Ministry of National Security, and he has no restraint. He wants to change it around. I would not agree with that and I know many Senators on the other side do not agree with that, but because they have to toe the line, they have to say yes. That is why we say most of the time in this Parliament, "the ayes have it". You know why? Because the majority sit there and they can plan and I know for sure, many of them have told me. But you are in that party and when the party is leading us on the wrong path you have to agree with it, otherwise you get killed. That is why Sen. Alexander used the word "speed", speed to kill.

The hon. Attorney General knows very well that very soon he will need a job because the Parliament will dissolve before long. Many of us will not be here. This might be the last few days or few months in this Parliament. We have to be honest with ourselves, with our own conscience. We know for sure many of us would not be here. Most of the people from that side will not be here. They might win the election—I am not saying they might not hope to win the election. I do not want them to jump up. My good friend, Sen. Rampersad is starting to make comments, so I would agree that they might win the election, but he will not be here.

This amendment to the Central Tenders Board Act is a serious matter. What I have to tell the Minister this afternoon is that he should continue dealing with the Central Tenders Board, but get new efficient, full-time people. Do not pay a fellow \$500 and \$200 to attend meetings. That cannot buy gas, that cannot buy a good roti today. If the roti is properly prepared he cannot pay for the roti and they tell him, come and sit down to award a contract for \$4 million, \$50 million, \$1 billion. The administration is a bureaucratic system and they are quick to blame the civil servants. The Ministers and the Government are quick to blame the civil servants. I do not agree with that. Some of the best brains in the country are civil servants. They are not given the right—as I had to tell one old civil servant who worked for WASA for 30 years. When I employed him I said, I have an old man with a young brain that rested for 30 years; and I was right, he did a very good job.

So this is what happened, with the system, with the Government. We have some inexperienced people who win political seats because they are popular maybe in steelband, but they cannot run a government. We have to get people who can

run a government, and who could carry on. A fellow might come here and say he is a lawyer; he might not be a good lawyer, but he wants to get a good job so he comes here and he prepares himself. He passes on some job to some people in Point Lisas. There is one Senator here—I do not want to call names, but if you, Mr. President, ask me to call the name, I will call the name. I have learnt to bring supporting documents now. You have taught me that, Mr. President. I want to thank you, because the Members complain. Now, every time I make a statement, if they make a mistake and tell me, “Present the document”, hon. President, I will present the document and I will circulate it. I have decided to bring 31 copies so everybody will have one.

Mr. President, I am saying, as I said before, I am not here to embarrass anyone. We have to teach each other to get things done in the right way. I am sorry the Minister of Energy is not here, my good friend, Sen. Atwell. It is not his responsibility, but his Ministry has done something today and it is very serious. I am referring to National Petroleum. I have all the facts and documentation. The Minister is trying to get a law passed in this country that when he is gone—he is a young man, he might live for a long time—that law would still not be functioning. I am trying to protect that young Minister. He claims to know a lot. Many times he talks—last night I heard him on the television—but when we come here to pass laws, he alone does not have to live with those laws. It is the people of the country who have to live with the laws. We have to pass the right laws that everybody will get a fair deal.

When you give the Justice and National Security Ministry the right to buy, what they will do then is give you a pre-qualification. Mr. “X” is selling motor cars, so he said, “I will give you an order for a hundred cars.” They write the specification; I know because that happens today—and I will draw a reference just now to it, I have the facts there—and I hope the Minister of Energy would be able to investigate that by tomorrow. If he does not investigate it, there will be a corruption of over \$3 million. So I am just saying this—as I said before, if you want documents, I can bring you documents—then you, Mr. President, would be accused for allowing these documents to be circulated. I am willing to present them here.

Mr. Toney: Before you go on, if you would kindly let me ask a question. Sen. Moonan, through you, Mr. President, the instance to which you are referring where you spoke about people having the specifications beforehand, is this matter related to the Ministry of Energy or to the Central Tenders Board?

Sen. Moonan: We are talking about the part of the Central Tenders Board and the amendment, the different sections, Mr. Minister.

Mr. Toney: Oh, please, I do not think he is following me, Mr. President, and I could help him, I would. What I am asking is: He referred to a matter where, before an award was made, someone had the specifications, and they were quoting the specifications to submit to the Central Tenders Board. I want to know if he is referring to a matter that is before the Ministry of Energy, or if he is referring to a matter that is before the Central Tenders Board. I want to be clear so that when I rise to respond I will know exactly to what I am referring.

Sen. Moonan: All right. It refers to the statutory board, National Petroleum. But that was the point I was trying to bring: The Central Tenders Board should have an executive and a chairman and a board and then each ministry or statutory body would give a deadline that this contract should be awarded within so many days. With respect to the National Security Ministry, what would happen, you would want 20 cars or 100 cars. So you have to set up a board. The board would then set a specification to use only Nissan vehicles, or use Toyota vehicles. So when the tender goes out they have this specification. If a man is using Ford, he cannot bid, because you have a specification written there. You deal with that specification and corruption starts there. Certain members on the board might get a kickback, maybe a car to some family member or relation down the line. I am trying to say these specifications should not be written in such a way that they exempt other people. It has happened before, 10 or 15 years ago with the Central Tenders Board which I can verify.

I have a letter which I had written to the last Minister of National Security when they were going to repair old cars. I am the one who said they should buy new vehicles because it is cheaper to buy new vehicles and change them every three years than to repair old vehicles, because the Government does not pay taxes.

It needs a little planning. One of the Members on my side said, "We lack planning". We have old planning and new planning, but we do not understand the word "planning" and we do not understand the word "contract". "Contract" does not mean only building roads and building bridges and so forth. That word "contract" has to be interpreted on a wider scale. This is what I am trying to tell you, hon. Minister. You have the power. You sit on the Government side; you always say, "The ayes have it", whether it is wrong or right. That I am not

disputing at all. I am not here to dispute that this afternoon at all, hon. Minister. Knowing the history and background, I will not dispute that, because we are going to lose. It is like beating a dead horse. The horse is already dead, how are you going to beat it! To kill it more? It cannot die twice, you know.

I sent a letter to Mr. Richardson, I sent a letter to Sen. Broomes about the Central Tenders Board. Sen. Broomes wrote and told me—I am talking about Central Tenders Board amendments and bringing all these things. When the Central Tenders Board does something and they want to get away, they say, “that is not under our jurisdiction”. The same thing will happen with the Ministry of National Security. When the Minister gives the contract to somebody else, they would say, “Look, I tell the fellow to do so and so, but he did something else, it is out of my hands, I am only the Minister”. I agree he is only the Minister, but he has already directed the people what to do and he washes his hands like Pontius Pilate. But hanging is there for sure.

So this is the point I am trying to make, Mr. President. This amendment of the Central Tenders Board Ordinance, to put power into the hands of the Minister of National Security, would create the biggest crime. It is like having the unemployed and we have created crime as a result. When you have unemployment people get hungry and when a fellow get hungry it becomes like the show *Les Misérables*. A fellow will thief bread; he will do this and do that. You cannot stop that. You can pass all the laws, you can build all the prisons and put them there, when a man gets hungry—a hungry man is a vicious man, he is worse than a tiger. A lion might stop eating if he is full, but a tiger will eat you until you are dead. This is what they are trying to create by not creating employment. I am saying that this amendment to the Central Tenders Board Ordinance would create that situation.

I am not pointing at any individual, because all of the Members across there are my friends. I respect them as my friends, and they will always be my friends. But we are dealing with the laws of the country and not friendship, nor partisan politics. I did not come here to deal with that, I came here to deal with the law that is going to govern this beautiful nation of Trinidad and Tobago. It is one of the best countries in the Caribbean and maybe the whole of South America, and even better than many places in the United States and we are all aware of that. We must cherish it. We must not get laws like what the Minister of National Security is proposing. Do you want to say something? You are privileged to say it.

Sen. Rampersad: I was just asking you if it is better than Miami, too.

Sen. Moonan: I think you have a disease; you do not hear well.

Mr. President: You have a tendency to speak directly to Senators.

Sen. Moonan: Sorry, Mr. President.

If a man falls down here and he needs oxygen, if he is my enemy or my friend, I would give him oxygen. So he wanted a little oxygen, so I give him some. We have to keep him alive; he is already dead you know.

I said before, Mr. President, he is my friend.

Sen. Furness-Smith: Is the hon. Member suggesting that a slight impediment of hearing constitutes being half-dead? That is the message I was getting. I am concerned, Mr. President.

Sen. Moonan: I did not hear you.

Sen. Furness-Smith: The suggestion sounded to me as though, because an hon. Member there was alleged to have suffered some impediment of his hearing, (a) he was ill, and (b) he was half-dead.

Sen. Moonan: Mr. President, after I hear that from the honourable and learned Sen. Furness-Smith, he would know what I am talking about. Nobody else knows better than he does.

Again, Mr. President, as I say, I want my friend the hon. Minister of National Security to take cognizance of the fact that we must keep the Central Tenders Board and they must set up a system.

They want something in a month's time and they must put the money. This Ordinance of 1961 gives us the best guidelines. There could not be better guidelines, even though they amend it. If they change the wording, they might put "if" or they might put "was", and they may put some kind of thing like that. Where "s" is, they may put an "x", that is all they could do. But they cannot improve this. This Ordinance is fantastic. It is the people we put there to run the thing. Maybe we do not have proper people in some ministries. If they are there, even if they are good, they have limited authority. The executive, the new number one executive says you cannot do that, and the number two from the same sister island will sit and talk for two or three hours and everybody else has to sit and listen. They know that. If they even comment on that, some of them might lose their jobs. Some of them cannot do without their jobs. I know that, everybody must have a job,

Central Tenders Board (Amdt.) Bill
[SEN. MOONAN]

Tuesday, October 29, 1991

everybody has to work. I am here, maybe, I get a little pittance, but it helps. The first thing you need is honesty within your mind. Though we might be doing a job, we are not doing it for nothing. If we get five cents to work and we come here, it means we are paid, we accept that. If we do not accept that, we put in our resignation, as my good friend Sen. Rampersad put in his. I admire him for that. I mean, I do not want to be personal.

Mr. President: Try not to be.

Sen. Moonan: What I want to tell you again, Mr. President, there is a certain Member, and I want this to be noted very clearly in this Parliament, who had put one of his nephews to get all the legal work in Point Lisas. A junior legal man. I have the facts here. As I say, if you want, I will give the facts, the name and so forth. If you give me the okay to call the name and present the facts, I will circulate it. I only want somebody to say “yes”. You have taught me to be careful and what to say and I have learnt that well from you because you have been here 30 years. Nobody knows the procedures better than you, Mr. President, and I respect that. I am not saying this to flatter you. I do not flatter anybody. I do not give anybody “mamagism”. That is not my job. We came here to debate the bill to amend the Central Tenders Board Ordinance.

I am saying, Mr. President, under no conditions will I support it. If I am the only man to say no, it should be written in *Hansard* that I say no. Because children unborn and generations to come would know about this. The biggest mistake we ever made in this Parliament was giving that Minister the authority to buy. He would not be there unfortunately. He might be honest like Christ, and when you honest like Christ you get crucified. That is possible, too. He knows that and it took them five years to understand the weakness. They want in five years to just put it in a book, to create some kind of record, to say, they have done this and they have done that. But the point is, I would be dead and gone. He is younger than me, he would most probably be living. But the way he is going, I think he may die before me. I could guarantee you that as the sun rises.

Mr. President, they have a procedure in the Central Tenders Board which is also wrong. They prequalified people in contract. A contract that prequalifies—I wonder if my good friend has the dictionary there to lend me and maybe to explain the meaning of prequalification. When you prequalify to do a job, what does it mean? But that happened with the job to continue the Churchill/Roosevelt Highway from Piarco roundabout.

Now, I did not tender for that job, so my good friends on the other side cannot say, “Hey, because they did not put you in, that is why”, or that my company did not qualify. I am putting before this Senate the procedure and the method used. Aripo Contractors prequalified for \$18.2 million for one phase and the second phase was \$13.4 million; Dipcon was prequalified for \$19.2 million, and the second phase \$14.2 million; Seereeram Brothers was prequalified for \$23 million for one phase and \$19.2 million for the other phase; and Trinidad Contractor was prequalified for \$27 million and \$21 million. As I said, they tender was a public one, so we have all the facts. I have the documents here. So I could call names. You know they gave it to Seereeram Brothers for \$4.8 million more than the other fellow who prequalified and they say that is the way it goes. Now, I have a letter here from the Prime Minister, he says, I do not know anything,” and I have another letter from him, saying, “You know, I have stopped them from doing so and so”. I do not know who is the boss. They say the executive is not the boss, they say the civil servant, everybody, is independent.

I am of the opinion, Mr. President, that the Prime Minister controls the country. He controls if we have uprisings, or disturbances, or floods or a disaster. The Prime Minister is the one who goes on the television and says, “We are doing this and we are doing that.” But when it comes to these things, he washes his hands. So I do not know how they govern this country. I do not know.

I think we work with a Constitution that is well written. Some of the executives on the other side—*[Interruption]* I do not want to hear you again, I do not want that.

I do not know how they run the Government. I am not here to tell them. I am not a man in the Government, I am a man in this Parliament in the Upper House. The Lower House is where they are arguing. We present facts here to improve the lifestyle of this nation, not to destroy it.

A sum of \$4.8 million more than the lowest bidder and they gave Seereeram the job. They say he could do it. Do you know how many houses that money could build? If you build starter houses costing \$20,000 each, do you know how many poor people could have houses to live in? This same Government is preaching that this same Government does that. They dance with different types of music at the same time; unfortunately, I cannot dance. I do not know if they put a Hindi dance with calypso and mix them—I do not know if they mix it if they would put all those ingredients, Mr. President.

Sen. Rampersad: I am wondering if the hon. Senator would allow a question.

Sen. Moonan: I do not want to hear him. I will only sit for a point of order. I am not wasting time.

Mr. Toney: Mr. President, on a point of clarification. Is Sen. Moonan aware of section 24 of the Central Tenders Board Ordinance—and I feel he can look at it at another time—the gist of which is that the Central Tenders Board is under no obligation to accept the lowest offer that is made to the public in the award of a contract. I just thought I should bring this to his attention.

Sen. Moonan: Mr. President, I am very happy and very honoured that the learned Minister brought up that point. Because that is the same thing I was trying to say, that they would put in the clause “under no obligation”, and they are ready for 50 cars or 100 cars to be sold to somebody else. I am very happy that he brought that up. You can see you are a very intelligent and learned Minister; you know the weak points of this thing, therefore, you could use it to your advantage. That is what we are saying. We do not have it here already. We want to improve this. Sen. Charles said that we jump from one place to another. I know you want his Ministry. I know you want his Ministry, so you are doing everything possible—you will get it, do not be afraid.

Mr. President: Come back to the subject.

Sen. Moonan: You see, everybody went off the subject, I keep on the subject as much as possible.

Mr. President: You are having a personal dialogue with the Minister.

Sen. Moonan: Mr. President, the National Security is a very important Ministry. The hon. Prime Minister knew that, he, being a student of the late Eric Williams and, therefore, when he put a Minister there, when he put Mr. Richardson, he put Minister Toney to watch him, and when he put Toney, he brought a son of Tobago to watch him; he said, “Well, you can see better than those fellows, you know”.

Mr. President, I just want to say how we have to watch all these things. All this is part of the process, how we are monitoring, how we are going to operate and how we are going to rule it. These are the things that we have to be very careful of. Sure, my good friend. I am glad my friend here wants to say something.

Dr. Rambachan: I simply wish to ask the Senator just one question. If the Senator were in his own business awarding a contract, would price be the only determinant in the contract, or would he take any other matters into consideration?

Sen. Moonan: Mr. President, he asks another very intelligent question. I mean, he has a Ph.D., I know he is very intelligent. But you have to remember: You always have to study the reaction. The price is very important if you have somebody just as qualified as the other guy to do the job. If it is your own money, would you give the job costing \$4.5 million more to another man? They have built roads just as anybody else. Then, why did you prequalify him? Mr. President, the Central Tenders Board prequalified him. That is what I said. You are working with two things. I mean, you prequalified him. If the man was no good, you should not have prequalified him. He should know that. He is with the tender with the housing business in Aranguez. I do not want to go into that. Do not cause me to make statements because I will bring the evidence.

4.30 p.m.

Dr. Rambachan: On a point of order, Mr. President. I have no interest in any housing in Aranguez, or in any part of this country.

Mr. President: I think this is a good time to take the break. The sitting is suspended for half an hour. We will resume at 5.00 p.m.

4.32 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Moonan: Mr. President, I have to continue this lively debate this afternoon because it is a very important subject, this amendment to the Central Tenders Board Ordinance. The Central Tenders Board spends millions of dollars for this country. The lifeline of this country lies more or less in the Central Tenders Board. If you want medicine, guns, *etc.*, you have to get everything from the Central Tenders Board, although the Minister of National Security wants to put guns under his Ministry's control now, but I am not on that point this afternoon. I think the Ministry could be divided into two—the police on the one hand and the army on the next, just as the Prime Minister put two ministers, one to watch the other. I think it is a good idea. That is a recommendation I would like to put forward. I am not the Government—maybe in the future we might do that.

I want to bring a point here about the award of contracts. You have DIPCON who was awarded a contract for \$14.2 million; they give him the job and another contractor's bid was lower. These are prequalified contractors. The other contractors met all the requirements for getting the job. It is not an open tender. The criteria were there just as if you have the criteria why this man should be a Minister or a police chief or something like that. It is as if he has all the criteria and they bring a man from "Behind the Bridge" and put him in charge or they bring him from Tobago and put in charge. It is good to put a fellow from Tobago, especially to watch a man from Toco/Manzanilla.

Another contract was awarded to repair the Claxton Bay landslide. The tender was \$9 million. I wrote the Prime Minister before the award was given out. Ali Meahjohn Limited was to get the job. This is the letter I wrote to the Prime Minister and his reply. If you want it, I will circulate it to you. If anyone challenges me and you give me the permission, Sir, I will publish it. They stopped the job and went back for open tender. Fortunately or unfortunately, one of my companies was qualified for the job, Mootilal Moonan Engineering TT Ltd., along with Seereeram Brothers, Junior Sammy Contractors, Construction Services Ltd., Trinidad Contractors, Dipcon Engineering, Ali Meahjohn Limited. I am bringing this point because it is said the Prime Minister and the Minister of Finance has no power over the Central Tenders Board, but this Act clearly says the Minister has all the power. It is written there. I did not write this.

They did not know what to do, so they said Mootilal Moonan Engineering should not get that job, although over the last 20 years we have done maybe \$200 million worth of jobs. We were the only contractor to use soil stabilization with Texaco in 1960. They used the same specifications. Our price was \$6,184,000. They said, "no, you should not give it to Moonan, give it to Seereram, whose price was \$6 million." Through my intervention, they did not give it to Ali Meahjohn so they saved another \$3 million to \$4 million which could build some starter houses for the poor or start some industry. Just now the Minister would say I am talking about grassroots. You see, grassroots grow and get tall but the roots are stable. Then somebody will make some comment about Mr. Panday and so forth. I am not Mr. Panday, I am Mootilal Moonan and when I come here, I come as a Member of Parliament and this Senate is comparable to the House of Lords in England.

Therefore, if certain people are placed here and they do not know their rightful place—there is a saying that you could take someone out of the ghetto but you

cannot take the ghetto out of him. I would not debate that at this point in time, but I want to bring this point forward for you to understand because I am a simple fellow, I do not know how to use the big language. I believe we should let everybody understand from the bottom to the top what kind of criteria should be used.

Yesterday, NP wanted to give Readymix Concrete a contract, so they put something in called fibre mesh. We overheard their intentions so we went to Miami and brought in the fibre mesh. The first job that went out to tender, we won it and we decided to try it out for \$27,000. When the job finally came for \$3 million, they said that Mootilal Moonan does not qualify to do that job so they gave the job to Wimpey and Trinidad Contractors and Readymix. The man who should charge others for corruption is the Attorney General—I cannot do that—but I am bringing these facts to him. The entire country should be placed under the Central Tenders Board and when I say the entire country, I mean all statutory boards and so forth.

In Fyzabad there is a certain engineer who works there and his brother and nephew are contractors, so if somebody's bid is lower, they change the specification, cancel the job and suddenly six months later you say the job is completed. The point is, Mr. President, we are trying to prevent that and before we get out of this Parliament in the next three months or so, we must try to make some of the wrongs right. We cannot fix everything but we cannot bring something which is wrong to put another wrong again, or bring a bigger loophole. This is what I understand the hon. Minister wants to do.

He might think that he is doing the right thing. It is not because he does not want to do the right thing but it is because the hon. Minister lacks the experience and knowledge in that field and he is not honourable enough to admit that. This is my view. If he listens carefully—and he is a brilliant fellow because he knows the law—he will go back and study this matter and put a team of people to investigate it before he passes the law. Because he would not be there all the time and people would be doing what they want in the Ministry of Justice and National Security. It would become worse than ever. They might have to suspend people and send them on holiday. We do not want that to happen again; we do not want a continuity of those things. Also, it embarrasses the Minister and he cannot do his work.

As I said before, the people who work in the Civil Service, the army the navy, and the Police Service are brilliant people. I had the privilege of employing an ex-

Commissioner of Police. The man has more brains than most people think, but when they are working in the Civil Service, people say they are no good. I had the privilege of employing a former priest, one of the best in this country; I had the privilege of employing a Minister from the last Government. I had the privilege of employing many people in different walks of life; the number two man from WASA. I had the financial comptroller of the Federal Government employed with me—he was the man in charge of the Treasury. So over the years I have gained experience and this is what I am trying to pass on to this honourable Senate, this afternoon. I am not trying to find fault. If anybody takes it as personal then I cannot be blamed for that. It is not my intention.

5.10 p.m.

I repeat that again and again; we do not have enough time to repeat it. It is important. It is like a child going to school. You tell the child every morning, “Be careful how you cross the road”. You do not tell her one day; you tell her every morning, because of the importance of it. Do not do this; do not interfere with drugs, *etc.* You do that every morning as a parent. So I am repeating myself as a citizen of this beautiful Trinidad and Tobago, to let the Minister—some of us have hearing aids and there are those who cannot hear properly; it would pass the hearing-aids and go through. This is what I am trying to say.

I want you to take it in that light, Mr. President. I am not here to embarrass anybody. I want to pass this on because you and I and other Senators probably would not be here for the next term, but we would be walking in the streets and meeting and saying, “we have done so and so”. We would be proud and honoured within our own consciences. This is the reason I am speaking like this, this afternoon. I have not brought a written document. I could write a little bit or I can get somebody to write me a speech and come and read it here. I am not reading any speech. I am only bringing certain facts which are presented here.

I am talking from the reality of life. This is the way I think, if the honourable Minister, whom I just got to know recently—and I am of the opinion that most probably he does not like Mootilal Moonan because of a certain relationship with his brother or something like that—but I realized after talking with him on the last day he was here—he said he admired my tie, and asked me where I got it and I told him he can get one in the store—that he is an honourable man. I think he would be able to do the job, but he is young and is advised by the people in the Ministry that if we do this and that we would get this. That is not the point, we have to have the money.

When you do not have the money you have to play delay tactics. According to the Central Tenders Board Ordinance, you must have the money put in place before you award a contract. The last Prime Minister of Trinidad and Tobago, my good friend, George Chambers; you know what was the last thing in all the ministries? It was to take how much credit you can get all about and somebody else had to pay for it, but you have to keep the labour going. I hope that this Government that is going out of power is not doing the same thing. I see they are putting many jobs out for tender and prequalification. I hope they are not doing the same thing. I am not saying that they are doing it. I only hope they are not misleading people, because 50 tenders come out in the newspapers and nobody will be paid. That is misleading the nation. An honourable Government cannot do those things.

Another thing that happened recently, as you would have seen, a certain bank—all this is tender procedure that concerns the Central Tenders Board. I am drawing different illustrations so this gentleman would understand what is happening in the different departments, so he would be able to think better, as a good lawyer. He is a lawyer and a lawyer has to go into 50 different books to do research, with cross-reference here and there, and then come up with the point. That is why I am talking this language.

A certain oil company—Trintoc—wants \$100 million borrowed and had a bid for it from different banks. The National Commercial Bank got the tender at a very low rate. At 11 and 12 1/2 per cent and they are trying to raise \$100 million, that is why they put out a thing about 10 3/4 per cent for \$100,000, but remember, only \$50,000 is insured by DIC. If they do that at all, they would get in trouble. Do you know what they did when they could not get anything? It is like Caesar to Caesar. NP managed to lend them \$30 million to give the payment to Trintoc.

The Minister, in the end, will polish that up and they would have the last say. As I said before, the ayes would have it. The point is that I am trying to bring certain information which would affect the future children of this nation. I mean, if I were on the Government side I would do the same thing; do not misunderstand me. Do not misunderstand that at all. Because when you get into a jam, you have to get out of the jam; but the jam so big it is like two car crashing. It is like the two 747s that crashed in one of the small islands and blew up at full speed; nobody was saved.

This is what I am scared about. Mr. Toney would go back to the High Court, sitting down going through some cases; the friends he had made and people he had given matters to, like the Attorney General—which happened in the last Government; it happened in the Government before that, the Attorney General before that.

Fortunately, I was around since 1960. I was privileged and I am still a privileged person in the nation, to go in different places. I claim that credit. The people, whether they like me or not, if they give me a position by love or fear, I am there; that is the important thing. As long as I am privileged to be there, I get invitation to the best cocktail parties, the best dinners and so forth. I am there; I accept it and I go. I do not care if you are from NAR, PNM or UNC. I have nothing to do with that. It is the people. That is what I deal with. This is what I am trying to present here this afternoon.

I hope and pray that the Minister has been listening carefully. Most probably, he might say that I amuse the crowd here or something like that; that is all right, I do not mind what they say. Amusement is great too. People pay Bob Hope and others a lot of money to be amused, so if I amuse people, it is all right. It does not make any difference with me. I accept that. But everything that I say, I am serious about it and I honestly believe it. What I say is a fact of life, as I said earlier this afternoon. You see, sometimes you have to repeat yourself to be understood. That is why the show “Sesame Street” is the best in the world, because it repeats itself for the children to understand.

If you understand all these points—we see it; many of us have eyes and cannot see; we have ears and cannot hear; because we say it once and nobody pays any attention to the significance of it. But I am trying to put the significance to my honourable learned Minister of National Security, together with his assistant who is placed there to watch him. Most probably that might be the wrong thing to say and somebody might get annoyed, but you see, another fellow would say the same thing in big language and nobody would understand, but when I say it as it is, they understand and get annoyed. I want everybody to understand what I am saying.

Mr. President, the Central Tenders Board should remain in force but it should be properly staffed with professionals and people with integrity to manage it. This is what I would like to see. In other words, we would tell somebody that you want this thing to be done in one week, you give them the specifications and that person would do it in a week. Do you know what happens at the Central Tenders Board?

Mr. Toney's Permanent Secretary or somebody sends and says they want a car. The poor fellow does not know what kind of car he wants. When the fellow sends a specification it goes back and forth for advice and that takes three months. Then they blame the Central Tenders Board.

I am not blaming the Central Tenders Board at all. I would agree that they do not have proper staff and they should have good staff and not part-time staff. You cannot spend \$4 million or \$8 million with part-time staff. The members of the Central Tenders Board should be paid proper salaries; they should be paid well. The Chairman of that Board should be paid even higher than a Permanent Secretary. They should also carry a penalty that if they are caught in any hanky-panky they should be fined \$100,000 and 10 years in prison. Not, "either/or" but "and". I want the Minister to understand that. The Minister should not be the sole man responsible for that committee. Because that poor Minister has to answer and deal with ordinary fellows down the line. If he does not talk to a voter, the voter gets annoyed with him. So he has to deal with his constituency because his duty is politics. He has to win the next election and if he does not have time to see about it and he loses his seat, "crapaud smoke his pipe." I do not want that to happen to my good friend, Minister Toney.

Another point—one person has said it before—is that the Minister or one of his members got an idea and said that they want something yesterday, but tomorrow they put in the request. When they do not get it they put the blame on the civil servants. They do not say the executive made a political decision in Cabinet on Thursday afternoon and they want the tender. So they will go around and tell their friends, "You know boy, so and so; and we will get so and so." It happened in the last Government and I thought it was finished in this Government but it is worse in this Government. What those fellows learnt in 30 years these fellows learnt in less than four years. Maybe it is the new era of learning; the computerized age. Those fellows put everything in the computer and get the answer right off the reel—learning faster.

5.20 p.m.

I want to repeat, the problem is not amending the Central Tenders Board Ordinance but a matter of putting it to work efficiently. Minister Toney will tell you that there are times even in his own Ministry, when there is no typing paper and then the blame is put on the typist. I have known that department for a long time. They forget to make a requisition for typing paper and when it is not there,

they want the typist to type. The best thing to say is that the public servant is not doing his work. Under the law, the poor public servant cannot even retract what the Minister said; he has to take the blame; keep his mouth shut; go home and sweat it out. These are the things which I expect the present Government to handle.

I say again, the police vehicles should be renewed every three years; sell them because it is costly to repair.

Mr. President: The speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [Sen. P. Persad]

Question put and agreed to.

Sen. Moonan: As I said, if you buy new vehicles for the policemen, they will work but when you give them old vehicles it is frustrating. Some of the vehicles should be even air-conditioned; and certain men should be put to drive them and be made responsible for their upkeep. They would say that cannot be done. If I can do it in private enterprise, anybody could do it. I know the police. I was an honorary member of the Police Service for over 20 years.

Sen. Rampersad: Thank you very much for giving way to a question. Since the hon. Senator is advocating that the Government change vehicles every three years, the question I want to ask him is, does he change his trucks and other vehicles every three years?

Sen. Moonan: I would answer him, but unfortunately, we are talking about small vehicles not heavy vehicles and equipment. Could you change that? That life span is 15 and 20 years. The unfortunate thing is that the Senator does not know. Forgive him. I think God would forgive him also. I ask for that.

As I said, the police should change their vehicles every three years. They are doing a very important job. The Minister and Sen. Bahadoorsingh said that the security of this country is very important. Everybody knows it. Therefore, give the policemen the tools. Without the tools they cannot work. If you give a man an old axe and the handle flies off, it can kill someone. When a policeman is told about a crime and he has to use a four-year old Escort to go after a Rolls Royce, he has to look back to see if the wheel is there. Unfortunately, those are the tools which they have.

The last Government might be blamed for that. There is a constraint of funds, I agree with that. We do not have the constraint because they could give Seereeram a job for \$4.8 million. You can ask Sen. Basdeo how many vehicles you can buy with \$4.8 million. That is only one contract. I am not saying corruption directly; I want the people to make the decision. It is the same thing which happened in the Red House. Wimpey was here on a cost-plus when “Mr. Clean” was then the Attorney General. The poor fellow got so clean; they scrubbed him until his clothes were shredded. Let us not worry about that.

The point is that nobody knows what it did cost to fix this. Cost-plus was repairing but it was like filling a leaking jar; you are throwing water in it and the water is going down. This is the way that went on. Nothing is wrong with that. He did it. Probably if I were there, I would have also taken a chance because it was Caesar unto Caesar and he knew when he could jump. He jumped from the fire into the frying pan. He jumped from the PNM to the NAR. He put it on the reverse; he was a bit smarter. This is the way the Central Tenders Board would operate. I know that he has the knowledge of what I am saying. I do not want to beat that; that is a dead horse because the ayes will have it.

I went further to say this Minister wants power. I wonder if he is contemplating to do what happened in Haiti. My dear friend Sahadeo Basdeo was there. He had to run for his life. I saw it on television.

Mr. President: What is the relevance of that to this debate?

Sen. Moonan: You are a very experienced President, that is why you are asking me that appropriate question. Thank you very much for asking me that question, so I can explain it in detail.

In 1978—79, the same thing happened. The Attorney General who was then Mr. Karl Hudson-Phillips had an award to build the university with Tom Philips and he blew up the whole thing. That is the reason we have these Acts. I hope that the Minister of Justice and National Security does not do the same thing; maybe give his brother all the financial accounting in the country. I do not know what happened why another Senator's cousin has all the legal work in Point Lisas. I should be presenting a document on a platform on that and I want them to sue me. Then I would not be privileged. I want to say it outside because I want to go to court to prove it.

Mr. President: I would prefer if you do it outside.

Sen. Moonan: Yes, Mr. President. That is why I said it here because you would know. You would not have that headache. I have no intention of giving you that headache. I am asking again, please reconsider. Let the Minister withdraw this bill, then he will be the most honourable Minister. Very few ministers have the guts to do that. Some fellows cannot do otherwise. They need a job. You could create a job. You have a job. You could go outside and make a dollar. There are many fellows who cannot make a dollar outside, so they have to say yes to everything.

5.30 p.m.

I am trying to present facts and any intelligent person—man, woman or child—would understand the point I am trying to make and, as I said before, Minister Toney agrees with me. He brought the bill but he does not have the guts to say, "I have decided to change that", and let us put it to lie down for a few days and let us study it again. He is too weak for that.

I know now that the time has come for me to sit, therefore I thank everyone here for tolerating me for over the few months. I hope that some of them have learnt because the last time I told the Minister of Finance he was so good he was trying to help the poor, I thought he has Assyrian blood in him because he did not want to spend one more cent. I repeat, the Assyrian man carries his mother to work in the store and he gives her \$3.00 and says she is working. They have to pay a security person. They have to pay \$100, therefore he said he is "minding" his mother. That is for love of his mother. The mother loves the son so he is looking after the place. It is not the \$3.00 but they say it in the opposite way. I think this is what I told the Hon. Selby Wilson, when I spoke for the first time on the "Budget Speech."

I thank everybody and I thank you very much, Mr. President, for tolerating me this afternoon. I think that the Independent Senators now also know that when it is time to vote they must not be partisan. Some Members on that side are partisan because they want favours from the other side. I am sorry to say so. Thank you very much, Mr. President.

The Minister in the Ministry of Justice and National Security (Sen. The Hon. Hochoy Charles): Mr. President, I have no intention at all of being lengthy. I think I am going to be patently brief on this occasion.

First of all, I would just like to look at the purpose of the bill. It says very clearly that the purpose is:

"To amend the Central Tenders Board Ordinance 1961, to exempt from its provisions the purchase of items and provisions of services listed in the Third Schedule and the items and services so listed are for the purposes of the Trinidad an Tobago Defence Force and those protective services listed in the Fourth Schedule."

I want to be very honest. I have never been so constrained in a debate in this House as in this one. I say so because the Minister of Justice and National Security, in presenting the bill, has in fact given reasons why this amendment is brought. During the course of the debate, what I have been gathering is that Senators have been saying that sufficient information has not been given to convince them to support this bill. That is why I think that I am a little constrained because we are dealing with very sensitive issues here. I am not going to be attempting at all to rebut some of the things said, because, in doing so, information which ought not to be given out, which will not only compromise our national security, but jeopardize the safety of this nation, would have to be given.

I talked to Sen. Furness-Smith during the tea break and said that it is unfortunate that a debate of this kind could not have taken place in private, excluding the public from the gallery and the press. Sometimes I think we do not understand what we are dealing with. I just want to deal with a few issues, one, to indicate the seriousness of the matter we are discussing; and two, to give such information as I can give to indicate why I think this move is necessary. I have spent a year in the Ministry of Justice and National Security and very early when it was said by Sen. Louise Horne that there was—and I think she circulated it—a list of recommendations that were made some time in the past about matters which ought to be dealt with in order to make the Central Tenders Board either more effective or more efficient or both. I just want to say that the Central Tenders Board, in respect of matters of tenders, covers all the ministries of the central Government which number about 15 or 17, and the statutory boards. We are not only dealing here with the ministries and these statutory boards, but we are dealing with the myriad of items that each ministry and each board has to deal with, which have to go to the Central Tenders Board in order to invite tenders and award contracts for these items. One ministry may require 1,001 items and we are dealing with 17 ministries and all the statutory boards. What kind of Central Tenders Board are you going to set up in this country that can deal effectively and

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efficiently with matters of that kind and to deal with your national security? Are you going to have a Central Tenders Board with a million members of staff? That is what we are talking about.

Sen. Persad enquired whether it is now we see the need hence the reason we are rushing into these matters. That is not so. These matters are being looked at continuously. From the time I got into the Ministry, I met them looking at this particular matter trying to find ways and means of dealing with and addressing the serious problem that we are experiencing.

The draft of this document—in fact the Note to Cabinet—was prepared since May 1991. That has undergone debate. Even the document presented by Sen. Mark which came from the Information Division of the Office of the Prime Minister, that came out of discussion of this very issue.

Dr. Deosaran: I wonder whether the Minister would give way. I am in sympathy with the bureaucratic problems, especially with respect to the Ministry of National Security, but having said what he has just said, could he or the Minister of Justice and National Security tell the Senate whether there is early intention to review the whole administration of the Central Tenders Board, possibly to decentralize, not only in terms of the Ministry of Justice and National Security, but with respect to all other ministries which may have similar problems?

Sen. H. Charles: I know the Minister may answer that question but I just want to say this. I do not think any other ministry would have the kind of problem that the Ministry of Justice and National Security would and do encounter. That is why I said very early that I am constrained in what I have to say because we cannot deal with this matter in private. We have to debate it. We have to understand that the purpose and thrust of the Ministry of Justice and National Security must never be compromised, as a result of providing information on its operations, capabilities, structure, vulnerability and our weaknesses. Information should be divulged on the grounds of necessity and in keeping with the need to know principle.

As I indicated, Senators have been asking for more and more information—and I accept that—in order to convince them to give their support to this bill. I am going to try as much as possible to give information that will not interfere or compromise or jeopardize our national security. As far as I can go and I hope—
[*Interruption*]

Sen. Spence: I just want to draw the Hon. Minister's attention to Standing Orders 79(1) and 80. He is making the point that he cannot proceed in public. There is a device for clearing the public gallery.

Sen. H. Charles: Mr. President, I do not think we will proceed that way. I am going to try to give as much information as possible that would be able to assist Senators who have indicated that reason for not giving support to this bill, to see whether, in fact, we can convince them to do otherwise.

I made the point here that the parliamentary proceedings do not qualify for a closed Chamber. Sen. Spence made the point about clearing the public gallery but and I do not think we are proceeding along those lines at all. Therefore, any information divulged is open to the public by way of record of our meetings. Even if we do that, the record of whatever is discussed here is public information.

The latter aspect of it, the whole question of the press, the information that comes out of here being public record is particularly dangerous as it gives rise to comment and interpretation which may produce unfortunate leaks and misstatement useful to the wrong people including—and I want to say something about that—the criminal elements in and out of the society.

5.40 p.m.

Mr. President, I just want to give one or two bits of information on that matter. All of us here know of the drug trade and its consequences. We have spoken at length, most of us, on the question of money laundering and not only money laundering but drug-money laundering. We have spoken in this Senate, most of us, on the whole question of using “dirty” money, moneys gained by illegal means including drug trafficking and put into legitimate businesses, not only here, but throughout the world it is happening. We have learnt about the Bank of Credit and Commerce International, renamed by a number of persons, the “Bank of Con-men, Cocaine and Imposters.”

When one takes those matters into consideration and look at the operation of the Central Tenders Board in respect of sensitive matters of national security, I think that I have made the point where, tenders for sensitive security items are advertised to the world and any and everybody with a firm or a business whether legal, illegal or otherwise can tender.

Sen. Alexander: Is not selective tendering available to the Ministry of National Security? Selective tendering does not have to go to the public.

Sen. H. Charles: Selective tendering goes to the public and I am not asking a question. There is a particular procedure that is followed with respect to selective tendering. I am now talking about a number of items; when tenders are invited there is no way that the Central Tenders Board can do security check or what we called vetting these firms or businesses that are tendering, and my good friend was making the point about the lowest tender. All these matters are taken into consideration. I have read in the newspapers a week or two ago, where the Trinidad and Tobago Chamber of Commerce chairman made the point to the Minister that there is evidence which he has—we do not have it as yet—that there are people who are involved—he used the term "drug trafficking"—who are now operating legitimate business in the country and under-bidding legitimate businesses and are getting most of the drugs into the country. Do we want that for our Ministry of National Security? You have to tender for arms ammunitions. You do not know who is supplying them. This is why I said I am constrained to say certain things but I can tell him. This is why we have brought this particular matter here so that the Ministry of Justice and National Security will deal with these sensitive issues. There would be a committee that you vetted; they are the ones who are going to be responsible for awarding these contracts.

Mr. President, there are so many things that I cannot say. I want to point this out to you; I think I have said enough on that particular aspect of it. Because of this operation—this public information that is given—because of what is happening on the crime scene; money laundering, drug trafficking and what is happening in those areas, we can end up putting the business of our national security or the supply of goods and services to our ministry into the hands of criminals. I have said enough on that particular story and what I am talking about, I am not speculating.

Mr. President, this year, 1991—I am not giving details—when we prepared our tenders and had gone to the Central Tenders Board for certain equipment, calls were made to the Ministry that the criminals already knew what equipment we were getting and this is not speculation. That is a serious matter.

Sen. Horne: Mr. President, on a point of information. From the Ministry of Information we got the information that the Central Tenders Board cannot award any tender until the Ministry of Finance says that there is money available. What I had asked is, how is the Minister going to deal with that? You may have the money in the vault, but the Ministry of Finance has to have the liquid cash as they say, before they can really send out the tender. How do you deal with that?

Sen. H. Charles: Mr. President, I will satisfy the Senator. We know the entire procedure. Before you proceed to go to the Central Tenders Board to ask them to invite tenders, you must write the Ministry of Finance asking them whether in fact funds are available and will be released for a particular item. Upon receiving that information that it is so, you go to the Central Tenders Board. I am past that stage of the procedure, and getting clearance from the Ministry of Finance. I am at the stage where the money is available. We have gone to the Central Tenders Board and tenders are now invited and contracts are being awarded. I am at that stage, and that is the critical stage, where everything is made public. Even your sensitive items. Mr. President, I just want to add this—

Sen. Alexander: Mr. President, I would just like the hon. Senator to make reference particularly to section 20(3) (b) of the Ordinance which obviates public tendering.

Sen. H. Charles: Mr. President, it seems to me that Sen. Alexander is referring to a specific case. We are dealing with a thousand and one sensitive items in the Ministry of Justice and National Security. Even if we have to deal with the matters under the very section that Sen. Alexander alluded to, the Central Tenders Board will only be for the use of the Ministry of Justice and National Security, they would not be able to attend to any other business. Moreso, in July 1990, I can say this much, most of, if not all of the criminal records of the police have been destroyed, most of our communication equipment, if not all have been destroyed; most of our surveillance equipment, if not all have been destroyed. We require a tenders board working from now until the next few years to deal with that.

5.50 p.m.

That is the point I am making. We are in a crisis and the Central Tenders Board cannot attend to this crisis by just merely watering down something or just using some kind of plastering over the cracks. It is extremely important and necessary that we go this particular way because we are dealing now with an entire Police Service with almost all its equipment destroyed. If you do not have national security, you do not have anything else in the country. We have seen that on July 27, 1990. No meaningful economic development can take place unless you have proper national security in the country. I think you have spoken for a long time, you have used your extras, too, but I do not think I will deny you the opportunity.

Sen. Moonan: Now, what I really want to find out, Mr. Minister, you know what you are saying that the Minister is like God himself. O'Halloran did the same thing. That is what is worrying me: if the Minister would be responsible. That is what I am trying to find out.

Sen. H. Charles: Mr. President, I want to be very careful: I said the "Ministry" and not "Minister". The Minister has nothing to do with this; it would be the ministry. The accounting officer in every ministry, as you know, is the permanent secretary. We are talking about a committee working with and under the permanent secretary, established for doing these things. They are the ones who account to the Public Accounts Committee and they are the ones who account to the Auditor General. I do not understand the question of accountability that we are raising here. We are now saying that the moneys released to the ministry is the responsibility of the accounting officer or the permanent secretary to account to the Public Accounts Committee and to account to the Auditor General and he is now saying, "no, they would not be accountable in this case". That is the point he was making. I am not making that point. That is what was being said by Sen. Moonan, on the question of accountability. I am saying the permanent secretary is accountable, even if—

Sen. Moonan: On a point of order. Mr. Moonan did not say so.

Sen. H. Charles: Even if the contract was awarded by the Central Tenders Board, the accounting officer for those moneys in the ministry is the permanent secretary; still is. But he does not have the authority to award contracts at all; he does not have any say at all. I want to make this point, Mr. President. Before I do, let me just give you an example of something that has happened to us. Maybe, as I said, I am very constrained in giving certain information, not speculation; information, hard evidence as to what has taken place in the Ministry.

Mr. President, let me give you examples of particular cases involved, because, as I pointed out, the Central Tenders Board has responsibility for matters of tendering and contracts of all these Government ministries and the statutory boards. They really do have responsibility for those matters. They establish their own priorities. They deal with statutory boards; some of them are exempted from their control.

In the case of purchasing a very sensitive item in the ministry—I could mention it now—ammunition, moneys were released; all the steps were taken. In fact, the

procedures, comments—and that is after funds were available—on April 4, 1989, ended with deliveries in August and October of 1990, after the coup. The Ministry ordered ammunition, through the Central Tenders Board. I am not criticizing any organization, I am just saying what is the reality. I am not speculating. I am not concerned about playing to any gallery or anybody. I am telling you the real facts. It started in April of 1980, we did not get the ammunition for the police and the army until after the coup, August and October. *[Interruption]* That is a matter for the Central Tenders Board to tell you. I do not know why. I said that everything was put in place, the procedure took that long. It is the bureaucracy. *[Interruption]* It is more than suppliers, it is more that that.

Second case: In October, 1989, Cabinet approved the purchase of 43 jeeps for the Police Service; 22 of those jeeps were handed over on January 4, 1991. Moneys were available. Forty-three jeeps were agreed to in 1989. Jeeps were not delivered until January 4, 1991. These figures are available. Listen to this one: In June, 1990, the “*TTS Cascadura*,” the Coast Guard 6—that is the number of the boat—developed serious engine trouble with the starboard engine on the way to St. Vincent and the Grenadines resulting in considerable damage to the piston, cylinder heads and crankshaft. The cost of the parts and repairs was estimated at approximately \$760,000. Moneys were available. In fact, those were never awarded because of the difficulties of that entity, Central Tenders Board, in getting someone to supply, because you get those parts from the United States or England, or some such place. They do not even have in the Central Tenders Board I am not criticizing the Central Tenders Board, but that is the fact—specialist personnel to deal with matters of this kind.

When a tender is invited—if it is a technical matter—the evaluation is done by someone the Central Tenders Board hires. Sometimes that person is hired from the private sector, he can be from the public sector; we do not know from where. I am saying, in doing so, because of the lack of the security checks, because of the lack of that kind of information on all those persons who are outside there, who have an input to assist the Central Tenders Board in functioning, we could end up with a serious problem in this ministry. *[Interruption]* Mr. President, I am not talking about a boat engine. I am talking about technical matters of the ministry.

Next point, Mr. President, I think I mentioned it in passing, is the question of establishing our priorities. I pointed out much earlier that all these various

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Government ministries and the statutory boards that still fall under the Central Tenders Board, would require contracts to be awarded for one item or another from time to time. All of them would be making their applications to the Central Tenders Board in order to proceed, because the Central Tenders Board acts on behalf of the government and these bodies with respect to matters of tender.

The Central Tenders Board has its own procedure. It establishes its own priority listing and proceeds on that basis. No one, including the Ministry or the Minister of Justice and National Security—even if an item required by that ministry is of utmost importance to this country, and is necessary for the country now—can direct the Central Tenders Board to leave whatever it is doing and attend to these very critical matters.

Mr. President, I indicated earlier on, because when I had prepared to speak on this debate last week, I went over what I had prepared. In examining what I had prepared, I had to completely change the presentation, because I recognized that the information that I have to give to Senators from what they have been calling for would not do the Ministry of National Security any good; would not do the country any good. This is why I said what I have just said, and indicate to you that we cannot sit here and look for all the answers and reasons to convince you why we must go in a particular direction, because the information which we will have to give you in public, in this forum, to convince you, may be putting our national security and our country in jeopardy.

I think, Mr. President, that I have said enough on this issue. I think that the matter is now open where Senators understand some of the serious constraints of the Ministry. I think that they understand now that we have a crisis on our hands. I can give you details, in terms of acquiring or procuring sensitive equipment for our national security: our Defence Force and protective services.

We have had our experience dealing with the Central Tenders Board over the years and we recognize very clearly that is not the way to go. There have been recommendations, we know, that they have used. They have amended the Central Tenders Board Ordinance and regulation from time to time in order to take out things like WASA and T&TEC because they considered those as essential services. So they have taken those bodies from under the Central Tenders Board so that they can have their own committees to deal with matters expeditiously. But I do not think that people at that time were concerned with security matters. They did not consider security matters as important as matters of water and electricity or

else they would have removed from the Central Tenders Board, as they have done for WASA and T&TEC, the Ministry of Justice and National Security.

We have had our experiences and we are brave enough to come to you and say we have to do it now and it is more pressing now, because almost all of our national security equipment was destroyed in 1990. We have to move post haste in order to bring back, in order to refurbish and restock what has, in fact, gone; or else, we may sit here today, vote against this measure and we can put this country into serious difficulties.

Mr. President, I have said enough to convince Senators. I thank you for this opportunity and I hope that I would be able to get the support of all Senators opposite on this particular matter. It is only unfortunate, as I said before, that I cannot give greater details, because we can put our country in serious jeopardy. Thank you.

Dr. Martin Sampath: Thank you, Mr. President, *[Interruption]* Thank you, hon. Senators of the Opposition for listening to me so attentively.

Mr. President, I shall be very brief. I do not have the constraints of my honourable friend, Sen. Hochoy Charles. I am sure I shall say many things which he could not divulge because of his position.

Mr. President, we have been led for the past few hours into a morass of irrelevancies. How hon. Senators can come here and waste the time of this Senate with such irrelevant trash, I fail to understand. It is as if we have been permeated by—

Dr. Persad: Mr. President, on a point of order. The hon. Senator is challenging the Chair in that we have allowed debate. He is saying that the debate is totally irrelevant. I think he should withdraw his statement. He is challenging the authority of the Chair.

Mr. President: Senator, I think this is the second debate which you have joined and opened your remarks by referring to irrelevancies as though you intend to be irrelevant. Hon. Senators have raised points of order on relevance during the course of this debate. I have ruled quite often that they really were not irrelevant. The Leader of the Opposition found himself irrelevant quite often and the parts where we said he was irrelevant, I do not expect you to deal with those matters. But if you want to join the debate and answer anything that was said that was not ruled as irrelevant you are quite free to do so.

Dr. Sampath: Thank you, Mr. President. As I understand it, you did, in fact, at one stage, rule that certain of the things said were irrelevant. If I am wrong, of course, I withdraw it. But I believe that you did rule at one stage that certain of the things said were irrelevant. Am I correct in saying so?

Mr. President: What is that?

Dr. Sampath: I believe at one stage you did rule that certain of the remarks made were irrelevant.

Mr. President: Yes.

Dr. Sampath: Thank you, Mr. President. I am only referring to those remarks which you ruled were irrelevant. I hope that satisfies them.

Now, as I said, we are engaged, at present, in a war. It is nothing less than a war. It is not a war between the Senators on the opposite side and the Senators on this side. We are altogether engaged in a war which concerns our own collective national security. The purpose of this amendment is to protect, not only all of us here, but everybody in the country. That is why, Mr. President, I am a little disappointed that so much time could be spent on matters which do not directly concern the amendment. That is the point I am making.

Now, as I said, I am not constrained as my honourable friend, because I know nothing about what plans the Ministry of National Security has about their ordering of equipment or other things, or ordering services for national security. So what I say will be in very general terms concerning the question of the war that we are engaged in against crime, against drugs, and against all those things which are eating into the heart of our society. Mr. President, I would like the hon. Senators on the other side who have been so vociferous to understand that this is for the protection of everyone of us here.

I had the opportunity in 1942 and 1943, to work in two defence plants in and near Montreal that were engaged in the manufacture, first of all, of anti-aircraft missiles. I made some investigations and I was informed that the production of these missiles was not put out to tender. They were done secretly and they were done by selective tendering, which is the point that Sen. Alexander made. It is something which this particular amendment can easily operate on, and have selective tendering.

Now, I want to follow what Sen. Alexander has said. he has made the point that even the present Central Tenders Board can engage in selective tendering,

keep it secret. But we in this country know that the multiplicity to clerks and other people you have in all these departments, there is no such thing as secrecy, especially when you have a large department dealing with a large number of items. It is the easiest thing in the world for some of these things to slip out into the wrong hands. This is, I believe, one of the biggest advantages of having a very small, a very select committee of people in whom one can repose the confidence for all these technical matters and all these sensitive matters. So that the chances of the criminals—

Sen. Alexander: As a point of explanation, could the hon. Senators advise who will be operating these new regulations, Trinidadians and Tobagonians, or somebody outside, foreigners, people from Mars, maybe?

Dr. Sampath: Of course, Mr. President, Sen. Alexander will know that I cannot answer that question. As I have said, I do not know anything about national security. That is for other people to answer. I, as a Government Senator, am making this statement by way of advice to everybody. I regard myself as a person to whom has been entrusted a certain amount of responsibility. I am sure that any advice given by any one of us, not only me, will be taken up in the proper quarters. That is why I am making this statement.

Let me proceed. So this is the one company I worked for. Another one that I worked for in 1943 was Fairchild Aircraft Company, which was making scouter bomber fighters. I had a job in that to monitor the things that went into it, and there, again, the contract was given a Fairchild Aircraft by a committee of experts and it was not an open tender.

I mention these things, because I want hon. Senators to understand that we are in a state of war in the same way that we were in a state of war in the 1940s, and we must not allow our enemies—and I use the word very strongly—out there who are the criminals and who have sophisticated weapons, to know how we are planning to counteract what they are going to do against the population of this country. We do not want them to know how we are going to safeguard my good friend Sen. Persad, and my dear friend Sen. Mark, and my dear friend Sen. Salisha Baksh. We are protecting these people here by keeping this sort of tendering secret.

The question of motor vehicles, a lot of hue and cry has been made about motor vehicles and why should motor vehicles be on the secret list. A motor vehicle—as the owner will understand—is not only a motor vehicle; you can have

protective devices in the motor vehicle which you want nobody else to know about. You can have alarm signals, and this has to do with the stealing of motor vehicles—so many per day.

Dr. Persad: Mr. President, on a point of order, I referred to vehicles that belong to private individuals, I never referred to vehicles that have been stolen by police. The hon. Member—*[Interruption]*

Mr. President: Continue.

Dr. Sampath: Mr. President, some people get uppity—I do not mean you, Mr. President, I am talking about other people—when I talk about irrelevancies. This is an example of it.

Dr. Persad: Mr. President, on a point of order. The hon. Member is casting slurs on my character. He should withdraw it.

Dr. Sampath: Mr. President, I do not have a dictionary here.

Dr. Persad: Mr. President, I am a down-to-earth person, my feet are planted in the soil and he cannot call me uppity. He should withdraw it.

Mr. President: I do not think he means anything derogatory.

Sen. Furness-Smith: At this interval, could I ask the hon. Senator on this point, has he any idea what percentage of the total procurement of the ministry is really sensitive? I mean, we live in this country, except for those very dangerous machines our guards have there, we know that the police and the army do not have too much, nor should they have too much. What is needed is a little bit of intelligence, in the technical sense, to use the simple tools which they should have. I want to know just how much of this procurement programme is really sensitive.

Dr. Sampath: There are two questions, Mr. President, which I have deal to with, one is the question of the word used to which offence was taken, “uppity”. Now, “uppity” really means getting up every minute.

Now, as far as Sen. Furness-Smith is concerned, I really cannot answer that question. But as I proceed, you will see where I am coming from as far as sensitivity is concerned. I mention the question of alarm systems for motor vehicles. Now, this is extremely important, because we know very well that what criminals are doing sometimes is disguising themselves as policemen, and disguising the vehicles as police vehicles. So that it is quite likely—again, I say I

have no inside information so I have no constraints at all; so nothing I say in here can be regarded as my letting any tales out of school. We know that criminals do that. So we know that there are certain markings which, perhaps, can be detected only by ultraviolet light and that sort of thing. My scientific friend knows this, and these markings can be put on police vehicles.

Now, suppose tendering is put out for this in public. Not even in public, but suppose there is selective tendering and a clerk gets hold of this. The next thing you know it is in the hands of criminals. So you see how careful we have to be. Now, as a scientific man, my good friend, Sen. Dr. Persad, will know that there are many, many things of that sort which we have to keep secret. I have given only a few examples.

Now, there are other things, as well. There is the question of directional microphones. Now, there again, I hope Sen. Charles—it does not appear that I am telling tales out of school. I do not know whether they are planning to import these things, but this is one thing which we must have if we are to track down criminals and drug pushers. Then again, the Coast Guard will have to have a certain type of radar and sonar, if we put this out and selective tendering, and somebody gets to know the type of things we have, they can jam it. To protect ourselves here, we have to have a certain amount of secrecy. We have to have a special committee attached to people in the national service who can be trusted, and it has to be confidential.

I hope I have said enough, Mr. President. I am not the sort of person to embark on answering all the questions that have been said which I described in a certain way. I hope that I can convince the Senators here of the need for this amendment. Before closing, the only person who has spoken this afternoon, apart from the two Members on the Government side, whose contributions I appreciated to the fullest is that contribution by my friend, Sen. Krishna Bahadoorsingh. He had the best contribution. He touched on both pillars of the amendment: the pillar of speed in executing the supply of these implements and instruments and so forth on, and the pillar of confidentiality and secrecy. His was a most balanced contribution. Mr. President, with your permission, I wish to commend him on that contribution. Thank you very much.

BUSINESS OF THE SENATE

Sen. Alloy Lequay: Mr. President I move that the Senate continue sitting until the conclusion of the third reading of the bill and until the private bills are taken.

The Senate divided: Ayes 14, Noes 9

AYES

Lequay, A.

Atwell, Hon. H.

Basdeo, Dr. Hon. S.

Charles, Hon. H.

Weekes, Hon. G.

Bradshaw, L.

Charles, Mrs. U.

Bhagan N.

Rampersad, F.

Sampath, Dr. M.

Warner, C.

Bahadoorsingh, Dr. K.

Mansoor, M.

Mahabir-Wyatt, Mrs. D.

NOES

Persad, Dr. P.

Mark, W.

Baksh, Miss S.

Moonan, M.

Horne, Miss L.

Furness-Smith, G.

Alexander, A.

Deosaran, Dr. R.

Khan, K.

Sen. J. Spence abstained.

Question put and agreed to.

CENTRAL TENDERS BOARD (AMDT.) BILL

The Minister of Justice and National Security (Hon. Joseph Toney): Mr. President, my first task, as I seek to wind up this debate before this august assembly is to thank all hon. Senators who spoke on the bill.

I have listened very carefully, Mr. President, to what they have said, and I propose to respond as best as I can to the many criticisms, if I may term them such, that some of them made.

6.20 p.m.

What was noticeable about the criticisms of the bill, Mr. President, was that all Senators of this honourable Senate were of the view that the Ministry of Justice and National Security was a special case, with special needs, and that they needed their tools and equipment in the shortest possible time-frame. I believe that was accepted by everyone who spoke on the bill.

Hon. Senators were also at one, on the fact that there needs to be put into place a device—I think one hon. Senator referred to it as a "fast track"—to facilitate the needs of the Ministry of Justice and National Security; and in some instances, some Senators felt that we should extend it to other ministries.

It was quite clear to me, as well, that when hon. Senators spoke of the operations of the Central Tenders Board as it is now structured, they were of the very definite view that it had to be refashioned to carry out the responsibilities that are demanded of it by the Ministry of Justice and National Security.

Mr. President, I now want to look at some of the contributions that were made and see if I can respond to them in my own way. My good friend, Sen. Mark, in his usual dramatic style, asked a number of questions about the intentions of the ministry as far as this bill was concerned. He wanted to know—and that was a valid question—who shall constitute this new authority to purchase goods and services for the Ministry of Justice and National Security. I think this was a common theme throughout. A number of Senators wanted to know exactly who are the people who will man this special committee that will look after the award of contracts for the purchase of goods and services at the ministry. The bill itself says:

“(a) The President shall, by Order, make rules governing the award of contracts for items and services referred to in the Third Schedule.”

Central Tenders Board (Admt.) Bill
[HON. J. TONEY]

Tuesday, October 29, 1991

I think it was Sen. Alexander who was saying, "Well, if you are saying that, then you must, by now, have conceptualized, if not at the ministry, in your own mind, exactly in what direction you propose to go".

Let me assure Sen. Alexander that we have indeed conceptualized in our minds the direction in which we propose to go. We will be proposing—the President will have to do it by order—that this Special Tenders Committee of the Ministry of Justice and National Security shall comprise of:

Permanent Secretary—Chairman

Chief of Defence Staff

Commissioner of Police

Chief Fire Officer

Commissioner of Prisons

Administrative Officer V—Ministry of Justice and National Security

Accounting Executive I—Ministry of Justice and National Security

The committee may co-opt other members of the ministry if it so desires. The committee, where the award of a contract is over \$100,000, shall invite the Director of Contracts or his/her nominee to take part in the consideration or discussion of the award and to vote on the matter.

Mr. President, you will notice that the Minister of Justice and National Security plays absolutely no role and no part on this Special Tenders Committee.

I want to make the point—as I was discussing with Sen. Mark during the tea-break—we say that we are an independent country; we say that we are 29 years old; we say that we now must direct our affairs, but there seems to be a tremendous hesitance, not only in this Senate, but in other parts of the country, to put responsibility and duties in the hands of natives of Trinidad and Tobago. *[Interruption]* I hear voices raising about the Central Tenders Board. I think that my good friend, Sen. Hochoy Charles, a very able Minister who made such a sterling contribution this evening, made the point that we have nothing against the Central Tenders Board—absolutely nothing! What we are saying is that the Ministry of Justice and National Security is a special case, and I will come to some examples. Sen. Hochoy Charles gave some examples earlier but I, myself, will come to some examples. There is need for us to ensure that matters that are needed for the ministry can be expedited in the shortest possible time-frame.

Senators seem to be only dwelling on that aspect of the matter; quickness of time. A number of Senators—and I have my notes here with me—spoke, and they did not seem to dwell too much on the matter of confidentiality. So that you have the idea of the direction that we propose to go.

The members whom we are proposing for this Special Tenders Committee are individuals in whom this country has the utmost trust. It is not that we are picking up some individual from somewhere and telling him, "Well, go and award a contract, or this, that or the other". These are individuals in whom we already have the utmost confidence, because they hold positions of responsibility where we depend on them for their integrity, character and ability to get things done.

Mr. President, my friend, Sen. Mark, also asked a number of questions and I think that was a critical one, and that, as I said, is a question that ran through the entire debate. He sought matters on the problems confronting the Central Tenders Board and what can be done to increase its efficiency; the basis for delays in the board, and so forth, and he came to the question of accountability. This is a matter that ran all through the discussions on this matter before this Senate, the question of accountability. I think Sen. Hochoy Charles also dealt with that matter.

We have a system where, if a Member has a problem with any matter at the ministry, he can pose a question to the Minister, who has to respond. Sen. Mark employed that strategy beautifully today. I am a stranger to this place but I noticed that he asked the Minister of Energy a series of questions.

6.30 p.m.

The system is also so structured—and I think Sen. Khan in his contribution went into it in some detail—where having spent sums of money—my friend, Sen. Hochoy Charles, also dealt with it—a Permanent Secretary has to come before the Public Accounts Committee and explain why such and such moneys were spent, why this was not spent and so forth. After those two methods are employed, you still have the overseeing authority of the Auditor General who can pose and intervene and ask any question as he sees fit. If the Auditor General is dissatisfied about what he gets, he has the authority to call in the Director of Public Prosecutions, to call in the police, to ask for explanations and to take the necessary action as he sees fit. So the question of accountability, Mr. Vice-President, to my mind, is not really an issue that we can put too much weight on in this matter, given the avenues that are now at the disposal of hon. Members and of the general public, for explanations.

My friends also raised the issue in the debate, of trying to devise a system that would not be subject to corruption. They say, “Well, you are going to have this new system. Tell us about this new system because we want to be sure that when you put this system into place, there will be no corruption”. Mr. Vice-President, I confess that I cannot say I have known in any part of the world where a system has been devised that was so perfect that corrupt activities could not have taken place. Again, we have to determine in what direction we are going. Here, you have an arrangement where we are going to put certain responsibilities in certain people's hands and the rules as drawn up, and put in place certain checks and balances. If individuals play the fool or there is any hanky-panky, then they must be dealt with.

I want to make the point as well, that corruption is not an issue that you can deal with by rules and regulations. There have been many rules and regulations over the years and we have had corrupt activities. I think one Senator had mentioned—I do not think it was Sen. Deosaran—that despite all the rules and regulations, and yet you have had corruption. One has to create an atmosphere where people must know that corrupt activity is wrong and it will be punished. That is what one has to do.

Sen. Alexander: How are the regulations going to concern themselves with the criminal liabilities which attach to breach of confidentiality under the Tenders Board Ordinance? How can the regulations deal with that?

Mr. Toney: I will come to that point later on. I was making the point about creating an atmosphere where individuals will know that they must not commit corrupt acts.

This Government ensured that we establish the Integrity Commission, a commission that will take care of certain—if I may use Sen. Mark's terms—high-ranking public officials and also ministers of Government, where they must declare their assets and liabilities, year in, year out. We have also introduced a register of gifts for Cabinet ministers and ministers of Government.

The point I want to make is that simply having rules and regulations can never ever bring to an end corrupt activity on the part of Government officials, but you must have this environment—and this is the environment that the National Alliance for Reconstruction has been trying to create, and has succeeded in creating over the years—where people, individuals, high public officials, will look to ministers of Government and to political leaders and say, “There goes an honest man and it will

be wrong and stupid of me to indulge in corrupt activity.” So this is the scenario when we speak of corruption.

I found it strange that whilst many Senators were, in the one breath, criticizing the slowness of the operations of the Central Tenders Board, they were, in the other breath saying that the Central Tenders Board should remain as the main contract-awarding facility for the Ministry of Justice and National Security. I think my friend, Sen. Hochoy Charles made the point that the Central Tenders Board is dealing with so many ministries. Who determines the priorities? We want to get arms and ammunition, do we go and stand in line and await our turn? We want to get police vehicles, do we stand in line and await our turn? My friend, Sen. Mark, made the point that police vehicles have “gone through”, the Fire Service is on my door-step every morning, no hoses, engines “gone through”. What do you do? My friend, Sen. Persad, was laughing when Sen. Hochoy Charles spoke about the difficulties we are experiencing to get an engine for our coast guard boat. A laughing matter for him.

6.40 p.m.

Dr. Persad: Mr. President, on a point of order. At no point was I laughing. I was indicating that I found it strange that he said to obtain engine parts was a matter of national security. I think he is misleading the Senate, and he should withdraw that statement.

Mr. Toney: You hear every single day that boats are coming in with contraband goods; some say bringing in drugs, and he finds that a source of comic relief, the difficulties we are experiencing to get, very quickly, machinery to put on our coast guard vessels. Then he talks about the repairs. He says, "You want to repair a vehicle, so what?" In whose hands are you going to put the repairs of our police vehicles? Into whose hands are you going to put the repairs of our defence force vehicles, given the security situation this country experienced last year?

Mr. President, this is a House for which I have the greatest respect, but I was extremely disappointed in the attitudes adopted by some Senators as they approached this matter during this debate. I thought that they would have all understood that, as Sen. Hochoy Charles mentioned—

Dr. Persad: Mr. President, on a point of order. The Minister implied that I found the matter of national security to be a comical matter. I insist that he withdraw that remark.

Mr. President: What is that Senator?

Dr. Persad: Mr. President, he implied that I think that the matter of national security relating to the procurement of engine parts is a comic matter. I did not say so nor did I laugh, and he must withdraw that statement!

Hon. Senator: Under what Standing Order is that?

Mr. President: The Member is claiming that he did not say or imply that. I do not know if you are—

Mr. Toney: If he is hurt about it, Mr. President, I would withdraw it, I do not have a problem with that. You see, I was reading the *Sunday Express* of October 27, 1991, where Kelvin Ramnath, their former General Secretary said, "We are fighting here for a corpse". He describes the UNC as a corpse—

Dr. Persad: Irrelevant!

Mr. Toney: —only waiting to be buried.

Dr. Persad: You are wasting time.

Sen. H. Charles: Your whole contribution was a waste of time.

Mr. Toney: Your funeral date is the date of election.

Dr. Persad: Are you saying that I am going to die? Is that a threat?

Mr. Toney: Mr. President, I want to get to the contribution of Sen. Deosaran. I think he made a very good presentation, if I may say so. I think that it is because he has had a certain closeness with the ministry over the years, that in a way, he understands the difficulties that we are experiencing. In a way he sympathizes with the problems that we have.

He was making the point on the management, and I think that it was taken when he was advising us to be careful that—as we get all this equipment for the security services—we are not throwing pearls before swines. I think that remark caused a bit of a stir. I do not think that he meant to be offensive to anyone—I know him very well—and I think that he said it to tell us that we should be careful not to put equipment into the hands of people who probably would not be able to make full use of them.

I think that his point has to be looked at very carefully. I do not wish to demean, criticize or pull down any officer who may be a member of the security

services, but one has to bear in mind that some of the senior officials of those units entered those units at a time when qualifications were not of the standard that are now demanded of officers. There certain persons with computer knowledge, tertiary education, and so forth, who are making a name and a way for themselves in some of these units. One has to be very careful that when we speak about trying to look at the management structures of these units, as we must look at them, that we do not criticize unduly or perhaps, innocently or wrongfully, those who got into the service based on the qualifications that were required at that time.

My good friend, Sen. Hochoy Charles and I have our meetings and we discuss matters, and management is one that we have to look at very seriously. Do we want a police service, for example, where you have the Superintendent of a police station having to order note books and having to look after the matter of the repairs to the police station; having to look after the matter of getting boots, trousers, caps and so forth? Would you have that in the fire service? Would you have that in the prison service? Is that the type of structure that you want or do you want a more specialized person? These are matters that are now engaging our attention.

When you speak of a police prosecutor, are you talking about a specialized person or do you want to have him looking after so many other administrative matters in the police station? What do you want? When you come to deal with the matter of promotions, how do you go about it? Are you saying that, for example, because a person is a good corporal he would make a good sergeant; because a person has been a good inspector, he would make a good assistant superintendent or do you want to devise a whole new arrangement? I just want to let Sen. Deosaran know that we are looking at this matter; it is not a matter which we have put on any back burner. The matter is engaging our attention, not only in the Police Service but in all other services.

6.50 p.m.

I think there was a lot of talk on planning. If we are having problems with the Central Tenders Board, then do your pre-planning; make sure you get before the Central Tenders Board in time; arrange your affairs. I think that my friend, Sen. Charles, dealt with that point and the mere fact that given the present situation in which we are at the Ministry of Justice and National Security and that we are bringing this piece of legislation before this Senate at this moment, must indicate that at the Ministry of Justice and National Security we are indeed planning. This is

the whole idea. We have to get our business in order. I think that, Sen. Charles made the point, but I feel certain that given the calibre of people who will make up this committee; given the fact that there is need to get on with our business as quickly as possible, that security-wise the nation will be all the better for this measure for which I am seeking the approval of this Senate this evening.

My friend, Sen. Deosaran also made the point about private individuals giving cars to the police; helping to build police stations and he asked the question: "Would this not compromise neutrality, if I may use such a term, of a police officer in carrying out investigations". The point is a valid one. What do we do in the circumstances? There are people who are willing to assist and regretfully we are in such a state that we have to accept donations; we have to take assistance. Let me say that it is not the intention to in anyway compromise investigators of the police department as a result of the receipt of that type of assistance. I want to make it absolutely clear, but from time to time private and corporate citizens offer us assistance and in the interest of ensuring that as many people become involved in the whole matter of national security; that as many people realize that they have a stake in ensuring that national security is preserved, we accept.

Sen. Furness-Smith: Do I understand from the hon. Minister's remarks that they have nothing in place to repair the vehicles of the police and the Defence Force? Could the Coast Guard not do it? What is the position? We do not know. We do not like what we hear, but we want to hear that the police is able to handle these things; if they cannot handle them, how can they handle procurement?

Mr. Toney: Like my friend, Sen. Charles, I am a bit constrained in this debate to divulge as much as I can. I have absolutely no problem with divulging information. We believe in open government. If you feel that a Minister of National Security should not exercise a certain amount of caution and care in the type of information which he discloses; that is a matter for you. If it is information you want; you will get information.

I raise this matter because yesterday in the other place—I will come to respond to you, shortly, Sen. Furness-Smith—because of the outcry in respect of a certain matter, commonly referred to as the Mansoor matter, I divulged certain information to the general public. In view of the criticisms which were being bandied all over the place, I had to inform members of the population and hon. Members in the other place of certain details of police activity; certain methods

now being carried out by the police; and certain very sensitive information about the surveillance of certain individuals by the police.

I want to say that in the spirit of open government; in the spirit of the criticisms which were being labelled, I disclosed that information, but I want to say that even though I disclosed that information and I stand by the disclosures, it has been a source of some worry to me if by that disclosure the investigations which are now being conducted by the police would not have been telegraphed to certain individuals.

I just want to say that in the spirit of information, we would give you the information, but I come back to your point. It is not every time, Sen. Furness-Smith, that the repairs for police vehicles or coast guard boats or for Defence Force vehicles can be done in-house by the police or Defence Force mechanics themselves. Sometimes the nature of the work and the volume demand that we engage other individuals and the question of repairs to police vehicles is not a matter which you sleep on. It is a matter with which you move with the greatest despatch. You heard the report yesterday about surveillance.

Sen. Furness-Smith: I do not wish for the Minister to embarrass himself in the slightest in order to give me any information as to how many police vehicles are kept on the road. We know that two years ago, there were virtually none and they had a donation from the private sector. I do not want him to embarrass himself. If the Police Service is unable to run a proper garage to keep its vehicles on the road, I do not want him to tell me that. It is relevant to this debate. If he cannot tell us that, all he has to say is that he is under constraint. How can he expect us to vote in favour of this bill giving him more duties, and more powers to these excellent people he has in his department? That is my problem.

7.00 p.m.

Mr. Toney: On the question of confidentiality, I was making the point to Sen. Persad a few moments ago about whom he would wish to have do repairs to vehicles belonging to the Defence Force and Police Service. It is not only that Mr. President. You are buying sensitive equipment and there are, as it is now structured, many people who have to vet it or to give their stamps of approval. I made the point—and it is a point that very few Senators took up—that the very many channels that now exist through which these matters have to pass, compromise the security of Trinidad and Tobago.

I will give one example. This year we were about to purchase a number of vehicles for the Police Service. We got the vehicles and they were about to be placed on the roads for use. It was brought to our attention, before the vehicles were brought onto the streets, that there were certain criminal elements who knew all the numbers of all those police vehicles; vehicles that would have been used for certain sensitive operations.

We had the matter of the construction of facilities for Defence Force personnel and would you believe that again there were individuals, not in the least connected with those plans, who were prying and probing and trying their best to get their hands on those layout designs!

I do not think that hon. Senators understand the magnitude of the problem.

Sen. Horne: Mr. President, something is exercising my mind. We are making heavy waters of getting guns and ammunition. What I think we need, even before that, is intelligence. How come we had people from the Defence Force down at the Muslimeen people's place on a steady basis and they could come out and attempt a coup? That must come before guns. You talk about numbers. You have sent the vehicles down to get the number plates registered or are you going to take over that? In this place, however you work it, whoever you ask, confidentiality is a word, not a reality.

Mr. Toney: I thank the Senator for her intervention. My friend, Sen. Belmosa, repeated most of the points made by Sen. Mark. I think they probably had the same briefing, or the same writer, I am told.

Senator Horne raised a matter about which I have a certain degree of difficulty. She mentioned about the question of intelligence. Intelligence gathering is not a matter that one can deal with just like that. There is need for specialized equipment; you need people to be specially trained; you need resources and certainly I do not think that you can approach the whole issue of intelligence by opening for public consumption all that the Central Tenders Board is doing for you to get the necessary tools for intelligence gathering. Also, in her contribution, Mr. President—at one time I thought that she was supporting the bill—she expressed tremendous concern about the ability of the Defence Force and the Police Service in the present crime scenario. I think she mentioned that once or twice her home was burgled and she expressed a tremendous amount of discomfort about the present situation. What shocked me, however, was when she, although expressing

discomfort at the burglaries that took place at her home, said that, in the crisis last year, she found that the looting was understandable. I have tremendous difficulty with that. I have the greatest respect for Sen. Horne but, really, I could not swallow that at all.

Sen. Horne: Mr. President, the looting was understandable because of the social economic state of the country. People were hungry, people were suffering from malnutrition, people need food, people were unemployed. They will take anything.

Mr. Toney: I wonder if those were the same reasons Sen. Horne's house was burgled—because people were poor; they were unemployed; they could not get jobs; they had all these difficulties and they came to your home. I cannot for one moment understand how you can have understanding for a person who goes into someone else's premises and takes up his goods that he got through sweat and tears.

Sen. Horne: I understand why he did it.

7.10 p.m.

Mr. Toney: Mr. President, I want to get back to Sen. Alexander because he raised some issue—

Mr. President: May I just remind you, I did not interrupt you at the end of your normal time, but you have until 7.20 p.m. to complete your extra time.

Mr. Toney: I will just be about five more minutes. I just want to inform Sen. Alexander about some of the concepts that we have, and which, Mr. President, given the remarks that I have heard during this debate, would certainly assist in concretizing the rules that will be necessary for the award of contracts under this amendment.

There are rules for conflicts of interest, for the assistance of the staff of other ministries, for confidentiality, for disqualification of members from the committee, for the form and manner in which the meetings must be kept, for the form and manner in which minutes of these meetings must be certified, for the manner in which members of the public would be invited to make offers for the supply, for the manner in which these members will be notified of the description of the items, the form and the manner in which the offer is to be made, the date of completion of

the services, the date and time with which an offer is to be made, the place where and the manner in which the offer is to be submitted.

There are rules for the manner in which the tenders box , for example, is to be opened, rules for the forfeiture of sums of money of people who made deposits and so forth. There are rules for the receipt of tenders, for the opening of offers, for the manner in which tenders shall be accepted or not accepted. There are rules for—I think this one is important here, because we asked that it be specifically included—the committee to report to the Minister and to the Prime Minister, any purchase made under these rules and regulations. There are rules for, as I said earlier, the conflict of interest.

Mr. President, there are rules that incorporate the Ministry of Finance and the Ministry of External Affairs and International Trade where the award of contracts involve international contractors. Finally, Mr. President, it says here that the rules may be adopted, rescinded or amended as we go along. So we are not for one moment—

Sen. K. Khan: Would the Minister be good enough to say to whom is this committee answerable? He may have said it before and I may have missed it, but if he could please say it again. I would be grateful.

Sen. Alexander: Could he say what are the sanctions for the breach of those rules, particularly related to confidentiality?

Mr. Toney: Disqualification from the committee? Could you repeat the question, please?

Sen. Alexander: You will have public servants who will be servicing that committee. If there is a breach of confidentiality there, or with your consultants, what are the sanctions?

Mr. Toney: I think that Sen. Alexander knows, Mr. President, that public servants are governed by certain rules and regulations, that individuals who work under the jurisdiction of a ministry that comes under the public service ambit, have to abide by certain rules and regulations. So I think he is really begging the question when he is asking me what sanctions will be imposed. The sanctions are already there. They are in place for any breach of discipline on the part of any public servant.

Sen. Alexander: But what about the consultants whom you say will be consulted who are not public servants? Those are the people who are not public

servants and upon whom you will call to give the advice. What are the sanctions? When you are going up for tender, sometimes you do not have the necessary expertise within, and they consult people outside to assist them to come to a correct position.

Sen. Furness-Smith: While the Hon. Minister is taking a well-deserved rest, to put it in a nutshell, can he tell us in his usual frank way, that he is perfectly satisfied that these regulations, this bill and these procedures will be quite as satisfactory in respect of public accountability and corruption and so forth, as the procedures in the Central Tenders Board now are, bearing in mind Sen. Alexander's point, that there are special sanctions? Can he give us that assurance?

Mr. Toney: Yes, Sen. Furness-Smith. We will be guided by the Central Tenders Board and we will be guided by our special circumstances at the ministry. At the moment, for example, if the Central Tenders Board wishes to have a consultant to look at a special matter involving the Ministry of Justice and National Security, we do not know, as Sen. Hochoy Charles mentioned earlier on, what activity that individual is involved in. We do not know if his business is being laundered by whatever type of money. When we come to the Ministry of Justice and National Security we will ensure that proper vetting is done.

7.20 p.m.

Sen. Khan: The Central Tenders Board Ordinance clearly states that in the exercise of its powers and in the performance of its duties, the board shall conform with any special or general directions given it by the Minister; that is, the Minister of Finance. I therefore would say that the Minister is accountable to the Minister of Finance. Could the Minister please state to whom this particular board which is being proposed, is accountable.

Mr. Toney: Mr. President, this board falls under the ambit of the Ministry of Justice and National Security. A minister, if he is worth his salt, must accept responsibility for whatever happens inside his ministry. Already—and I want to make the point—we are making an issue out of the issue of accountability. I think Sen. Baksh made the point, that already permanent secretaries can award contracts for the purchase of goods and services if they do not exceed \$25,000.

There is also the provision where you can have an interministerial committee functioning within the ministry, that can award contracts for goods and services not exceeding the sum of \$100,000. Wherever that is done, at any point in time,

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[HON. J. TONEY]

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the minister at the particular ministry is responsible, and this is not going to change it one iota.

Sen. Khan: Is the Minister stating, therefore, that in the performance of its duties, the board shall conform to any general or special directions of the Minister of National Security?

Mr. Toney: I see where you are going, Sen. Khan and I feel it is an unfortunate direction to go. In the award of contracts under this provision, I want to make it absolutely clear, that the Minister has no role to play. I want to emphasize that. The committee has its work to do and it will report to the Minister. The Minister has to run the ministry, but he has nothing to do with the award of contracts nor goods and services under this provision in the ministry.

Sen. Alexander: Will there be any relation at all between this committee and the Minister of Finance? This is the expenditure of Government funds.

Mr. Toney: Well, I think that question, again, is really a non question, because every ministry must have a relationship with the Ministry of Finance. It is the Ministry that determines the release of funds.

Mr. President, as I said, I am a bit saddened at the attitude adopted by some Senators insofar as this bill is concerned. At the Ministry of Justice and National Security, we need a lot of equipment, we need tools to do our work very quickly.

I hope, in spite of the numerous questions that have been asked and to which I feel I have responded in as clear a manner as I could, given the constraints that I am under as the Minister of Justice and National Security, that hon. Senators would see their way to supporting this measure. Thank you kindly.

Question put, That the bill be read a second time.

The Senate divided: Ayes 13, Noes 10

AYES

Lequay, A.

Atwell, Hon. H.

Basdeo, Dr. The Hon. S

Charles, Hon. H.

Weekes, Hon. G.

Bradshaw, L.

Hosein, F.

Charles, Mrs. U.

Bhagan, N.

Rampersad, F.

Sampath, M.

Warner, C.

Bahadoorsingh, Dr. K.

NOES

Persad, Dr. P.

Mark, W.

Moonan, M.

Horne, Miss L.

Furness-Smith, G.

Alexander, A.

Deosaran, Dr. R.

Mansoor, M.

Spence, J.

Khan, K.

Sen. D. Mahabir-Wyatt abstained.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 5 ordered to stand part of the bill.

Question put and agreed to, That the bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment; read the third time and passed.

ORDER OF BUSINESS

Mr. President: As agreed to about an hour ago, we have the resolution in the name of Sen. Bradshaw on page 7 of the Order Paper, to accept the report of a private bill. There are three private bills.

SATYA KABIR NIDHI (INC'N) BILL**Adoption**

Sen. Leonard Bradshaw: Mr. President, I crave your indulgence as I very carefully read into the record the report of the Special Select Committee of the Senate appointed to consider and report on the private bill for the incorporation of the Satya Kabir Nidhi of Trinidad and Tobago and for matters incidental thereto.

Mr. President, I want to quote every word of the report—although it has been circulated—to point, out to Senators that this committee took what is for this Senate a pretty unusual step, that will become apparent as I proceed.

Mr. President, the committee was appointed on Tuesday, August 27, 1991, and comprised of Sen. Gerald Furness-Smith, Sen. Dr. Prakash Persad, Sen. Bhagan, and myself as chairman. Objection to the bill was received from the incorporated trustees of the Kabir Panth Association of Trinidad and Tobago incorporated by Ordinance No.36 of 1932.

Your committee held three meetings on Tuesday, September 10; Tuesday, September 17; and Tuesday, October 1, 1991. Evidence was taken from the following members of the incorporated trustees of the Kabir Panth Association of Trinidad and Tobago; Mahant Andath Dass, Miss Chandra Kalli Maharaj; and Mr. Clive Byer, their legal advisor. Evidence as to the facts and allegations set forth in the bill was taken from the promoters, who were represented by Mr. Deochan Dass, Mr. Bridghal Bachoo, and Miss Lynn Gobadan.

After careful consideration of all the evidence and circumstances relating to the bill, your committee was not satisfied that the promoters had established a case for incorporation by Act of Parliament. Your committee, therefore, accordingly, recommends that the bill be not accepted by the Senate.

[Secoded by Sen. Dr. P. Persad]

Question proposed.

Question put and agreed to.

Report adopted.

SHIVA DHARMA SABHA (INC'N) BILL

Sen. Amrika Tiwary: Mr. President, I beg to move that a bill for the incorporation of the Shiva Dharma Sabha of Trinidad and Tobago be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the bill

Preamble ordered to stand part of the bill.

Question put and agreed to, That the bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment; read the third time and passed.

CHURCH OF SPIRITUAL METAPHYSICS (INC'N) BILL

Sen. Alloy Lequay: Mr. President, I beg to move that a bill for the incorporation of the Church of Spiritual Metaphysics and for matters incidental thereto be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 9 ordered to stand part of the bill.

Preamble ordered to stand part of the bill.

Question put and agreed to, That a bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment; read the third time and passed.

SITTING OF THE SENATE

Sen. Alloy Lequay: Mr. President, I had indicated at the last sitting, last Tuesday, that it was going to be necessary for us to sit tomorrow.

Before moving the adjournment, Mr. President, I crave your indulgence just to make a short statement. I want to say, first, that I am disappointed that there was a division on the motion for the extension of the time past 6.30 p.m. In my life in this Parliament, this is the first occasion in which the Leader of Government Business was not permitted to have an extension of the time for sitting without calling for a division. If we look at the Standing Orders, we could see clearly that it states that it is a motion that needs no notice, cannot be amended and cannot be debated. Therefore, it clearly indicates that the Leader of Government Business should not be constrained in his responsibilities to get legislation passed in a given time span.

Mr. President, it is necessary for us to sit tomorrow because, as the Attorney General has advised, the Parliament must be prorogued by midnight on November 4. There is a particular bill which has been on our Order Paper for at least one month. It has already been passed in the other place and if it is not passed in the Senate before midnight on November 4, it will lapse.

It is my responsibility to ensure that Government legislation concerning public business be completed in accordance with the time schedule. I want to give notice, therefore, that we will continue to sit until midnight of November 4, to ensure that the CARICOM Enterprises Bill is passed.

Motion made and question proposed, That the Senate do now adjourn to Wednesday, October 30, 1991, at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.40 p.m.