

Leave of Absence

Tuesday, January 19, 1993

SENATE

Tuesday, January 19, 1993

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 to Sen. John Rooks to be absent from sittings of the Senate during the period January 17 to January 22, 1993.

I have also granted leave to Sen. Camille Robinson-Regis to be absent from sittings of the Senate during the period January 18 to January 24, 1993.

I have granted leave to Sen. Deodath Ojah-Maharaj with effect from January 18, 1993 until further notice, due to illness.

Finally, I have granted leave to Sen. Carol Mahadeo to be absent from sittings of the Senate for one month with effect from January 13, 1993. Some of you may know that Sen. Carol Mahadeo lost her sister in England recently. I will ask the Clerk of the Senate to send an appropriate letter of condolence on behalf of all the Senators.

SENATORS' APPOINTMENT

Mr. President: I have been advised that His Excellency the President has appointed Dr. Eric Baldwin Anderson St. Cyr to be a temporary Senator with effect from January 18, 1993 during the absence from Trinidad and Tobago of Sen. Carol Mahadeo.

I have also been advised that His Excellency the President has appointed Mr. Wilton Paul to be a temporary Senator with effect from January 18, 1993 during the absence from Trinidad and Tobago of Sen. John Courtney Rooks.

OATH OF ALLEGIANCE

Senators Wilton Fitzroy Paul and Eric Baldwin St Cyr. took and subscribed the Oath of Allegiance as required by law.

CENTRAL TENDERS BOARD (AMDT.) BILL

Bill to amend the Central Tenders Board Ordinance, 1961 and to validate certain contracts made between the Government and the National Insurance Property Development Company Limited; brought from the House of Representatives [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken at a later stage of the proceedings.
[*Hon. K. Sobion*]

Question put and agreed to.

MAINGOT VILLAGE SUMATEE SABHA (INC'N) BILL

Bill to incorporate the Maingot Village Sumatee Sabha and matters incidental thereto [*Sen. D. Teelucksingh*]; brought from the House of Representatives; read the first time.

PAPERS LAID

1. Report of the Auditor General on the Accounts of the Trinidad and Tobago Bureau of Standards for the year ended December 31, 1982. [*The Minister of Planning and Development (Hon. L. Saith)*]

2. Report of the Auditor General on the Accounts of the Trinidad and Tobago Bureau of Standards for the year ended December 31, 1983. (*Hon. L. Saith*).

3. Report to the Prime Minister by Justice George Collymore on the circumstances surrounding the decision of the Trinidad and Tobago Airports Authority to award to the Pegasus Group, a contract for the financing, development and operation on a joint venture basis of Phase 1 of the Piarco Rainbow International (Airport) Development Project, in order to satisfy the Government that all proper procedures have been followed and that there has been no irregularity, procedurally or otherwise, in that decision. [*The Minister in the Office of the Prime Minister with responsibility for Public Administration and Information (Hon. G. Draper)*]

4. Statement made in the House of Representatives on Friday January 15, 1993 on the Report to the Prime Minister by Mr. Justice George Collymore on the circumstances surrounding the decision of the Trinidad and Tobago Airports Authority to award to the Pegasus Group, a contract for the financing,

development and operation on a joint venture basis of Phase 1 of the Piarco Rainbow International (Airport) Development Project, in order to satisfy the Government that all proper procedures have been followed and that there has been no irregularity, procedurally or otherwise, in that decision. (*Hon. G. Draper*)

5. Report of the Auditor General on the Accounts of the Trinidad and Tobago Bureau of Standards for the year ended December 31, 1984. (*Hon. L. Saith*)

6. Report of the Auditor General on the accounts of the Trinidad and Tobago Bureau of Standards for the year ended December 31, 1985. (*Hon. L. Saith*)

7. Report of the Auditor General on the accounts of the Trinidad and Tobago Mortgage Agency Company Limited for the year ended December 31, 1991. (*Hon. L. Saith*)

1.40 p.m.

ORAL ANSWERS TO QUESTIONS

Consumers' Rights (Protection of)

32. Sen. Roi Kwabene asked the Minister of Consumer Affairs and Social Services:

Would the Minister indicate what steps will be taken to educate and protect the consumer rights of our citizens in light of the Government's current policy of trade liberalization?

The Minister of Consumer Affairs and Social Services (Dr. The Hon. Linda Baboolal): Mr. President, Government has already initiated and will continue an aggressive education programme aimed at creating widespread awareness of consumers' rights under existing legislation. This ongoing education programme is pursued through—

- (1) the media: radio, television and newspapers;
- (2) special projects like calypso competitions, customer-relations seminars, university and secondary school projects;
- (3) community lecture sessions with special emphasis on changing any lingering negative attitudes to buying local;

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- (4) fostering the formation of consumer lobby groups at the level of communities; and
- (5) customer relations seminars for manufacturers, wholesalers and retailers.

Government also intends, through the responsible agencies, to:

vigorously enforce existing legislation; review current legislation with a view to effecting amendments where required;

accelerate and expand import policing activity as regards the quality and safety of imports via closer collaboration and cooperation with international consumer protection agencies; and

consolidate the activities of local consumer protection agencies.

Thank you, Mr. President.

Sen. Kwabene: Could the hon. Minister indicate to this House whether or not the Bureau of Standards would be incorporated into this programme, taking into consideration that they need right now wider legislative powers?

Hon. L. Baboolal: Unfortunately, the Bureau of Standards does not fall under my Ministry, so that I am not able to answer that question.

Citizens' Advisory Bureau (Neglect of)

33. Sen. Roi Kwabene asked the Minister of Local Government and Minister in the Ministry of Finance:

Is the Minister aware that though Citizens' Advisory Bureaux have been established at various locations in the country, they are to date non-functional?

Could the Minister explain the reasons for such neglect?

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. President, the Minister of Local Government is aware that the two Citizens' Advisory Bureaux established in 1991 in San Juan and Couva have not been functioning as originally intended. Steps are now being taken to locate the functions of the Citizens' Advisory Bureaux within the Information Division of the Prime Minister's Office as part of a Community Information System. In the interim, the building allocated for use as a Citizens' Advisory Bureau in Couva has been assigned to the Couva/Tabaquite/Talparo Regional Corporation. In San Juan, one room within the Terminal Mall on the

Priority Bus Route was allocated for use as a Citizens' Advisory Bureau. The future use of the space within the Terminal Mall is now under consideration.

**Nelson Island
(Accommodation)**

34. Sen. Carol Merritt asked the Minister of Local Government and Minister in the Ministry of Finance:

Could the hon. Minister indicate:

- a. Whether plans to accommodate socially displaced persons on Nelson Island have been operationalized?
- b. If the answer to (a) is in the negative, could the Minister state how soon will this exercise commence and what are the estimated costs?
- c. What is the rationale behind this plan to house such persons on Nelson Island?
- d. What would be the infrastructural requirements to run this facility?

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. President, no plans have been made to accommodate socially displaced persons on Nelson Island. Accordingly, parts (b), (c) and (d) of the question do not apply.

Sen. Merritt: Mr. President, according to the reports that I have been reading in the newspaper—

Mr. President: Questions are not based on newspaper reports, but you may ask a question.

Sen. Merritt: I would like the Minister to tell me what stage the Government has reached so far in looking at the displaced people in Trinidad and Tobago?

Hon. K. Valley: In Trinidad and Tobago? Mr. President, the responsibility for displaced persons in Trinidad and Tobago is the responsibility of my colleague the Minister of Social Services.

Sen. Merritt: If this House would remember, I first posed my question to the Minister of Consumer Affairs, and the Minister of Local Government last week, in coming into the House, had asked me to defer the question and send the question to him instead of the Minister of Consumer Affairs, so I am within my rights in asking him.

Mr. President: I allowed you to continue speaking because of the peculiar circumstances of this special case. I know that you are quite correct in what you have said, but normally this is question time. It is not a time for statements or arguments. Are you prepared to answer the question?

Hon. K. Valley: Yes, Mr. President. Mr. President, if you would recall, the question related to Nelson Island and, really, to Port of Spain initiatives. If the Senator wants to know whether Government has any plans with respect to displaced persons in Port of Spain, I can inform the hon. Senator that, in fact, a note is on its way to Cabinet to ask for the appointment of a committee to look at placing these persons.

Mr. President: Next question, Sen. Merritt? Just a minute, Sen. Daly, you wanted to ask a supplementary?

Sen. Daly: It has been dealt with. Thank you, Sir.

**O'Dowd Commission Report
(Implementation)**

37. Sen. Carol Merritt asked the Minister of National Security:

- a. Could the hon. Minister indicate whether the Government plans to implement in full, the recommendations of the O'Dowd Commission Report?
- b. Could the hon. Minister indicate if the O'Dowd Commission Report is a secret report?
- c. If the answer to (b) is in the negative, would the Minister make copies available to Members of the Senate?

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, may I ask that this question be deferred for a period of two weeks?

Question proposed.

Sen. W. Mark: Why should it be deferred?

Mr. President: So that it can be answered. It is fairly obvious that it cannot be answered now and I am sure the Senator would like to have an answer. Is it all right?

Sen. Merritt: The arrogance of the Minister of National Security.

Question, by leave, deferred.

POLICE SERVICE REFORM

Mr. President: I call on the Minister of National Security to make a statement. I notice that the Senate has a full attendance in the Public Gallery today; and I believe that the main interest surrounds the statement the Minister is about to make. Although many of you may have been to meetings in other places, I just want to remind you that members of the Public Gallery are to listen to the proceedings in silence, please.

Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, before I get into the statement, I would just like to issue one word of caution to the media. The media has done a very good job, Mr. President, of building up expectations insofar as they relate to a statement that I am supposed to make today. I want to assure you, Mr. President, that there is nothing controversial or mind-boggling concerning what I am about to embark upon. I will ask that the media do not mislead the public in future.

Mr. President, the increase in crime in this decade worldwide has been both quantitative and qualitative as certain types of crime, for example, fraud and money-laundering, become more and more sophisticated. Trinidad and Tobago is no exception in this global trend towards an explosion in the volume and nature of crimes.

The high incidence of crime in this country and its widespread negative effect on economic development and the quality of life are of major concern to the Government and people of Trinidad and Tobago.

Criminal activity is now marked by:

- (i) increased incidence of violence against the person in the commission of crimes;
- (ii) increased circulation of illegal firearms and the use of firearms in acts of crime;
- (iii) increases in white collar economic crime which has the potential for undermining the integrity, reputation and viability of the commercial and financial sectors;
- (iv) exploitation of the advantages of higher education and technological advances in the commission of crimes; and
- (v) the burgeoning problem of illicit traffic in drugs.

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It is against this depressing backdrop of escalating crime and severe financial constraints that the Trinidad and Tobago Police Service has been forced to operate over the past few years.

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In addition, this situation was exacerbated by major organizational deficiencies in the Trinidad and Tobago Police Service, as the need for fundamental managerial, structural and cultural changes in the service became evident.

In April, 1992, Cabinet appointed an executive committee with responsibility for the implementation of a change programme in the Trinidad and Tobago Police Service, using as a basis, the recommendation of the O'Dowd Report and other relevant recommendations. The team has been functioning since and has identified the following key areas for reform:

1. Role and Function of the Trinidad and Tobago Police Service
2. Policing model
3. Civilization in the police service
4. Management
5. Accommodation
6. The use of modern technology
7. Improved operational effectiveness
8. Human resource development.

The Government has agreed that the programme of reform in the police service would proceed along the same lines as those being adopted by the rest of the public service.

It has been identified that a major element of the new police model would take the form of a partnership between the police and the public, based on mutual respect, trust and the police accountability. This will enable the collective capability of the community to be mobilized in the fight against crime. The time has come for the establishment of Citizens/Police Committee whose function would extend beyond the report of incidents and general vigilance, into assisting in resourcing and monitoring police activities under formal arrangements. Everyone, Mr. President, must play a part in this fight against crime.

In this respect, I shall soon be presenting legislation to Parliament for the establishment of a Police Complaints Authority which would have a responsibility, not only for receiving complaints from the public but for overseeing a complaints and investigations unit within the organization. One of the major functions of this unit would be the conduct of random audits focussing on areas with potential for corruption.

The programme of civilianization is aimed at increasing the number of officers available for police duties by relieving them of duties which civilians are capable of performing. It is estimated that 350 such posts are to be civilianized. Another area of concern is the police canteen and it is intended to relieve trained police officers now working in the police canteen. I propose to invite the Police Associations and other relevant bodies to develop proposals for the operating of this canteen as a co-operative. This process of civilianization will also extend to the higher echelons of the organization.

The following four senior managerial posts have been identified for filling by civilians:

- (1) Human Resource Manager
- (2) Vehicle Fleet Manager
- (3) Financial Resource Manager
- (4) Information Technology Manager.

Arrangements are now being made to have these posts filled as quickly as possible. This approach will enable the police service to enjoy the benefits of the best expertise available in these critical areas of the management of their organization.

Before moving off of the reform programme, permit me to remove a mischief that is intended to be created in the minds of the public to the effect that the Government is going about its reform of the Police Service without the knowledge of the members of the service. Let me assure you that the Police Service is being kept abreast of the intentions of the Government through the chairman of the executive committee. Several sessions have been held with all levels of the Police Service in order that they would be fully apprised of the Government's intentions.

In keeping with the commitment to fully exploit the advantages of modern technology in the development of the new police model, Government has recently

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approved the expenditure of \$3 million for the acquisition of a computer system in the police service, and I am also pursuing the acquisition of an integrated state of the art communication network which will include the Defence Force and all other protective services.

The Standing Orders of the Trinidad and Tobago Police Service is one of the key instruments of communication of police procedures from the Commissioner of Police to the organization.

This Bible of the Police Service, as it is sometimes called, was last comprehensively revised in November 1952. A committee recently appointed by the Acting Commissioner of Police is currently engaged in revising and updating this document.

This committee is chaired by a former Deputy Commissioner of Police and includes a former Assistant Commissioner. The Commissioner of Police has also recently launched two guidance booklets, one, a Commander's Guide for top managers in the police service, and the other for supervisor/managers.

In spite of the fact that the accommodation needs of the police have been addressed to some extent, it is obvious that the majority of the existing police stations are woefully inadequate.

In April 1993, a new police station will be completed in La Horquetta, a highly populated residential area, the residents of which have suffered a long time as a result of criminal activity. It is hoped that the feeling of security fostered by the presence of this station would extend beyond La Horquetta to the surrounding areas.

We recognize that the Princes Town Police Station is in a sorry state of disrepair. In this connection, the Government revisited the prioritizing of stations under the Maritime accommodation project and decided to rebuild the Princes Town Police Station. The portion of land on which the Princes Town Police Station now stands, however, cannot accommodate the design of the Grade "A" police station which Princes Town requires. The prototype is being redesigned to fit into the existing space and it is anticipated that construction will commence shortly.

The Government is exploring alternative arrangements for the accommodation of the Princes Town police as an interim measure. In addition to these two, Government is assiduously pursuing plans to improve police accommodation in a

number of other districts, among them being Maraval, Sangre Grande, Four Roads and Erin. In the mean time, the Artisan Corps of the police service will affect repairs where possible.

In pressing for much needed improved conditions, however, officers of the Police Service need to be mindful that collective action that borders on indiscipline does not redound to the credit of the service, nor does it promote the feel of public confidence and security that needs to be associated with the police. I, personally, deplore acts within a disciplined service, which clearly display no regard for authority. Discipline cannot be allowed to be flouted by way of an abuse of worker-representation privileges.

Notwithstanding the appointment of an Executive Committee for the implementation of a change programme, I am firmly convinced that no programme of change will succeed unless it is driven from within the Police Service, under a leadership team that is committed to, and capable of, the implementation of such a programme. It must be understood that in the restructuring of the Police Service, attention must be paid to the leadership, promotion and management levels and the skills that are required to lead the service into the 21st century. This will be looked at seriously by the reformers.

Towards this end, the Ministry of National Security, through the Chief Personnel Officer, has sought and obtained the services of an adviser in police management and it is intended that the individual will be on board by March 15, 1993.

While the programme of change is proceeding, the Government shares the concern of the public over the increasing incidence of robberies, the use of firearms, motorcar thefts, "carjacking", moreso, since a high degree of these are spawned by drug trafficking. The Ministry has embarked on a programme of action with a view to achieving the following major objectives: increased mobility; reduced response time; greater police visibility on a continuous basis; expeditious trials in cases of serious crime and the introduction of a drug court which will deal exclusively with crimes pertaining to drugs, arms and ammunitions.

On the question of increased mobility, Government has agreed to lease 120 motorcycles for use by the police and it is intended to deploy these vehicles in more densely populated residential areas, e.g. Chaguanas, Diamond Vale and Santa Rosa, to name a few.

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This mode of transport for use in normal police patrolling is not only intended to improve mobility and visibility, but to facilitate the development of closer linkages between the police and other members of the community whom they protect and serve.

In addition, mobility will be enhanced by the acquisition of 15 new cars which are expected to be available by April 1993.

2.00 p.m.

Maximum use will be made of the potential of the military to assist the police, not only in this programme of immediate action, but in the long-term development of national security systems. Steps will be taken in the very near future towards introducing a legal framework which facilitates expanded joint action between the police and the military.

I would now like to treat with one of the major threats to our national security. I refer to the problems of the illicit traffic in drugs. What this Government inherited on assuming office, was a deteriorating drug trafficking situation. There were low levels of success in the area of seizures, as well as prosecution of major or even mid-level traffickers. Moreover the organization that needs to take a lead in combatting trafficking was in need of major reform. I refer of course to the Police Service. The Narcotics Unit, charged with special responsibility for this problem, was in dire need of re-organization and resourcing and, perhaps, suffered most from the general loss of public confidence which had befallen the wider Police Service. Furthermore, there was an absence of any arrangements for much needed co-ordinated action by relevant services and agencies, such as the Defence Force, Customs and Immigration

Drug legislation had been introduced just over one month prior to our assumption of office. This Government has taken very specific action towards building mechanisms to enable a strong confrontation of this problem on as broad a front as possible. The re-organization and cleansing of the Police Service, as already mentioned, is in progress.

The driving force in the overall interdiction effort, is the newly established Office for Strategic Services which is under the direction of the Special Adviser, who reports directly to the Minister of National Security. Steady progress has been made towards building our domestic counter narcotics interdiction structures, as well as facilitating this country's participation in regional and international initiatives against drug trafficking.

The First Phase of a National Drug Interdiction Programme has been documented. It sets out a strategic approach, as well as the key areas of focus for a co-ordinated programme involving all the major agencies—Police, Defence Force, Customs etc.

A key group comprising the Commissioner of Police, together with other relevant officers, the Chief of Defence Staff, the Commanding Officer, Coast Guard and the Comptroller of Customs, has been meeting under the Chairmanship of the Director of the Office for Strategic Services with a view to developing action plans and co-ordinating procedures for implementation of the programme.

The Ministry, through the Office for Strategic Services, has been involved with the Central Bank and the commercial banking community in the development of measures against money laundering. I wish to record my commendation to the banking community on the agreement effective December 1, 1992, aimed at complying with the provisions of the Dangerous Drugs Act. It is hoped that non-bank financial institutions will be persuaded to similar action in 1993.

Major developments will soon take place within the Police Service in respect of the Police Narcotics and Firearms Bureau. The unit will be replaced by a newly constituted Organized Crime and Narcotics Unit. I have been in contact with foreign government representatives on the question of assistance in training and equipping of this new unit to enable it to effectively investigate drug trafficking and the related complexed organized financial crimes spawned by that traffic. The establishment of this unit has been the subject of discussions for some time now involving the Commissioner of Police, the Director in the Office for Strategic Services and the Minister of National Security.

At this juncture, it is necessary now for me to comment on the position of the Scotland Yard investigations. As you will recall the Government sought the assistance of the New Scotland Yard Organized Crime Unit to investigate an allegation made by an Assistant Commissioner that there existed in the Police Service a "drug cartel". I now wish to report that after six months of investigations, the investigators have reported and I quote:

"Murray alleged that there existed in the Police Service a 'drug cartel'. There is no evidence to support this allegation nor is it believed to exist in the sense that officers are conspiring together to import, trans-ship, or distribute drugs. What does exist is a hard core of corrupt officers who will do anything

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to get money for themselves regardless of the consequences for others. One method of obtaining money is to provide protection for those engaged in the drug trade. This is where the drug 'connection' exists.

Mr. President, I hasten to add that not all police officers in the Trinidad and Tobago Police Service are corrupt, but there is no doubt that there are a few whose actions, unless curtailed, will tarnish the many who are desirous of seeing the credibility of the service restored.

The difficulty that is being faced by the investigating team is the collecting of cogent evidence that will put us in a position to bring criminal proceedings against those corrupt officers. Let me assure you, however, that work will continue by the investigating team and I have every confidence that we will succeed in rooting out the corrupt ones.

Greater emphasis will be placed on the provision of resources for the Coast Guard which now operates under severe equipment constraints. The necessity for the Coast Guard to be able to rapidly respond to intelligence leads is essential to the success of efforts to increase seizures. Equally important is the ability to maintain a reasonable presence around the coastline. In the context of marine assets, I must mention that I propose to bring, for consideration by the Cabinet, a proposal for the re-establishment of a Police Marine Unit. We are persuaded that there is need for the police to have marine assets under its direct control.

Under the aegis of the Office for Strategic Services an inter-ministerial legal team has completed a review of existing drug legislation with a view to enhancing the legal framework and enabling ratification of the 1988 Vienna Convention. Drafting of legislation, based on the recommendations of the team, is progressing at a commendable rate. The Ministry of National Security will also be retaining the services, through the aegis of the Ministry of Legal Affairs, of a specialist draftsman to assist with the legislation. Among the new offences will be:

- (i) The possession, manufacture, transportation or distribution of precursor chemicals, knowing that they are to be used for the illicit cultivation or manufacture of drugs.
- (ii) The laundering by a drug trafficker of his own trafficking proceeds or the laundering of another's drug trafficking proceeds with intent to avoid prosecution.
- (iii) The acquisition, possession or use of property, knowing at the time of receipt that such property was derived from drug trafficking.

Moreover, the Attorney General has been requested to take the necessary steps for utilizing the Chaguaramas Court as a Special Court for expeditious handling of drug matters and other cases of serious, menacing crime. Cabinet has already agreed to the establishment of a Seized Assets Fund with a view to ensuring that any captured assets of drug traffickers are ploughed back into the counter narcotics effort.

In furtherance of our commitment to regional and international initiatives, this Government has agreed to provide facilities for the establishment, in Port of Spain, of a regional secretariat which will assist Caribbean and Caribbean Basin Rim Countries in implementing recommendations designed to combat money laundering. This regional effort against money laundering was agreed to at the Caribbean Financial Action Task Force Ministerial meeting in Kingston in November, 1992.

With effect from January 1, 1992, Trinidad and Tobago has assumed membership in the Inter American Drug Abuse Control Commission (CICAD). The Commission is a technically autonomous agency of the Organization of American States of which the objective is the elimination of illicit drug trafficking and drug abuse in the Inter American Region. Mr. Lance Selman has been nominated as the principal representative of the country on that Commission.

This Government has articulated its total resolve to confronting the threat of drug trafficking. That resolve continues to grow stronger as we continue steadily on this time-consuming and costly path of building our capability to sustain our efforts against this menace. Today, our intelligence on the level of drug trafficking is even better than before. We are aware of the significant quantities of cocaine transiting this country. We have a better understanding and knowledge of the scale of related crimes such as money laundering and arms trafficking. What we are doing is developing our capability to strike this enemy of society at the right level. What I ask for is the understanding, the support, the co-operation and the total commitment of this House and the society as a whole.

Thank you, Mr. President.

2.10 p.m.

Sen. W. Mark: Mr. President, may I ask the Minister a question for clarification?

Mr. President: Yes, go ahead.

Sen. W. Mark: Could the hon. Minister indicate to this Senate whether the special adviser mentioned has arrived in Trinidad and whether he is from Scotland Yard? How long will the special adviser be here? And could the Minister indicate to this Senate, based on his submission on the “drug cartel”, whether his report represents a summary of the Scotland Yard’s report over the six-month period that they have been investigating that particular allegation?

Sen. Huggins: Mr. President, insofar as the special adviser is concerned I indicated that he will be on board by March 15, 1993. He will be here as long as it will take him to complete the job.

Insofar as the Scotland Yard report is concerned, this report is an extract taken from the report.

Sen. Hosein: Mr. President, I wonder if the hon. Minister would clarify whether the Police Service is in agreement with the “civilianization” of the service? Secondly, I wonder if the Minister omitted to mention the Barataria Police Station?

Mr. President: Excuse me Senator, I do not think you could get clarification on something that is not in the report.

Sen. Hosein: I wondered if he left it out.

Mr. President: Since this is not question time, you cannot use a question as a pretext for a debate. If you did not understand something which was said, and you need clarification, I would allow that. You are talking about something that did not even come into the report.

Sen. Hosein: The hon. Senator talked about police stations and I wondered if he omitted that.

Mr. President: A specific police station.

Sen. Hosein: Thirdly, can the Minister say whether his “Party’s” advance announcement of the investigation by the new Scotland Yard interferes with getting evidence to prosecute these “dirty cops?”

Sen. Huggins: The answer to the last part of the Senator’s question is no.

POLICE COMPLAINTS AUTHORITY BILL

A Bill to establish the Police Complaints Authority and for matters incidental thereto [*The Minister of National Security*]; *read the first time.*

Motion made, That the next stage be taken at the next sitting of the Senate.
[*Hon. R. Huggins*]

Rotary Club (Inc'n) Bill

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**ROTARY CLUB (INC'N) BILL
ST. AUGUSTINE**

Question put and agreed to, That a bill to provide for the incorporation of the Rotary Club of St. Augustine and for matters incidental thereto, be now read a second time.

Bill accordingly read a second time.

Bill referred to a select committee of the Senate chosen by the President as follows:

Sen. Ainsely Mark, (Chairman), Sen. Pundit Ramcharan Gosine, Sen. Carol Merritt and Sen. Hydar Ali.

CENTRAL TENDERS BOARD (AMDT.) BILL

The Attorney General and Minister for Legal Affairs (Hon. Keith Sobion): Mr. President, I beg to move, that a bill to amend the CTB Ordinance, 1961 and to validate certain contracts made between the government and the National Insurance Property Development Company Limited, be now read a second time.

Mr. President, you will note that the legislation which is being amended was first enacted in 1961, which is some 32-odd years ago. Since that time this piece of legislation has been amended on no less than 17 different occasions. As another statistic arising out of those amendments, in the first 25 years of its life it was amended on nine occasions and in the five years between 1986 and 1991, it was amended on eight different occasions.

As we begin the debate on this the 18th amendment, one will hope that we have either reached the point where the legislation has been finally refined and/or that we would now proceed to review the whole tendering procedure relating to the business of Government, and with that review a new legislation would be put in place, drawing on the experience over the last 31 years.

Mr. President, essentially the Central Tenders Board Act provides an independent system whereby goods, services and supplies are provided to the central and local Government bodies and other statutory bodies after certain specified guidelines have been followed in such a way as to remove from the functionaries at the ministry or the department level any real involvement in the purchase and/or acquisition of goods and supplies. In other words, it seeks to create an authority which is independent and removed from the control by ministries or statutory bodies.

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The proposed amendments are twofold. The first deals with the definition of "Minister" as it is contained in section 2 of the present legislation and the second is an amendment to section 20A basically, to make the National Insurance Property Development Company one of the agencies which can be approached by Government for the provision of goods and supplies without using the procedure set up for tendering.

2.20 p.m.

There is a subsidiary amendment and that is contained in clause 5 of the Bill which validates acts done previously, without the necessary authority. Essentially, what has happened is that over the past few years since 1979, NIPDEC has been approached by successive administrations and they have been awarded the opportunity to supervise and manage government projects, without an approach having been made to the Central Tenders Board.

If I may deal firstly with the amendment to section 2 which is contained in clause 3 of the Bill, the original legislation defined "Minister" in section 2, as meaning "the Member of the Cabinet charged with the administration of the subject of finance". In 1987 by Act No. 22 of 1987, that definition was amended to read, "Minister means the Prime Minister."

Under the Act, the Central Tenders Board is required from time to time to report to the relevant Minister. For example, Section 27F states:

"The Board shall submit monthly to the Minister of Finance a written report on the appointment of consultants and shall cause the report to be published in the *Gazette*."

So, there is a reporting function between the Board and the Minister and the proposed amendment seeks to liberalize the definition of "Minister" in such a way as to give the Prime Minister the opportunity to allocate the portfolio responsibility for the Central Tenders Board to such Minister as he may see fit. For instance, he may think that it should fall within the ambit of the Ministry of Works, or he may want to place it in the hands of the Minister of Finance. What we have done is presented a form of words in this amendment which leaves the responsibility for the allocation of the portfolio to such Minister as the Prime Minister may think fit.

Clause 3 states that we will be deleting the definition of "Minister" and substituting the following definition:

"Minister means the Minister to whom responsibility for the Central Tenders Board is assigned."

You would note that we originally started with a definition of a specific Minister, and that was amended to read another specific Minister, and we are now seeking to put in place machinery whereby the change in portfolio can be made without the need to have an amendment to the Act. Perhaps, I think it is a non-controversial amendment and one which removes the straight-jacket which previous administrations have found, not only by the original definition, but also by the subsequent amendment which was made in 1987.

Indeed, in perusing the *Hansard* record of the debate in 1987, the question was posed by Members of the then Opposition as to why this amendment to read "the Prime Minister?" Perhaps, because of the heated nature of the debate on that occasion, apparently, the matter was lost on the Minister when he made his reply, so in fact, there was really no justification given for the change from one specific Minister to another specific Minister. The proposed amendment here leaves that open, and I think it is a formula which successive administrations can live with.

I had occasion in the other place to point out that even though the definition was amended in 1987, apparently, by an oversight, section 27F was not amended. At the committee stage, I proposed an amendment to section 27F which forms part of the list of amendments which have been circulated. It is merely to delete the words "of Finance" appearing after the word "Minister" in section 27F. You would recall that I had indicated that the original definition of "Minister" was "Minister of Finance", when it was changed to "the Prime Minister" apparently, by oversight, section 27F was not amended, so that forms part of the amendments which we are proposing.

Amendment No. 2 deals with an amendment to section 20A which, in fact, is one of the most oft amended sections of this Act. Even though it came into force only in 1979, it has been amended on at least four occasions. Section 20A essentially provides an alternative route to the Central Tenders Board which is established by section 4 of the Act and is given sole and exclusive authority to act for and on behalf of the Government in the securing of goods and services.

Section 4 (1) states:

"There is hereby established a Central Tenders Board which save as
that is provided for in Section 20A and—

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...in section 35 of this Ordinance shall have the sole and exclusive authority in accordance with this Ordinance—

- (a) to act for, in the name and on behalf of the Government and the statutory bodies to which this Ordinance applies, in inviting, considering and accepting or rejecting offers for the supply of articles or for the undertaking of works or any services in connection therewith, necessary for the carrying out of the functions of Government or any of the statutory bodies;"

So, it is the sole and exclusive authority for dealing with the supply of goods and services to the Government or the main statutory bodies. In carrying out that function, we are guided by the provisions of section 20 which sets out the procedure for making application to the Central Tenders Board.

2.30 p.m.

Section 20 reads, subject to section 19 and I quote:

"Whenever articles or works or any services in connection therewith are required to be supplied to or undertaken on behalf of the Government or a statutory body to which this ordinance applies, the Government or such statutory body shall make written request to the Board to invite on its behalf offers for the supply of those articles..."

There is detailed thereafter the process which takes place when you are invoking the powers of the board.

Section 20A is a section which was introduced initially in 1979 and seeks to provide a route whereby the Government can source goods, services and supplies without having recourse to the tenders procedure.

The amendment which is being proposed, Mr. President—and I would refer specifically to the provision of section 20A, which we seek to amend and it is section 20A subsection (1) (c), which as it stands now, reads:

"Notwithstanding the provision of section 20(1),..."

Which is the invoking provision I just read—

"...the Government may act on its own behalf where—(c) it enters into a contract with a company which is wholly owned by the State for the supply of articles or for the undertakings of works or services in connection therewith;..."

The proposed amendment, Mr. President, would involve the introduction of the words "the National Insurance Property Development Company" before the words "a company which is wholly owned by the State".

The effect of that amendment, Mr. President, will be that the Government will be able to approach the National Insurance Property Development Company as it now can approach state-owned companies for the provision of goods and services that are required by the Government without having recourse to the tenders procedure. It is an exception provision, an exception in the sense that it is an exception from the normal rules of the Central Tenders Board.

Mr. President, the National Insurance Property Development Company was formed in 1977. It is a subsidiary of the National Insurance Board which itself was established by Act of Parliament and which came into being as a result of a tripartite arrangement between Government, labour and business. In that sense, the National Insurance Property Development Company has a somewhat unique parentage, and is possibly a one of a kind situation insofar as the ownership of the private company is concerned.

It was formed in 1977 and in its memorandum and articles, the principal object stated in that memorandum, the first object of the company reads as follows:

"The objects for which the company is established are to undertake and engage in the erection, construction, maintenance and furnishing of buildings to be leased or sold to Government, statutory boards and non-Governmental organizations and/or persons and of dwelling houses and flats particularly for the middle and lower income groupings."

One of its principal objects, therefore, Mr. President, was to provide the very kind of service which it has, in fact, provided to successive administrations since 1979, albeit that the state was not empowered to approach the National Insurance Property Development Company directly, without having gone through the Central Tenders Board procedure. Apparently successive administrations were under the misconception that NIPDEC was a state-owned corporation and, therefore, they were free, by reason of section 20A, subsection (c), to approach NIPDEC directly and engage their services for the management of a number of projects.

We have reviewed that procedure, Mr. President, and we are satisfied that NIPDEC is not such, the company as falls under the present exception created by

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section 20A subsection (c) and we have, therefore, sought to bring NIPDEC under that subsection.

I may indicate, Mr. President, that within recent times, NIPDEC has been engaged in a number of projects on behalf of the Government on the basis that they fell within the exception of section 20A. Among them, in Trinidad, we have had the Port of Spain Redevelopment Project which was a project where NIPDEC was involved in the management of the reconstruction and improvement of certain areas of Port of Spain; infrastructure upgrade in south-east Port of Spain and renovation of a number of schools. In Tobago, NIPDEC was involved in the management of the construction of the Bishop's High School new wing; the upgrading of facilities at the Scarborough Hospital; the design and construction of the new Scarborough abattoir and the Kendall Farm School. Those are some of the more recent projects and if one looks back over the years, there are a number of other major projects whereby NIPDEC's services had been utilized without recourse to the tenders procedure.

It is for that reason, Mr. President, that we have introduced clause 5, which is a validation provision and which seeks to regularize all that has been done over the last 13 years on the misapprehension that NIPDEC was an exception agency under the provisions of section 20A. I may also say that this administration has been engaged in major discussions with NIPDEC with respect, particularly, to the health sector and, in fact, there was a joint initiative between the Ministry of Health and NIPDEC which produced a report in March of 1992 regarding the implementation of urgent upgrade works to hospitals and health centres. This report was put together by that joint initiative for the purpose of undertaking immediate and urgent work in the health sector over a wide range of health facilities throughout the country. It is in the course of getting involved in the management contract based on this report of NIPDEC that one raised the legal question of whether NIPDEC could be approached without first having to approach the Central Tenders Board. So that this joint initiative between the Ministry of Health and NIPDEC, the implementation of the recommendations, have now been put on hold whilst the amendment is being pursued.

The recommendations, Mr. President, for the information of this House and for the information of the national community, proposed start dates in 1993 of a number of medical and dental centres, the Penal/Rock Road/Siparia Health Centre, Chatham Health Centre, La Horquetta Health Centre, San Raphael Health Centre, Sans Souci, Lengua, Gran Couva, Point Fortin, Marabella and Princes

Town. There is a wide range of health centres throughout the country with start dates ranging between January and June of 1993.

In addition, Mr. President, the joint initiative report deals with major hospitals, again with start dates in 1993—Port of Spain and San Fernando General Hospitals, the St. Ann's Hospital and the St. James Hospital, among a number of others.

Mr. President, the fact is that what we are seeking to do, if one were to sum it up in one line, is to make provision by this amendment to permit the state to continue to treat with NIPDEC in the same way that it has been doing over the past 13 years, getting it involved in the management of contracts without having to have recourse to the tenders procedure.

I want to add in that connection, Mr. President, that NIPDEC, of itself, has its own tenders procedure, and it is a fairly detailed tenders procedure which is similar in nature to that employed by the Central Tenders Board. So in the management of contracts for and on behalf of the state, it will, of itself invite tenders and their tenders procedure will then be put into use.

So whilst in a sense I know that the argument can be that this amendment will seek to open the doors for all kinds of activity which is uncontrolled, the fact of the matter is that it is not going to be an open situation in that persons with whom NIPDEC engage will, themselves, be subject to the internal tender procedure of the company.

The procedure established by the Central Tenders Board is a fairly detailed procedure. The invitation to tender procedure is set out at article 13 of the procedures and it provides in very much the same way as the Central Tenders Board provides for the examination and opening of tender documents, et cetera. So that it is not an amendment which will result in a situation where the award of contracts of goods, services and supplies will not be monitored at all. It provides a situation whereby you do not have to go to the Central Tenders Board and their rules and procedures, but you will be governed none the less by the procedures set out by NIPDEC's tender procedure rules.

Mr. President, I have been advised by my good friend, Sen. Capildeo, that this is a simple amendment, and I do stress that it is a necessary amendment. I do recall that in the debates which dealt with the amendments, in 1987, much emphasis was placed on the fact that the machinery and procedures of the Central Tenders Board very often diminish good and effective government. That is the

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kind of argument which was raised at that time, in 1987, and it was a recognition that whilst it is necessary to have an independent body deal with this kind of matter, that sometimes it was necessary to create control, *et cetera*.

Mr. President, this is a controlled exception where there will be governing rules relating to awards by NIPDEC. Therefore, Mr. President, I have pleasure in commending this Bill, through you.

Sen. Daly: Before the Attorney General takes his seat, Mr. President, can he help me by way of clarification? Who is the owner of the National Insurance Property Development Company Limited?

Hon. K. Sobion: The company, NIPDEC, is owned by the National Insurance Board.

Sen. Daly: Mr. President, I do not want to prolong it, but then that raises the question of who is the owner of the National Insurance Board.

This amendment is being presented on the basis that this is not a company wholly owned by the state, so who is the owner of the National Insurance Board?

Hon. K. Sobion: The National Insurance Board, Mr. President, is a board that was established by statute arising out of an agreement between labour, government and business to establish a national insurance scheme based on contributions from the employer, the employee and with the effect of the Government. It is a peculiar organization. I did say that the parentage of NIPDEC is not, in effect, a wholly owned state company. The state is really not the owner of NIPDEC.

I was saying, Mr. President, having regard to the fact that this amendment, while it creates an exception to the normal procedures of the Central Tenders Board, it is an exception which is governed by controlled circumstances and those controls are in place and they have worked over the last few years.

Therefore, Mr. President, I beg to move that this Bill be read a second time.

Question proposed.

Sen. Muntaz Hosein: Mr. President, the Bill before us was presented by the Attorney General. He seemed to go around in circles trying to make a case that the second part of the Bill, which deals with NIPDEC and the Government, section 20A(c) would have certain exceptional guidelines, and to me, Mr. President, it has not gone down in the manner in which he would have liked it to go down.

Mr. President, there are four salient points in this Bill; one is section 20A(c), which deals with NIPDEC and the Government, which the Minister refers to as exception to the normal tendering procedure; the second area is the Central Tenders Board, its usefulness, the quality of its work; three, to validate the acts and things done or omitted to be done under past contracts mentioned above; and, fourthly, the question of accountability of the Government via the Central Tenders Board or NIPDEC's tenders procedure.

Let me state from the outset, Mr. President—and you will be well aware that the Central Tenders Board seems to be a law unto itself. The Minister alluded to a debate in 1987, and I would like to quote from that debate, Mr. President. I refer here to *Hansard* of Tuesday, August 4, 1987. Mr. President, I would like to quote the former Attorney General, Selwyn Richardson, in that debate:

"On a point of information, Mr. President, the original Central Tenders Board Ordinance was passed in this House in the year 1961, if my memory serves me right. In fact, from 1976, I did my best to get rid of that, the Central Tenders Board Act, because I agree with Sen. Furness-Smith who said that the Central Tenders Board Act was responsible for more corrupt practices in Trinidad and Tobago than any other Act.

In fact, without going into too much detail, I remember on one occasion getting some information as a result of which I initiated some actions causing the police to go to the Central Tenders Board headquarters on Sackville Street. They met with resistance, as a result of which I directed them to take out a warrant and search the Central Tenders Board headquarters. When the search was made, my information was proven to be correct. Changes were made in certain fundamental documents."

Mr. President, from the outset—and not so far back, 1987—we have the then Attorney General giving his views on the Central Tenders Board. This is a very telling blow with regard to the activity of the Central Tenders Board.

I go further, Mr. President. I would like to read from the same debate. Section 33 of Act 22 of 1961, the Central Tenders Board Ordinance, 1961 states:

"In the exercise of its powers and in the performance of its duties, the Board shall conform with any general or special directions given to it by the Minister."

This obviously leaves room for corruption and Government interference in the tender procedure.

Mr. President, I want to now refer you and this honourable Senate to a report which we received and this is the report to the Prime Minister on the circumstances surrounding the decision of the Airports Authority to award to the Pegasus Group a contract for the financing, development and operation on a joint venture basis of Phase I of the Piarco Rainbow International (Airport) Development Project in order to satisfy the Government that all proper procedures have been followed and there has been no irregularity, procedurally or otherwise in that decision.

Mr. President, if we look at page 3 of that report, and I quote from this report, Sir:

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

Mr. President, we are looking at a problem that plagued the Central Tenders Board from some time ago and we see that, before us, within the last few months, it is still with us. This report goes on and I quote again from the report:

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

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

Mr. President, it is quite strange to see that such a learned gentleman who undertook this task and presented this report would have written into the report all of these allegations and come to the conclusion that there was nothing wrong procedurally with what went on in this matter with the Airports Authority.

I ask, Mr. President, why in the first place we have the Minister asking for no rankings to be sent. Secondly, rankings were sent, Maritime was placed first, and thirdly, they withdrew the rankings, they withdrew that report and another report—

Sen. Dr. Kuarsingh: Mr. President—

Sen. M. Hosein:—with rankings (sic) placed second.

Sen. Dr. Kuarsingh: Sir, I see that the Standing Orders are clear that we should discuss the matter before us and this strikes me as irrelevant and I seek your protection.

Mr. President: The point of order is upheld. We have a report that was laid in the Senate earlier. There is no motion before us to adopt and consider or take note of the report or to approve it, reject it, or otherwise. I do not mind passing reference, if you are trying to prove a point that the Central Tenders Board, as it stands or amended, is ineffective. But to go into the details of the pros and cons of the report would not appear to be consistent with what is before us today.

I do not want a detailed debate. You are free to file a motion at any time, give notice of a motion to debate the report, or you can ask several questions, giving normal notice, arising out of matters contained in the report. But I do not think you can go into the details of that specific report on this occasion.

Sen. M. Hosein: Mr. President, this report that is before us is a report based on the Central Tenders Board and this subject matter deals with the Central Tenders Board.

Mr. President: I do not agree with you. As I said, if you are using the report to show that the Central Tenders Board Act, as it stands, is ineffective, or has loopholes which would cause action to be taken by people such as the one referred to in the report, fine. But not because this was something that was awarded by Central Tenders Board I can allow you to go into the whole details of the pros and cons of the report. Not on this occasion.

3.00 p.m.

In other words, all I am saying is that this is not the occasion for a full-scale debate on a report which was tabled in the House for which there is no motion to take note of the report, to reject it, adopt it or otherwise.

Mr. Sobion: Mr. President, on a point of clarification. I just want to bring to the attention of Sen. Hosein that the Central Tenders Board had no involvement in the matters leading up to that report. The references to the Tenders Committee in that report is the Tenders Committee of the Airports Authority.

Sen. M. Hosein: Yes, Mr. President, but the Minister gave rise to the procedure of NIPDEC, that there is another procedure and therefore there is some

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kind of safeguard, and we are dealing with the whole procedure of tendering, whether it be from the Central Tenders Board, NIPDEC or a Tenders Committee. I am not debating the report but I am pulling from it to show that the question of ministerial interference, which was a matter which the Minister referred to as well, and to which I alluded, is a major point in the question of tendering procedure. Therefore, I am just pulling out of this report to show that there was ministerial interference in the past and there still is. Therefore we are not going to debate this particular issue.

Mr. President: You have made your point so you can proceed.

Sen. M. Hosein: Thank you, Mr. President. The whole issue of what we are debating today has to do with accountability of the Government for the funds of the people of Trinidad and Tobago.

If we look at an *Express* article entitled, "Tenders Board Under Fire", dated September 11, 1989; we will see and I quote:

"The contract for the preparation of the council's 1979—1985 accounts was not awarded to the highest bidder. In fact, Alderman Percy Persad expressed concern that the CTB should seek to force the council to spend \$9,000 more to have the accounts prepared for audit. The report stated that upon request, Mr. Persad was told that the CTB does not divulge information of this nature."

I quoted this so that we will understand that this is a problem that we have been having with the Central Tenders Board a long time ago and the Minister alluded to that in his presentation. What we are saying is that we still have this problem. If you had picked up the newspaper during the last few days you would have seen that the problem continues. You will see that there is much hullabaloo going on about what is happening with that same Airports Authority and accountability for the people's money, and this is the key issue in this Central Tenders Board (Amdt.) Bill. If we cannot account for the people's money then what is the point of having these tendering procedures?

The Minister tried to make it appear that the Government wants permission to get into a contract with NIPDEC and NIPDEC will then send out open tenders and therefore that will make it safe. We on this side of the Senate do not believe that because we know what goes on with regard to tendering and we can point out several incidents where the lowest tenderer was not given the contract and the Central Tenders Board does not answer to anyone.

What we are saying on this side of the Senate is that there should be some kind of procedure so we can monitor the workings of the Central Tenders Board. There should be a select committee of both Houses of Parliament to oversee the accountability of the Central Tenders Board, among others. If you do not do that—whether it is this Government or the past Government—they would all be painted with the same brush. The procedure of the Central Tenders Board is insufficient to satisfy the people of Trinidad and Tobago that their money is properly spent.

What will happen—and if I go back to that debate and I quote from the *Hansard* of Tuesday, August 4, 1987, from Sen. Furness-Smith's contribution, he says:

"Mr. President, you would be aware that I had some experiences during the last Parliament with the affairs of Plipdeco, and a certain Georgia corporation called Estante Corporation, which had connection with Cayman Island subsidiaries or associates—our investigations were unfortunately cut short. But what one discovered was that Plipdeco was doing all sorts of work for other Government entities. And, of course, Plipdeco, being owned by the state—99 percent—would be free of the Central Tenders Board Act. So all they had to do when they wanted a certain job done by some company or other was to contract Plipdeco to do it, who could then get Estante Corporation from Atlanta, or other friends they might have in Atlanta or Idaho."

This is what the problem is. If we give the Government the okay to continue to treat in that manner with NIPDEC and the Government says, "look, they have their own tendering procedure", the question is: Who are the people who do the tendering procedure answerable to? Then we have government control by the Minister, the Central Tenders Board which is riddled with assumptions of corruption? What we are saying is that this simply will not do, and we have to come with better procedures in order that we can treat with NIPDEC. If it is that we are going to treat with them, the people's funds must be safeguarded and the only way in which we feel that can be done is by way of a joint select committee.

Mr. President, we had only recently this issue of the Airports Authority and Pegasus. This is a prime example of what can happen given this sort of arrangement. For example, you had a report. It has been tabled in Parliament, and it is riddled with inconsistencies. You have other people who tendered for that same project and they are very dissatisfied and they are showing the reasons for their dissatisfaction.

3.10 p.m.

If you are going to safeguard yourselves from the problems which befall the Airports Authority on this Pegasus issue, you are going to have to make sure that this Bill contains the safeguards necessary.

If not, Mr. President, you will have this all over again. You are going to continue to have this. Mr. President, if you look at the *Sunday Express* of January 17, 1993, the headline "Prober revises airport report", you will see the extent of what we are talking about. Here is a gentleman who is a judge, a respected man in the country, a retired judge. And here you have it. When questioned on why the report was revised—

Sen. Saith: Mr. President, I just want to ask for your ruling. I do not think it is fair for allegations to be made about the author of the report who is not here to defend himself. I sense a trend that is suggesting that that will be so, and I am just asking you to deal with it.

Sen. M. Hosein: Mr. President, I have no intention of impugning the character of anybody.

Mr. President: I allowed the Senator to make his statement, because it was reported that the prober stated that he had, in fact, revised his report. I have not seen any publication that has deemed that report to be incorrect. But a more specific point, again, I am asking the Senator to resist the temptation of using this occasion to have a full-scale debate on the contents of that report. If you want to make a point that the report shows there is weakness, or loopholes in the tendering procedures, make it and propose your amendments to be taken at the committee stage which would take care of that. But you have made the point already. I do not think you have to repeat it over and over, or belabour the point. I cannot allow anyone to go into a full-scale debate on the contents of that report. I want to make that very clear.

Sen. M. Hosein: Mr. President, I have moved away from the contents of the report. I am making comments now on the newspaper report.

Mr. President: Questions are not to be based on newspaper reports. I reminded one person about that already for the day.

Sen. M. Hosein: Why do I get the feeling, Mr. President, that somebody is trying to muzzle me?

Mr. President: No, I am being very liberal indeed. I do not like to muzzle people, that is why you have been allowed to say so much already. You can say what you have to say without going into the details of that report. I am not going to allow it.

Sen. M. Hosein: I know, Mr. President, that this report is a sore. But the point is, Mr. President, it is also a sore in the pockets of the people of Trinidad and Tobago; and I am a watchdog for that purpose [*Interruptions*] My purpose here is to make certain that the people opposite do not run away, for want of another word, with allowing—

Hon. Senator: To Panama.

Sen. M. Hosein: Well, we do not want them to go to Panama, or wherever. You see, Mr. President, one has a duty in the Senate; and while I understand the position of the Chair in sticking to the procedure of the Senate, I am doing my very best to make sure the views of the people of Trinidad and Tobago are heard in this Parliament, regarding accountability. It just so happens that I came prepared. I do not only have the report, I also have the newspaper clippings; but it seems to me, Mr. President, that either way, I am being blocked. I assure you, Mr. President, that this is not the end of the story. I assure you and Members opposite that this is not going to be the end of this. They are going to hear much more about this from me from time to time. I will use every avenue in this Senate to bring this matter to the fore because it is a sore matter; it is a matter where the people's money is concerned. However, I will try to comply, Mr. President, with your advice not to refer too much to that report.

Mr. President, let us examine NIPDEC, and let us see what kind of organization it is and what they have been doing. You see there is a part here in this Bill that talks about NIPDEC doing things: to validate all contracts and all things done or omitted to be done under past contracts. We have to examine what past contracts we are talking about. Let us see here, Mr. President. You see—

NIPDEC has undertaken a wide range of activities/projects since its origin including mechanical and electrical services, estate management services, management of sales of properties, security services, warehouse operations and most importantly project construction management.

Between 1978 and 1992, NIPDEC would have managed over TT \$3.5 billion on behalf of the Government of Trinidad and Tobago under Project Management and

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Construction. Following is a list of some of NIPDEC's major projects and their costs:

Eric Williams Financial Complex	\$439 million	1984
Edinburgh Housing	\$325 million	1983
Maloney Housing	\$292.8 million	1985
Port of Spain Redevelopment	\$250 million	1991
Hall of Justice	\$242.6 million	1984
La Horquetta Housing	\$204.6 million	1984
Trincity Housing	\$133.9 million	1983
Flagstaff Hill Housing Project	\$42.9 million	1983

And the list goes on and on.

So you see, Mr. President, what we are being asked here is that these arrangements—and the Minister perhaps will tell us in his reply whether these arrangements were made according to the law. Is it outside of the law these arrangements were made? Is that the reason why you are now coming to us and saying you want us to validate this? This is the impression I am getting. Perhaps you can correct me if I am wrong. Therefore, I am asking what has happened to all the previous Attorneys General? Why was this allowed to continue for such a long period of time and you are only now coming to us to validate it? How can I validate any of these things, Mr. President? I do not have information about these things. How do I know what really happened here?

The Minister has not given us information regarding all of these projects. How can we validate it? Shall we take it *carte blanche* and say, "Well boy, okay, we agree. Whatever you say." Is that what we will do? Or do we have a responsibility to the people, the citizens of Trinidad and Tobago, to make certain that when we vote on any issue in this Senate we know what we are voting for? I think that is what we are here for. We cannot vote for this, Mr. President. This thing started way back in the old PNM days, and then they went on to the NAR days, and now they are back with this bunch. How can we validate what NIPDEC and the Government have done? The citizens of this country are going to be saying that the Government of this country is asking them to abide by the law of the land; but the Government itself is going outside of the law. It has become lawless, and it is a bad reflection on the entire citizenry of this country.

Sen. Dr. Kuarsingh: Mr. President, I do not rise on a point of order, just for my edification. Would the hon. Senator please inform us where we have gone outside of the law and why they have not taken steps to send us to prison?

Sen. M. Hosein: Mr. President, I do not think that that question deserves an answer. That does not deserve an answer.

3.20 p.m.

You know, Mr. President, I expected the Government to present a better quality of opposition. The opposition on that side is pretty weak. It is so clear. The Attorney General had indicated that these things took place outside the law. He has indicated this. Sometimes I wonder why people waste time here. Why do they not go to the cricket or football ground and waste time? This is serious debate here, not a party, to come here and ask frivolous, foolish questions.

Somebody mentioned this is the "donkey dance". Well, I do not know, Mr. President, I am not much of a dancer myself, but I understand that the fellows opposite are very good at the "donkey dance". This seems to be the "donkey dance" that is going on here, because unless this Government gets serious about accountability, they will not be able to get any measure passed in this Senate and get our support for those measures. They have to get serious about accountability. Why are they afraid? One cannot understand why they are afraid of accountability, because what measures we put in today, will supersede them. When their time has passed, it will serve the people who come after them. It is not a measure directed at them. They must not take it personally. We are asking that measures be put in to safeguard the funds of the people of Trinidad and Tobago. I cannot understand the other side objecting to that in any way at all.

I saw the Leader of Government Business shaking his head. Perhaps he will agree to the select committee of both Houses. If he is agreeing to that, he will make my job very short here today, and the rest of my colleagues, because that is what we want and the people of Trinidad and Tobago.

It was in 1961 the late great Dr. Rudrinath Capildeo mentioned to this Government, and I quote: "He who rides a tiger dare not dismount." I want the Members opposite to lament on that, understand it and they will know where we are coming from.

The amendment cites April 12, 1977 as the date on which these changes become effective. This is clearly to fall in line with the commencement of the 1979 Central Tenders Board Act, as is stated in the explanatory note accompanying the

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proposed amendment. The 1979 Act did, in fact, create section 20A which the present amendment seeks to vary. However, NIPDEC was incorporated, as was said before, on July 26, 1977. So I think there is a little problem here. This means that no corporate body would have existed on April 12, 1977. The Government would not have been able to enter contracts on its own behalf with such a company between April 12, 1977 and July 26, 1977, because NIPDEC would not have existed. Perhaps the Attorney General might need to look at that and see whether he could tidy that up.

In conclusion, I would like to state that we, on this side of the Senate, cannot see any benefit coming from the section of the bill that deals with a relationship between NIPDEC and the Government, unless there is some mechanism put in place to ensure accountability. If that is put in place we have no problem.

Mr. President, with regard to the back-dating of this legislation, for my own self, I am unable to validate acts done so long ago for which I have no idea. If the Minister could show us that these things were done properly and there were no problems, and he could convince me, by all means, then he would have my support. Otherwise, I am afraid I am unable to support that. The only part of this Bill that is worthy of support is the part that talks about the Prime Minister having the power to assign the Central Tenders Board to whichever Ministry he chooses. The rest of this Bill hinges on the question of accountability. The whole of the Central Tenders Board hinges on the question of accountability.

One will know that the experience of all the governments in Trinidad and Tobago which have gone before is that accountability of public funds was a problem with all of them. There has always been the suspicion—in some cases, there have been information and facts to prove—that the people's money was not spent properly. If we do this, we will be institutionalizing corruption in the country. We already have it; but the Government intends for us to institutionalize it. This is what the problem is. We, on this side of the Senate, cannot be a party to institutionalized corruption, in any form or fashion. When they come before this Senate with a sore problem of the Central Tenders Board and they do not bring any mechanism for accountability, there is no way that the people of Trinidad and Tobago can feel confident and happy with this Bill, nor can we, on this side of the Senate, be able to support it. I thank you, Mr. President.

Sen. Martin Daly: Mr. President, I have a very fundamental problem with this Bill. I understand that the major purpose of this Bill is to settle a situation that

has arisen because a company called the National Insurance Property Development Company Limited has been conducting all kinds of business, if I understand it correctly, relating to the construction, letting and the management of buildings. I believe they are handling the vendors situation, if I am not mistaken. I believe if you apply for a place in Tent City, you have to apply to this company.

I sought to try to avoid speaking on this Bill by asking the Attorney General a question about the parentage of this company, because the presentation of this Bill is premised on a position by the Government that this NIPDEC is not a company wholly-owned by the state. It is premised on that. Because companies that are wholly-owned by the state are already the subject of what the Attorney General describes as a controlled exception.

3.30 p.m.

So, I must find out who is the owner of this company. If it is not wholly owned by the state, which is what is the Government's position, then who owns it, and of course, who is accountable for it?

The Attorney General answered by saying that it is owned by the National Insurance Board. The National Insurance Board, under its Act, is a body corporate and, theoretically, could have a subsidiary company. I have not been able to find anything in the National Insurance Act that permits the National Insurance Board to form a subsidiary company. I think it must have been perfectly obvious to the Attorney General that that is the information that I am seeking. Because that is a fundamental question; whether this company should exist at all. Before one goes and regularize anything that NIPDEC has done, we must be satisfied that this company was lawfully formed in the first place. That is my difficulty.

I have observed, Mr. President, the tendency—and I commented on it before—to mistake this forum for another one, so, I am not going to seek to take Senators through the National Insurance Act, section by section. I am not satisfied that this company has been lawfully formed. It is the obligation of the presenter of the legislation to satisfy us about that.

Mr. President, I want to repeat—until I get the information—that I cannot support the bill. Because, I am not going to attempt the acrobatics of legalizing the illegal. Now, it may be that the Attorney General, or his advisers, would be able to satisfy us on this point, so, I do not want to dwell on it. There may be a very simple answer. I simply do not know what the answer is and I attempted, in my question, to find out.

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You see, it raises a serious problem, and I have commented on this before. The Ministers, as the executives of the country, must be able to rely on their advisers and, they must not only be properly and correctly, but they must be fully briefed by their advisers. So, if one raises a query like this, either the Minister or his adviser should be able to let the Minister know, immediately, the answer to this point is X, Y, or Z. I desperately try to avoid taking up time on this issue. Hence, I sought to ask the question which I did. But it does not answer my question to say that NIPDEC is owned by the National Insurance Board.

Mr. Sobion: Mr. President, the question which was asked by Sen. Daly was who owned NIPDEC, and that question was answered. The question was a specific one: Who is the owner of NIPDEC? And, the response was also quite specific. The National Insurance Board owns NIPDEC.

Sen. M. Daly: Mr. President, when the Government takes this position, it makes it very difficult for persons like myself. I then asked the Attorney General who owned the NIB, and I am not sure I got a clear answer to that. All that is in pursuance of trying to find out if this is not a company wholly owned by the state, who owns it?

Mr. Sobion: Mr. President, I hate to interrupt the hon. Senator, but the second question was also a specific one and I answered that in a specific way. I said that the National Insurance Board was set up by statute as a result of a tripartite agreement between Government, labour and business. I also answered that specific question specifically. So, it is wrong for Sen. Daly to mislead the Senate in that way.

Sen. M. Daly: Mr. President, anyone can set up a company. My question is: Who owns it? That is my question. So far as I know, I have not heard the answer to that.

Mr. Sobion: Mr. President, if Sen. Daly needs the *Hansard* records here, the first question was: Who owned NIPDEC? The answer to that was the National Insurance Board. The second question was; who owns the National Insurance Board, and I indicated that it was a set up by statute as a result of a tripartite agreement between Government, labour and business. If Sen. Daly needed further clarification, I would have been happy to clarify, but he suggests now, that we, on this side, are withholding information, when I responded to the two specific questions and he had the opportunity to ask any further questions he wanted to.

Sen. M. Daly: Mr. President, I am simply saying that I do not as yet know the answer to who owns the NIB. So far as I am concerned, I have not had an answer. I got an answer as to how it was set up.

Mr. President, I am sorry that this is apparently provoking the Attorney General, because that is not my intention. May I make it clear, for the purposes of the record, I am not suggesting he is withholding information. I am doing nothing of the kind. What I am saying is that I have observed a tendency in this Senate for Ministers to come here, through no fault of their own, not properly briefed by their technical people. I am asking a question now, which I think is equally relevant. The Attorney General can answer it now, or in his reply. He can answer it whenever he likes, but until it is answered, I am not supporting this bill. My question is: What permits the National Insurance Board to set up this company? That is what I would like to know. Until that is answered, I will not support the passage of this legislation. It is fundamentally important to understand that the National Insurance Board is about operating a National Insurance Scheme. That is what it was set up for. The National Insurance Board was not set up to erect buildings, manage properties, create tent cities or to let spaces to vendors. As far as I know, the purpose of the National Insurance Board is to operate a National Insurance Scheme and that is what the statute says.

Apparently, this NIPDEC company is doing all sorts of other things. That raises the problem if they are engaged in other activities, with what funds are they engaged in those other activities? Are they engaged in those other activities with the funds that they collect from contributors to the National Insurance Scheme. That is my difficulty with this. So, I am very sorry—I do not know how else to apologize for provoking the Attorney General—but I would like to get the answer to these questions.

It seems to me, Mr. President, that it is important we know that. You see, this Government has a difficulty, that even when I am sympathetic, some of them get vexed. I am sympathetic, because as I have repeatedly pointed out, this Government is seeking to extricate itself from the philosophy of its predecessors. Every time it does that, it runs into a little difficulty. There are many of us who would like to help extricate them from the philosophy of their predecessors. I have been very supportive on the question of foreign investment and moving away from this business of ownership of the commanding heights of the economy. But, I have always been troubled to understand what is NIPDEC and by what authority does it carry out these activities?

I cannot find it, and I would like to know the answer to that question.

As far as I know, the business of the National Insurance Board, as I have repeatedly said, is to operate a National Insurance Scheme to which people are registered, and to which people make contributions. I do not know that they should be in the business of construction and letting buildings and so on. I become very worried when I look at the section which we are seeking to amend, that is the famous section which permitted an exception for government to government arrangements, and that puts things in its proper historical perspective. That was the time when there was great haste to spend much public money and to do so in a way which I think is the euphuism to describe “controlled”.

Mr. President, when I look at the rest of the Act, I see that there are provisions as to how the Board must apply its revenue and I see that there are provisions for what investment of funds the Board can make. When I look at schedule of permitted investments, I do not see anything there that tells me that apparently—if it is going to be suggested in the disguise of an investment—the National Insurance Board was entitled to create a subsidiary company, which is apparently what it did. Presumably, it created a private company, because the Attorney General has made reference to Memorandum and Articles of Association.

3.40 p.m.

Mr. President, I tried very hard when I first got this Bill to see if I could find out anything about NIPDEC. I was not able to do so. I certainly do not think that NIPDEC is an investment permitted to the National Insurance Board by the Act under which the National Insurance Board operates. I am sorry that this enquiry of mine should have provoked the hon. Attorney General to such an extent. But it seems to me the parentage of NIPDEC is fundamental because it is being said that it does not have the state as a parent and that is why we need to provide specifically for it. My question is: who is its owner or its parent? I do not care who set it up and who the mid-wife was? I would like to know whose child it is. Perhaps, if I speak like that the Attorney General would not be so provoked by what is a very simple and very important enquiry.

The Senate has heard of the staggering sums of money with which NIPDEC has been involved, in the contribution of Sen. Hosein. So we have this big mega-corporation operating and I would like to know on what basis it is operating, particularly as the business of the National Insurance Board is to do the things which I have said. As far as I can see, the business of the National Insurance

Board is no different from any other insurance carrier who has pension funds which they must invest in order to make sure that they can provide the pensions and the various benefits which they serve. It is a very simple thing. The National Insurance Board is a carrier of a certain type of insurance, no different from private sector insurance companies. There are rules which permit how they may invest their funds and I do not believe that the creation of a subsidiary company to do all the things which it is doing is permitted by the Act. I hope I am wrong, but I would like to know the answer and, until I have that answer, I will not be able to support this legislation because we may be compounding what I perceive to be an illegality. I have tried in the most polite way possible to say that it is something which should form part....Whenever a Minister comes to this Senate to present a Bill, all these things should be explained from the word go. We have not been told if NIPDEC is a private company formed under the Companies Ordinance. I am making that assumption because I do not know how else it was formed.

I am lamenting the fact, Mr. President, that when we are asked to pass this kind of legislation we have to sort of pick at it by individual contributions or by the presenter of the Bill—and this is bigger than the Attorney General; the Attorney General is very big, but this is bigger than him. This is a problem we have repeatedly in this Senate where Bills are not presented with a full explanation. I have lamented that fact. I think this is another occasion where we should have been taken fully and adequately through the whole history of what has happened between the National Insurance Board and NIPDEC and what NIPDEC has been doing since 1977, if we are being asked to have this validation.

I repeat again, because, apparently, it takes repetition to ease the provocation of the Government. I repeat, this is what one would normally expect. A long, detailed and comprehensive explanation of all that has been happening with NIPDEC since 1977, if we are being asked to validate this.

I have a much more fundamental question which I have indicated. I hope I am wrong, but I certainly would not be provoked by the Attorney General's answer. I hope in due course we can have a rational answer to these problems. Thank you, Mr. President.

Sen. Dr. Harry Kuarsingh: I rise in sadness more than anything else to speak on this matter. There seems to be a fundamental issue that has arisen in this Parliament. It is very clear to me that every single Senator in the Opposition, no matter what piece of legislation Government brings to this Chamber would rise

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and bawl “corruption, corruption, corruption, corruption, corruption.” That seems to be the strategy. I can tell you where this strategy has come from [*Interruption*] I said five corruptions because I believe that Sen. Capildeo who is guided by the codes of *Manu* that has much to say about bearing false witness would not be party to this foolishness. The strategy seems to be to shout “corruption, thief, corruption, thief” and this will bring you success. I am fully aware from where this has come from. This has come from the tried, tested and successful strategy of the NAR in 1986 to paint the PNM with the brush of corruption, morning, noon and night. In 1986 this worked. But gentlemen, I assure you that you have no prospect of painting me with corruption and getting away with it. It is not going to work.

My interest in this matter is as follows: I am a Member of the Government as everyone in the Parliament is a Member of the Government. It is wrong to paint my colleagues and myself as being corrupt unless there is some justifiable evidence. I, therefore, put you on warning, if it is your intention simply to come and bawl “corruption, corruption, corruption”, you have no place to go with that.

We were told by Sen. Muntaz Hosein that we are acting outside of the law and he very kindly allowed me to speak, and I asked: where have we acted outside the law? No answer was forthcoming.

Sen. Hosein: On a point of clarification, Mr. President. The answer came very clearly. I pointed to the hon. Minister who indicated that was the case. Your answer was by your own Minister, and not me.

Sen. Dr. K. Kuarsingh: The implication of what he said, is that the men and women on this side have acted illegally. When I sought clarification, no satisfactory clarification was forthcoming. This is what I meant when I said that the strategy is to bawl corruption and believe that they would win an election. Well, we shall see [*Interruption*] We shall indeed see. You may not be in the party to fight election as far as I understand. The truth of the matter is that this is a party and a Government strictly under the rule of law. Let me tell all of you through the Chair, that if any Member on this side is in breach of the law, there are steps—there is an independent judiciary—that you can take bring us to book, and you must. We must not be so foolish to believe that because someone is a Member of the PNM party he is not capable of wrong doing. The essence of the state is that there are laws to bring those who are guilty of wrong doing to justice. Look at what happened to Nixon in the United States. Look at what happened to the powerful Secretary of Defence in the United States. They were brought to

book by the laws. We are a Government under the law. If we have been guilty of wrong doing, bring it to the law and deal with us.

Sen. W. Mark: On a point of Order, Mr. President. The hon. Member is really not addressing the issue that is before the Senate. I think he is waffling and you should rule that he should get back to the relevance of the debate.

Mr. President: The hon. Member is seeking to reply to a statement made during a contribution earlier in the debate. The only thing that I have a confusion with is that he said he is a Member of the Government. I know you are a Member of the party that forms the Government.

Sen. Dr. H. Kuarsingh. Sir, respectfully, I think I am right on this issue, both technically, morally and legally. I think that the entire Parliament and the operators thereof are in fact the Government. There is an Executive arm of the Government which people commonly refer to as the Government. Upon reflection, Members will find that I am right on this issue.

Mr. President: I am sorry to admit that I have been wrong all these years.

Sen. Dr. H. Kuarsingh: The strategy of bawling “corruption” has no where to get you. In Sen. Muntaz Hosein's contribution he referred to a certain Mr. Richardson. I think he must be referring to Mr. Selwyn Richardson, a past Member of the Parliament. Mr. Richardson is no longer a Member of this Parliament and I certainly would not chose this opportunity, with the man not being here and not being able to answer, to deal with him even though parliamentary privilege allows me.

3.50 p.m.

I will just deal with a few matters concerning what he said. Is this the same Mr. Richardson who did a negotiation on the Tesoro matter which he reported to have brought back \$12 million and in the process lost \$160 million? Is this the same Mr. Richardson on whom there is evidence in a Texas Court saying that his testimony cannot always be believed? But more importantly, is this the same Mr. Richardson who it is reported that in 1979 when he came close to corruption, was sent on a trip to Pakistan? Then he went on to hold on to office for every day that he could. Is this the Mr. Richardson whose evidence he brings to say that we on this side are corrupt?

I go on. The issue before us is very simple. The issue before us is to modify the relationship between the Central Tenders Board and the National Insurance

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Development Corporation. As far as I can see, the matter is very simple. NIPDEC has acted in the capacity that we now seek them to act since 1979. Even the Opposition, always looking for red herrings, has not mentioned that NIPDEC is corrupt in its dealings.

The next issue is that any Minister may act in place of the Prime Minister. I cannot really see what is wrong with that. The last issue is that the situation with NIPDEC is going to be a matter of a controlled exception. Let me remind all the Members through you, Mr. President, that NIPDEC has accounts which must be audited and submitted to Parliament. If the Government were proposing to do something in secret that could never be examined, that would be one thing. By this amendment, the Government seeks to act in a most transparent manner for the benefit of efficiently utilizing the state's funds.

Therefore, I appeal to all Members on the other side to support this. I really hope that Sen. Daly would be able to support us. The question that he raised is a technical matter outside of my competence, but I am certain that before the debate is finished he will get an answer. I look forward to his support.

If I might summarize, Mr. President, I rose more in sadness than anything else, because I feel that it is the strategy of the Opposition Senators to simply bawl corruption, corruption.

The second point is that that may have worked in 1986 to defeat the PNM, but they have nowhere to go with it now. The third point is that the amendment which we are proposing is an entirely transparent one with the state using the state's funds more efficiently.

I support it and I ask all the Members of the Senate to support this. Thank you very much.

Sen. Wade Mark: Mr. President, first of all, let me express our sympathy and at the same time hope that our colleague and comrade, Sen. Ojah-Maraj, has a very speedy recovery. We want to start off on that sympathetic note.

We also would like to indicate that we consider the Bill before us to be extremely dangerous. Although in the final analysis, we may have to agree, we believe in essence the particular piece of legislation is highly dangerous and irregular.

This PNM administration, in spite of what my colleague Sen. Harry Kuarsingh—although for instance he might want to indicate that we are charging

the Government with being corrupt, the fact of the matter is that the PNM is running, not only a corrupt government, but also a virtual gangster administration. The evidence is revealing everyday whether Sen. Kuarsingh likes it or not, that the Government of Trinidad and Tobago is engaged in some very shady arrangements and deals, not sufficiently transparent to the population.

We believe that corruption is in fact a reality with this particular administration. We also believe—

Sen. Kuarsingh: I wish to enter into the parliamentary record that it is out of order to speak in this way of Members of Parliament, unless of course you have the evidence. I bespeak and beseech that he presents the evidence or withdraw the accusation.

Sen. W. Mark: With the President's guidance.

Mr. President: What is the point of order you are on?

Sen. Kuarsingh: That you do not speak in disparaging terms of Members of either Chamber.

Mr. President: He is expressing an opinion. He is trying to substantiate. He is not speaking of any specific person or making any specific charge.

Sen. Kuarsingh: All right, Sir.

Mr. President: It is something that can be refuted, I am sure.

Sen. W. Mark: The question that we are faced with in this Senate today is not simply a Bill that seeks to validate certain contracts between the Government and NIPDEC; it has to deal also with the whole issue of accountability.

We know and we have listened to the hon. Lenny Saith. In fact, it was stated in the newspapers yesterday, that his Government has brought information to this Parliament whenever requested, and he will continue to do so. We now call on the hon. Minister to bring before this Parliament and lay before us the NUCOR agreement, because that is an agreement which is generating a lot of heat in this country. The “sell out” that is involved in that exercise, if we are to address that issue, he must table in this Parliament this particular agreement which was entered into between the National Gas Company and this company from the United States of America.

4.00 p.m.

Mr. President, we do not make false allegations, we support what we are saying with concrete evidence. We also know for a fact that when we speak about public accountability in the context of the Central Tenders Board, we know, for instance, that we had a 20-year natural gas contract signed between Amoco and the National Gas Company and that contract remains a secret as we speak in this Parliament today.

We wish to serve notice in this Parliament that the United National Congress will mount—and we have indicated before—in an effort to bring this Government to book and to ensure that they account to the taxpayers of Trinidad and Tobago, we are going to mount an overseas mission.

Sen. Saith: OPIC.

Sen. W. Mark: Not OPIC. OPIC was here recently, in which your hon. Minister of Trade, Industry and Tourism, "ramajayed". We are talking about OPIC here, we are talking about mounting a mission abroad, to ensure that all potential investors who are going to come to Trinidad and Tobago must understand that the United National Congress would be under no obligation whatsoever when it forms the next Government to honour those contracts that are being entered into between this Government and those potential investors. We have to force this regime to account to the taxpayers of this country. Therefore, Mr. President, we have, in fact, indicated this particular line and we want to repeat it.

The main aim and purpose of this Bill is to permit the Government to enter into contracts with NIPDEC on its own behalf. That is, Mr. President, without the necessary and relevant checks and balances that presently obtain under the Central Tenders Board.

Now, the hon. Attorney General did indicate in his presentation that this is a controlled exception. I guess the airport project is also a controlled exception. Where is the accountability, Mr. President? Did the hon. Attorney General indicate to the Senate that this amendment is the eighteenth? They have raped and virtually brutalized this Central Tenders Board Act. This is the eighteenth amendment. That board is weaker today. They have weakened the Central Tenders Board. They are the children of that corrupt regime that was there for 30 years.

Mr. President, we are talking about a situation in which the Government—both the NAR and the last 30 years of PNM rule, has utilized NIPDEC conveniently.

After all these years, from 1979 to the present time, some 13 years or after, the Government is now seeking to validate acts that were, in fact, committed or contracts that they, in fact, awarded to NIPDEC to manage and to engage in services and so on in different periods on behalf of the people of Trinidad and Tobago.

Now, Mr. President, the evidence is revealing. As my colleague indicated to you—according to a report I have here on the company profile of NIPDEC, between 1978 and 1992, NIPDEC would have managed \$3.5 billion on behalf of the Government of Trinidad and Tobago. This is not petty cash. This is serious money. Yet, they come here today to tell us that they are simply trying to amend the Act so that all these activities entered into and executed by NIPDEC can have parliamentary passage.

Mr. President, we feel that the Government ought to be much more serious. I have here a number of projects dating back to 1979 that were executed on behalf of this Government by NIPDEC, many projects, including the Hall of Justice.

Mr. President, we have a list that is so lengthy in terms of projects that were executed by NIPDEC—where is the accountability for these things? Many of these projects had cost overruns. We know that the Hall of Justice had massive cost overruns. Who is going to be accountable? Who is going to account to the taxpayers of Trinidad and Tobago for these overruns? They come here today to simply ask us on this side to endorse. Where is the explanation? I see an amendment here that was moved in another place that the Government is going to table all the various contracts entered into, which is a very laudable thing. I do not understand the negative resolution. I think that we should have had an affirmative resolution, but I guess a certain amount of give and take was arrived at.

Mr. President, we query and question the urgency and the priority of this regime in terms of its social agenda, whether it has one. One of the major pieces of legislation the Government brings before the House deals with stamp duty, to provide exemption to commercial banks and other financial institutions. The second major piece of legislation is to engage in a further weakening of the Central Tenders Board.

Why does the Attorney General not bring to this Parliament relevant legislation, given the fact that this Act has been brutalized since 1961 to now? Why do we not really bring a new Bill to Parliament to strengthen the Central Tenders Board rather than rape it? That is what they are doing. They are giving all

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these institutions, be it NIPDEC, Airports Authority, T&TEC, *et cetera* their own finance and tender committees. We know what happens. Where is the accountability? It is certainly not at the airport.

The Government has to level with this population. It is talking about accountability, it is talking about giving authority to certain subcommittees within state enterprises and statutory boards to tender and to engage in tendering procedures, but look at the element of corruption involved in that exercise, US \$85 million. We have the evidence, we know the bag men. We would call the names at the appropriate time. Just ask the question, you will get the answer at the appropriate time. Elections will determine this. We know the bag men collecting moneys.

Mr. President, we query the priority of this administration. Health and safety: Why do they not bring a Health and Safety Act to this Parliament quickly. Sex discrimination: So many women in this country—just at NIB recently, sexual discrimination and harassment. If they care about women, as they claim, why do they not bring to this Parliament some legislation which deals with sexual harassment of women at the workplace. But they bring a piece of legislation that is designed to validate acts, possibly, of corruption, from 1979 to now and they want us to give them support. We want to know where their priorities lie. They want it rushed through all stages today. We have the Transfer of Prisoners Bill to deal with. They dump that, they say this is first—*[Interruption]*

Mr. President, we query whether the Government is really interested in strengthening the Central Tenders Board, because after 18 amendments, we have more difficulties and problems in the award of contracts, more corruption—the PNM has been riddled with corruption over its 30 years, the O'Halloran scandal, Tesoro, Lockheed, Iscott, you call it—very efficient in those areas.

Mr. President, we are asking the question: Whether the real intention of the Attorney General is to avoid accountability? Why do they want to change the system? They engaged in illegal acts initially. They discover, by accident, that those acts that they engaged in were not covered by law because they thought that NIPDEC was a state enterprise. They now realize, so many years later, that NIPDEC is a tripartite arrangement because the parent company is NIB. They do not come to strengthen the Central Tenders Board, they come to sweep things below the carpet. We do not understand that at all.

We thought, Mr. President, that the purpose of the Central Tenders Board was to prevent corruption in the award of contracts and to prevent waste, mismanagement, nepotism and favouritism.

The Prime Minister can say what he wants. M&M has a contract for the Port Authority today and the gentleman who heads that firm was the man who financed the campaign of the Member for Diego Martin East. That is a reality of life, whether Sen. Kuarsingh likes it or not. M&M is owned by the same gentleman who is now acting Chairman of the Airports Authority.

Sen. Kuarsingh: Would you give way. There is something called judicial review. If the Senator believes that anything that the state has done is unfair to another citizen, there is something referred to as equality before the law and judicial review.

Sen. W. Mark: If the Minister of National Security were here, I would have advised him otherwise. I would have advised him to call in the police.

Mr. President, we have to be very careful. When we say on this side that the Government of the PNM is corrupt, we are not saying those things glibly. We are saying that there is hard evidence to support it and the PNM can run and run but they cannot hide. The reality is that right now, as we speak, efforts are being made to give M&M the contract at T&TEC. Efforts are being made to give M&M the contract at National Flour Mills. The moment the contract expires, the same thing that they accused the NAR of when they were in Opposition—when the NAR was giving all the contracts to Gerry Hadeed, Industrial Risks Management, they attacked that and they are now doing the same, giving contracts to M&M because the big man in M&M is the man who financed the campaign for the Member for Diego Martin East.

Mr. President, we ask the question: Why are we not seeking to strengthen the Central Tenders Board? Why are we seeking to dilute that organization, when its mandate is very clear in the Act? So that people can get away. That is what they are attempting to do.

Mr. President, we have the greatest respect for the Prober; we are not questioning his integrity. What we are concerned about is why a man of integrity would want to submit two reports to a Government and that Government today has not indicated to the country that it received two reports. But they received two reports, the first one, and then they revised it and gave him a second one. Where

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are the reports? Table them. We want to see all the transcripts. If they are clean, let them bring the transcripts.

They give a man the task to investigate the awarding of a contract, Mr. President, and that man is a private investigator, a PI. No powers under the Commissions of Enquiry Act. So the poor gentleman may have been used, just as they are using Sen. Kuarsingh. They will dump him at the appropriate time. Just as he ran from the NAR and ended up there, he will run from them and end up here. Well, we do have space. He is big, but we still have space.

Mr. President, we feel that the whole purpose of this exercise is designed to keep Government from being open. They are seeking to hide. We are calling for the strengthening of the Central Tenders Board, not the weakening of the Central Tenders Board. We want to see that institution, that organization, that arm of Government strengthened. Make reforms, institute reforms to ensure that they have more power rather than to truncate them.

We talk about accountability. Mr. President, this Government is divesting. You see, in the Express of January 17, there is a headline, "Changing of guard raises public fears".

For years, the Auditor General has been calling on the Government, past and present, to expand and increase its staff so that they could be more accountable to the country and the people. This Government only wants to give their friends work and at the appropriate time we will call names. We will not abuse the privilege of Parliament. They want to give their friends work, so they divest the Auditor General of some of her responsibilities. So there is now a mad scramble for awards to audit firms. The auditors of Trinidad and Tobago are now expressing fears that what we would be experiencing in Trinidad and Tobago is substandard work. So the corruption in those institutions and enterprises would be covered up even more.

That is what this Government is about. They are not about accountability. This is why we are concerned about this piece of legislation before this Parliament this afternoon. "Changing of the guard raises public fears". "Dangers seen in cut-rate bidding for state firm". All I can say is that, based on the report here, the contracts involved are lucrative.

Mr. President, as far as we are concerned on this side, we believe that the Government is not levelling with the population. If Government, whether it is the

PNM, UNC or NAR, does not tighten-up on the issue of accountability, we are going to be selling the people's interests short.

For every million dollars that is stolen in this country as a result of corrupt means, do you know how many schools could be built, how many people could be employed, how many ambulances could be purchased in this country? Mr. President, it is hundreds of millions of dollars that are going down the drain in this country through mismanagement. They cannot find money to upgrade the Auditor General's department, but they can find money to give people to bid for contracts so that they can audit the very firms that they do not want the Auditor General to audit. They can find it there, but they cannot find the money to upgrade. A scheme, capital "S", in this Government.

Mr. President, the Government has been talking about the large amount of debt that we owe to the international community. They have been speaking about the large amount of debt that we owe to the domestic owners of capital in Trinidad and Tobago, and the Prime Minister went out of his way and said that 31 per cent—close to about 32 per cent—of our debt, foreign and domestic would have to be allocated out of Government revenue for 1993.

We ask the question: How does corruption impact on this? For instance, how are hospitals, schools, health and housing being affected by this kind of activity? We believe and we argue that corruption probably accounts for about 15 per cent of government expenditure every year. Just look at the Auditor General's Report on a yearly basis and you will see the amount of waste and mismanagement, no accountability, not to talk about the shady deals that are taking place.

This Government is a jokey government. [*Off the Record*] Certain Members would not have survived under Eric Williams, but then we have a fellow trying to imitate Eric Williams, we do not have Eric Williams.

Mr. President, we are in a serious situation in Trinidad and Tobago. We feel, for instance, that the Government needs to address the question of greater accountability in our country. We believe that the Central Tenders Board Act was designed to monitor the activities of the Government, not to reduce it. Even as this Act exists, we know what is taking place.

We feel on this side that it is wrong to ask us to validate these contracts. We look and we wait anxiously to get those contracts tabled in this Parliament, as promised in the amendment that we have before us. We look forward with great

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anxiety to when these various contracts will be tabled, because there are scores of contracts out there. We want to see them tabled.

They talk about corruption and say that we are accusing them of corruption innocently and if we want, go to a judicial review. When we are in government, we will gaol them; that is what we will do—of course using the legal process. We are not going to send them away quickly. We are going to send them through the legal process and then dispatch them. If possible, throw away the keys in the Gulf of Paria, if they are found guilty. *[Interruption]*

Mr. President, we feel that this Bill before us is designed to circumscribe the existing power of the particular board in question, that is the Central Tenders Board, and we call on this Government to deal with the people more straightforwardly.

Mr. President, it surprised me, some years ago, in another place—and I know you always advise never to quote another place. But some time ago I recall reading in the newspapers—I do not have a copy here—where the Prime Minister, who was then Leader of the Opposition, calculatedly opposed supporting retroactive legislation. He described it then as an abuse of power but I guess he was on the Opposition side then and he is now on the Government Benches, so it is now legal. When he was in Opposition it was not legal.

We supported him on that point: We feel that it is an abuse of power. If they want to ensure greater accountability, they have to tighten and give more power. They have to give more authority, they have to provide more staff to the Central Tenders Board.

Mr. President, in the Express of January 17, 1993, there is an article that I am very shocked about and I need to get clarification, maybe from the Attorney General himself, because this calls for legal action. The headline, on page 44: "Airport body lends \$25,000 for libel suit." We have evidence in our possession, Mr. President, of a cheque being written and signed, cashed by a director of the Airports Authority, who is the legal adviser to the Airports Authority.

Imagine they sued, yet stealing from the coffers of the people's money and paid, and then when they finished paying Mr. President, they come and reward themselves, \$12,500, their share of the spoils—two former Senators. We have the evidence in black and white. Do they want us to pass the evidence to them or the police? They should resign from this Government. This Government is totally corrupt, dishonest. We will deal with them at the appropriate time.

Mr. Sobion: Mr. President, for the clarification of Sen. Wade Mark, I would like to indicate to him that the matter to which he referred a short while ago involving the payment of legal fees by the Airports Authority has been referred to the Director of Public Prosecutions for investigation.

Sen. W. Mark: We are very happy to hear this and if they need any evidence, I have it here. I walked with it, right here. There is a whole pile on that scandal they call the Airport (PRIDE) Project, Project PRIDE.

My colleague is back here, the hon. Minister of National Security. I have to make much reference to him, because he has some gaoling to do—not on this side, on his side. That maximum security prison that they are building up there, make space for those fellows.

Mr. President, we on this side are happy to hear—because we could not understand, Mr. President, when we are talking about public accountability and we are talking about these two sub-committees that have been established in state enterprises and statutory boards, we could not understand how taxpayers' money could be loaned to people who are directors and legal advisers—that the Attorney General has advised that it is gaol for them. I agree with him.

Mr. Sobion: Mr. President, I did not make the statement that the Senator has just made. I just wanted to assure the honourable Senate and the nation at large that our approach on this side is that wherever there is evidence which suggests wrongdoing, this Government will take the appropriate action and take it as swiftly as possible.

4.30 p.m.

Sen. W. Mark: I was provoking in a form, and from what I picked up earlier, I know he does not like to be provoked [*Interruption*] No, my files are open; I am an open person. I have nothing to hide in this country [*Interruption*] Not at all! Trade Unions' funds! You all were trying to trap trade unions, now you are talking about trade unions' funds.

Mr. President, we would like the hon. Attorney General, seeing that he has given us this first taste—

Hon. Senator: To appoint a DPP.

Sen. W. Mark:—to go a little step further.

Sen. Baksh: That is right!

Sen. W. Mark: In the public's interest, we would like the Attorney General to table in this Parliament the second report of the Collymore Commission.

Hon. Senator: There is only one report.

Sen. W. Mark: Mr. President, I do not want to mislead this Senate. I have a report before me by Sen. Gordon Draper, the hon. Minister of Propaganda—Minister of Information, sorry—I thought he was the Goebbels that we had in Germany at one time. He is very effective, you know. Mr. President, have you ever listened to him on television as yet? He is suave. He is good, I must admit. My dear Sen. Gordon Draper, you are good—I must admit that—you are not easy. It was not a light decision that your honourable leader took when he put you in charge of propaganda and information.

Mr. President, to come back on track. The reason why I made mention

Mr. President: *(Inaudible)*.

Sen. W. Mark: Just about 15 minutes, Sir.

Mr. President: You have less than 10 minutes.

Sen. W. Mark: Okay, well then I will be a little shorter.

Mr. President, this is a statement made in the Parliament by the hon. Sen. Gordon Draper in paragraph two of this report, the last sentence, it reads as follows:

"The final report . . ."

It reads, and I repeat:

"The final report was presented to the hon. Prime Minister on December 30, 1992."

I go further. Do you think we are stupid on this side or what? Mr. President, we have them under rap here. This is the report which we have here. This report was tabled December 21, 1992. We had the hon. Minister saying that the final report was submitted to the Prime Minister on December 30, 1992, so we want the second report. We have one report stating December 21 and the Minister referred to a second report which was submitted to the Prime Minister on December 30, 1992. We want that second report. This thing is explosive, you know. It has a lot of explosion in this thing and we would leave no stone unturned until we have access to that second report because there is something in that report that exposes the Government of Trinidad and Tobago.

Mr. Sobion: Mr. President, for the purposes of clarification. It has been stated by this side that there is one report. It is dated December 21, 1992 and it was submitted on December 30, 1992. The date of the report and the date of submission are two different matters.

Sen. W. Mark: Mr. President, I do not want to engage my colleague, but the Minister knows that he is misleading the Senate. If we read the *Sunday Express*—he wants to deal with action, let us deal with this matter—the prober tells you that he revised the report. I quote:

"The Collymore Report on the Piarco Airport contract tabled in Parliament on Friday is the second version of a document originally presented to the Prime Minister, Patrick Manning . . ."

Mr. President, as you rightly pointed out—this was on Sunday, today is Tuesday and there has been no denial by the prober, so we are concluding that there are two reports. We maintain that there is a second report, and so on. We would get it, you know, because there are people who flush information out to us. As you take decisions, they are flushed out, and we get them in passing; we just pick them up. We have a report too and we would bring it shortly to this Parliament.

Mr. President, this Government tells the country that it has no money. They cut LIDP workers' salaries by 15 per cent. They have intention of retrenching about 40,000 persons in 1993.

Mr. President: There are no tenders for LIDP here.

Sen. W. Mark: Mr. President, I will be guided by your thoughts.

In concluding, we on this side would like to call on the Attorney General, if he cannot make available the second report we ask him for the transcripts. We want to get the relevant conversations which took place between the prober and the Prime Minister. Since this matter has national implications, we want to have the relevant information so that we can be clear in our minds that this Government has nothing to hide. We believe that the report was doctored.

Mr. Sobion: By who?

Sen. W. Mark: By you! They passed it on to you, I understand, before the Prime Minister passed it back on to the gentleman. When he got the report it was passed on to you, we understand, and when you advised him what to do, he passed it back on to Collymore. That is what we understand happened, and a second report was—you are laughing. This is a serious matter.

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We of the UNC demand a full investigation into those two reports. We do not believe that the Government of Trinidad and Tobago ought to resume any discussions with Pegasus. This matter is inconclusive, but the stakes appear to be high and people want to rush this thing. "Dollar Rush Me". It has money involved so they want to rush this project. We call on the Government not to proceed with that project until we have further clarification on this matter. If they proceed with that project, we would not be responsible for what takes place afterwards.

Mr. President, we are conscious of the amendment to this particular legislation that we have before us and in this regard while we have been extremely critical, and shall continue to be critical of this sick regime—I do not know what they are suffering from; there are so many diseases going around these days. As I said the last time, a bandit is a bandit no matter how he looks.

Hon. Senator: —dressed in black.

Sen. W. Mark: Whether they dress in black or in tie, it is the same thing.

Mr. President, I see that you want to stop me so at this point I will take my seat.

Thank you very much.

Mr. President: Senator, after listening to the end of your contribution, I am beginning to understand Sen. Kuarsingh's philosophy that the entire Parliament is part of the Government and forms the Government. You seem to have access to everything that the Cabinet—

On a more serious note, nobody interrupted you so I did not worry to interrupt you at the time. Some times interruptions are made for other things like the corruption statement. When Members make statements, they assume responsibility and they should be able to substantiate them as long as they are not breaking any rule, and if they cannot substantiate them, Members are free to refute, so to speak.

You always get carried away and you had to bring in some very personal attacks on information dealing with the Minister of Trade, Industry and Tourism, Sen. Kuei Tung. I am just advising you that according to the Standing Orders, the conduct of any Member of the Senate or the House of Representatives cannot be raised except upon a substantive motion. I will ensure that those remarks are excised from the record, and I hope the media representatives here will understand

that if they make any reference to those comments they would not be protected by parliamentary privileges.

The sitting is suspended for half of an hour. The Senate will resume at 5.10p.m.

4.40 p.m.: *Sitting suspended.*

5.10 p.m.: *Sitting resumed.*

Sen. Diana Mahabir-Wyatt: Mr President, I am generally, in principle against legislation which validates past actions which were done without authority, but in this instance, I support the Bill that is before us, partly because the nature of NIPDEC's operations, obviously, makes expeditious handling of things like tenders extremely important. I am trusting that the hon. Attorney General will sort out the question of the legality of NIPDEC in terms of having it set up as a subsidiary of the NIB.

But I feel that NIPDEC cannot operate if it has to operate through the Central Tenders Board. I think that it is no secret, in this country, that the operations of the Central Tenders Board are extremely slow; they are cumbersome; they are inefficient and they are—the only word I can use for it is—obstructionist.

In his presentation, the Attorney General spoke about the immediate and urgent work in upgrading health centres, as an example of one of the reasons why we need to have this Bill passed. I accept in its entirety his point, because if you want to have immediate and urgent work done for anything, whether it is police stations or health centres, whatever it is, you are not going to get anything done immediately and urgently if it has to go to the Central Tenders Board.

Mr. President, I think that my problem with this Bill is not in the purpose of the Bill, or why it is before us. I support that. I think that the only reason I wanted to speak today was to point out—and I am sorry that the Attorney General, ah, he is here—that the Central Tenders Board itself has, unfortunately, developed a reputation for being almost anti-development in this country. It makes me think of non-tariff barriers to trade. That if you do not want to put up barriers, you find other ways, legislative or bureaucratic means that make everything almost impossible to operate.

The Central Tenders Board's systems of operations are so slow and so cumbersome that, in fact, it delays the spending of money. It is a way to avoid spending money; it is a way to delay progress and any sort of development that

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might take place. I can understand why the Government has got to the point where it feels it has to divest state enterprises, because if state enterprises—outside those on the specific list that we are looking at, which now includes NIPDEC—have to operate through the Central Tenders Board, they are not going to be able to do anything expeditiously. The very procedures of that Board make any state enterprise inefficient and unprofitable.

My question is, really, why does this happen? Why does it exist? If the Central Tenders Board needs more efficient management, let us have more efficient management. If it needs more efficient systems, give it more efficient systems. If it needs more and better-trained staff, if it needs performance appraisal, whatever it needs, monitoring, Mr. President, I just make an appeal to whoever is responsible for the Central Tenders Board—I gather it is the Prime Minister's Office. To Senator Draper, in the mountainous work that he has to undertake in terms of upgrading the various facilities in the Government, please can we do something about the Central Tenders Board, simply, so that those organizations that have to use its facilities are not bogged down the way they are at present?

Thank you, Mr. President.

The Minister of Public Administration in the Office of the Prime Minister (Sen. The Hon. Gordon Draper): I rise, Mr. President, to treat with the issues, indeed, just raised by Sen. Mahabir-Wyatt; some of the issues raised by Sen. Wade Mark, in his contribution; and, indeed, if I may, go back to some comments that Sen. Daly himself made during our last budget presentation. Because one of the common threads running through all of these contributions, Mr. President, has to do with issues relating to systems and the management within the Central Tenders Board. It is to that issue that I turn.

In my own contribution to the budget debate, in response to some queries raised by Sen. Daly, I indicated then that the Government had, at that time, the good fortune of having some consultants who had been looking at the Central Tenders Board and who had begun putting together their recommendations which would have led to fairly far-reaching changes in terms of the management and structure of the Central Tenders Board.

I am pleased to report to this Senate today, Mr. President, that that final report of the consultants was reviewed by Cabinet last week, and a decision taken to implement the recommendations in that report in relation to streamlining the functions of the Central Tenders Board. Indeed, a number of issues that Sen.

Mahabir-Wyatt just raised, in terms of the length of time that it takes for the Central Tenders Board, at times, to make decisions, the vision of the Central Tenders Board itself, are things which are going to be addressed in the context of this particular recommendation.

We need to recognize, Mr. President, that the Central Tenders Board, like other areas within the Public Service, goes back many years; indeed, was set up for a certain kind of purpose in a certain environment, an environment which has changed; and we have not always kept pace with the need to change internal structures, internal information systems, to accommodate the changes taking place in the wider environment. The institutional strengthening, therefore, which the Central Tenders Board now requires, is one which will allow that body to truly play its role in the business of procurement-management at this stage in the country's development.

Sen. Wade Mark made some passing comments about what he called "the need for institutional strengthening" of the Central Tenders Board. What does institutional strengthening mean? And what are we proposing to do during 1993 and beyond to treat with some of these deficiencies?

One of the elements which seems important to us, Mr. President, in the management of any procurement system, is the business of information and, indeed, one of the very strong recommendations of the consultants is the need for us to develop, strengthen, in some cases, and certainly design, in other cases, information systems which will allow the Central Tenders Board to function in a more meaningful way.

What kind of information systems are we talking about? If you look at the range of goods and services which the Central Tenders Board is required to procure for the Government, we find consumer-type goods; consulting services; we find a range of services. We need to recognize that a body like the Central Tenders Board ought to have at its disposal information about market prices, supply, past performance.

It also needs to have some sense of what the likely forecast of services and goods, may be. All of this requires the Central Tenders Board to develop and maintain a data base. Over the years such a data base had not been developed and maintained by the Central Tenders Board.

5.20 p.m.

One of the institutional strengthening activities, therefore, which we propose to undertake through 1993 and beyond will be the design and installation of an appropriate trade information system for the Central Tenders Board. What that would do, in terms of the issue that Sen. Mahabir-Wyatt is raising, would be to allow the Board to have much more ready and speedy access to information which can be used for the purposes of comparing bids which come before it and maybe even determining what kinds of specifications they ought to put out to attract tenders coming in.

The information system would also provide them with a much better base on which to evaluate tenders which come in. In this regard, I want to make a comment on something which Sen. Hosein said in passing, because he seemed to imply from one of his comments, that he had a concern with the issue of not going for the lowest bid. We need to recognize that when we are evaluating tenders, it is not simply a case of going for the highest or lowest. We need to be very conscious of value for money. We need to be very conscious not only of the cost which may be put in for a particular piece of work, but for the cost which that particular activity may incur long into the future which may not form part and parcel of the bid which comes in.

In other words, one needs to take a much more holistic view of the evaluation of bids and tenders which come into a place like the Central Tenders Board. Information and ready access to information, therefore, become critical, and we cannot, therefore, simply say that we have gone off base if we decide to take the lowest, highest or anywhere in the middle. What has to be considered is the extent to which that decision was made, based on information, based on an analysis of the real impact of that decision on the society and the project which we would be looking at.

Sen. Hosein: Thank you for giving way. Mr. President, I wondered, based on what the Minister is saying, of which I am fully aware, whether he would be willing to support the suggestion that whenever the Central Tenders Board does not award a contract to the lowest bidder, they would table in the Parliament the reasons for not awarding the contract to the lowest bidder.

Sen. The Hon. G. Draper: Mr. President, my dear colleague, Sen. Kuarsingh, alluded, in his presentation, to one of the common themes which seems to run across the Front Bench here. He talked about corruption. The other

theme is the joint parliamentary committee. It seems that everything that comes before this House, our friends there want to subject to something called a joint parliamentary committee. We cannot run a country that way, Mr. President. Indeed, the consultants have made reference to the need for the Central Tenders Board to provide more information to people who tender, certainly not to Parliament. They have raised issues relating to transparency, and in that context, it seems to me that as we follow their recommendations, there will be a little bit more disclosure than there has been in the past, but certainly, not to subject the Central Tenders Board to this notion that seems to be very much a part of the thinking of the Opposition Benches in this House. Mr. President, that kind of system is clearly not an element of management to which we would wish to have the Central Tenders Board subscribe.

Some of the other elements under this umbrella of institutional strengthening which have been proposed by the consultant and accepted relate to looking at the very structure of the Central Tenders Board itself. That issue of structure brings with it the need in the eyes of the consultant and now in the eyes of the Cabinet, to look at the training, qualifications and capability of the staff within the Central Tenders Board, because in our view, if that Board is really to harness the information, to use it, analyze it and to make decisions, then clearly, we need to have a staff of a certain calibre, certain levels of training, a certain understanding about what the whole business of procurement management is all about.

The consultant, therefore, as part of his recommendation for institutional strengthening, has pointed us in the direction of the need to strengthen the capability of staff within the Central Tenders Board. The consultant has also pointed us to the need to look at how that Board itself is structured and there are some proposals built in, in terms of organizational re-design which, in the view of the consultant, would allow speedier decisions to be made by the Central Tenders Board.

The consultant and the approaches which we are now taking would also ask that the very approach which one takes to designing specifications to go out for tender is also an element which needs to be considered. Again, when one takes a view and a review of tenders which come in, at times one may be led to believe that some difficulties which arise are developed because the specifications which go out in the first place may not have been as tight as they ought to have been.

We, therefore, have recommendations which would move us in the direction of tightening up of the specifications which go out in the first place. It is our view,

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accepting the recommendations of the consultant, that once these specifications are tightened, then that, too, would go a long way in improving the level and speed of decision-making within the Central Tenders Board.

Indeed, I can point you to the fact that not only are we saying here that we have accepted these recommendations, but the summary of the strategic plan of the Central Tenders Board itself points very directly to their movement to introducing a wide range of these recommendations. I will just go through some of them.

The first talks about the need to develop trade information systems and to embark on more ongoing market survey work is, one element which now finds its way into the accepted strategic plan of the Central Tenders Board. Once that is put in place, it will allow that Board to operate on the basis of clearer information, meaningful and objective market information, and allow them to be able to make judgments about tenders which come before them.

The Central Tenders Board have also identified deficiencies in their own filing system, which is another element of the information system. They have identified that as one of the directions in which they intend to go during 1993 to strengthen their own capabilities.

They talk about the absence of data bases, an issue to which I have alluded a little while ago and they have identified the need for the creation of computerized data bases as another of the elements which they intend to embark on during 1993.

They talk about bulky repetitive clerical work which was done manually, again alluding to the need for us to introduce computer-based systems within places like the Central Tenders Board, which, again, will go a long way to speeding up decisions.

Let us recognize, unfortunately, that the Central Tenders Board, like so many other places in the public service, continues to operate manual systems in an age of computerized systems. That is one element of institutional strengthening in which we propose to engage in 1993.

Sen. Mansoor: Mr. President, through you, may I ask the hon. Minister whether or not the consultant discussed in his report of recommendations, the scrapping of the Central Tenders Board and having within each Ministry, its own tenders board. Because it seems to me that to have a Central Tenders Board, having a data base with a wide variety of goods and services that the Tenders Board has to deal with, is an administrative nightmare.

Sen. The Hon. G. Draper: The direction that the report is taking is the maintenance of a central system, restructured to allow a different level of interaction at a much earlier level between Ministries and legal people and that centralized agency and the development of the data bases that I have outlined. The feeling was that we could maintain a central system while there could be some elements of delegation, which there now is at certain levels to individual Ministries, but that there was still the need to maintain a centralized system, appropriately restructured, with management systems, with information which could function. This is where we are at this point.

5.30 p.m.

I am sure like in other areas, in the management of the public service, one can look at and debate this whole issue of centralization versus decentralization. As of now, we are moving towards the strengthening of that central system, putting in management systems, data bases and so on, and trying to make that system work more efficiently and more effectively.

Indeed, one of the other elements in the strategic plan, perhaps, relates a little to what you alluded to—the insufficiency of services which are available to client ministries coming out of the Central Tenders Board plan, where there is talk about the need for them to look at the relationship between the Central Tenders Board and line ministries, because at times there arises concerns about a breakdown of communication between the two agencies where decisions may be going on at one level without sufficient input from the other, and the direction being taken here is one which would call for a much earlier interaction between the two parties; an earlier sharing of information between the two parties; a much earlier and clearer definition of specifications and criteria working for the parties as one way to speed up decisions and arrive at decisions which really provide us with value for money. This is the direction being adopted by the Central Tenders Board as part of their institutional strengthening activity.

There are also proposals in here related to what is defined as an absence of a procurement management function. Essentially, what this points to is a need to train/upgrade staff, but it is also a different vision. Because as I think if one reads into what Sen. Mahabir Wyatt is saying, she is really making a point that part of the problem is a mind-set. It is really a vision which people have for how they operate. If a Central Tenders Board sees itself really—and I use a word that I guess she has used—blocking, then that comes from a particular kind of mind-set.

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If, however, we can begin to put inside of that system, a different vision about what that board does in terms of development—what role it plays—then that will lead people to be more pro-active; that will lead to a different kind of behaviour. Therefore, some of the work that is going on in terms of the training of staff within that board, is work really designed to begin to re-orient their thinking about the what procurement management is really all about, and how that impacts on development in the society and the operation of line ministries and departments within the public service. Part of that got built into their rethinking of their vision and mission statements and is being built in to the training that is now going on within that Central Tenders Board.

Mr. President, again, as I have said before in this Senate, we are dealing with changing systems and organizations. It cannot happen overnight. So, while there are legislative pieces that are going in, there are organizational structural and management pieces that are going in; the full impact of the totality of this development will take some time.

Sen. Spence: Mr. President, would the hon. Minister agree that if this process is successful, then the need for exemption such as we are passing tonight would diminish.

Sen. The Hon. G. Draper: Mr. President, it may well be. The point, however, is that we are in January, 1993 when the systems are not yet in. Therefore, as we carry through those changes at this time, the exemptions and the kinds of things we are coming to the Senate with now, are still necessary. The whole process of reform and change will lead us, as we go through, to review and evaluate, and we are prepared to do that. But, until the full impact of those changes take hold, we need to put these stop-guard measures in place so that the development in the country is not slowed down as a result of the inefficiencies at this time of a particular agency.

Mr. President, the strategic plan also treats with issues relating to the need to look at new regulations and procedures very generally. Again, what this is pointing to is a recognition on the part of the Central Tenders Board itself, that some of the regulations and procedures under which they operate, again, were developed in different times with different levels of activity. Part of the activity that they will undertake in 1993 would be activity geared to reviewing existing rules and procedures, bringing those more in line with the times, and allowing the rules and regulations, really, to permit the organization to run its affairs so that it truly contributes to the development of a country.

Then I come to lack of transparency, which I think is partly where Sen. Hosein may have been hitting, where they talked about the need to introduce systems which will allow the public access to files and records after contract completion and public opening of tenders. The Central Tenders Board's strategic plan is there, it is not a parliamentary joint committee, which seems to be Sen. Hosein's thing, but it is a recognition that there are organizations and bodies which need to manage and put in place systems to manage themselves, and they have talked about the need to review their current approaches to transparency and put some systems in place which would provide a greater sense of comfort, if you will, on the part of the society about the activities of the board.

They talk also, about the lack of legal expertise at the Central Tenders Board and the need for early involvement of legal expertise—early involvement here, meaning bringing legal persons in at an earlier stage in the tender process. Again, this is a management approach, if you will, to provide earlier points of dialogue between the parties who are going to be involved in this whole tendering process.

So, Mr. President, I intervene at this point, and I go through these elements, both of the Central Tenders Board's plan itself and the directions of the consultant, to make the point that the Government is truly aware and mindful of the need for institutional strengthening of the Central Tenders Board, but more than this, we have accepted the recommendations of our consultant to move in that direction. More than that, the strategic plans of which we spoke from time to time in this Senate, which are central parts of our public service reform activity, now provide us with very clear guidelines about how the Central Tenders Board itself proposes to move towards strengthening its own activities.

So, the legislation which we have before us today will, as I say, at this point, treat with particular issues, but it needs to be seen in the context of the wider array of activities and approaches which are now being undertaken at the level of the Central Tenders Board. I trust that my friends opposite, Sen. Daly, Sen. Mahabir-Wyatt, and to some extent my friend Sen. Wade Mark, would now be clear about our commitment to institutional strengthening; will be clear that we recognize that it is not only the legal environment that needs to be reviewed, it is a management systems to operational environments which need to be changed and we now have a blue print to go forward to deal with that at the Central Tenders Board.

Thank you, Mr. President.

Sen. Surendranath Capildeo: Mr. President, I think I will surprise everybody by taking a different angle on this debate.

Mr. President, I want to take the debate out of the realms of the beautifully knit words of the hon. Minister of Information, because we have a habit in this Senate to have ministerial pronouncements which really have nothing to do with the debate, but are statements to the effect that some time in the future all your complaints will be seen about because we have a technical team looking at the problem. The words of the hon. Minister of Information really are just that, words. It says nothing about what is before the Senate, and what is before the Senate is an amendment to the Central Tenders Board Act.

With your permission, Mr. President, I want to take us out of realm technical interpretation of this amendment and bring us home to the reality of life in Trinidad and Tobago. I ask, through you, Mr. President: Just, what this amendment has to do with life in Trinidad and Tobago? I forgot to bring the *Guardian* with me. I thought today's *Guardian* is a striking and dramatic pronouncement on the quality of our life in this country.

As I recall the headline said 15 Murder cases before the courts: Highest recorded amount of murders cases to be tried by the courts. I think that was the headline. At the bottom of the page there is a vivid picture, in technicolour, of a man shot to death at a party in Gonzales.

The reality of life in Trinidad is violence, total, complete and naked violence. That is what I was greeted with at 4.30 this morning when I looked at the *Guardian*.

5.40 p.m

When, I look at this proposed amendment I have to ask myself or ask the Senate through you, Mr. President, what is the basis of legislation in any country? What is the basis of any given piece of legislation? The basis of the Central Tenders Board legislation must have been in 1961, notwithstanding the neat little words of the junior little Goebbels of the PNM, Sen. Gordon Draper, it must have been a method of protecting the public purse and of promoting in whatever way it could, honesty in public financial affairs. That must have been the underlying basis for the philosophy of this Central Tenders Board Act 22 of 1961. In a nutshell to prevent corruption by the awarding of Government contracts.

Unfortunately, for my friend the good Sen. Dr. Harry Kuarsingh, and notwithstanding the codes of man, this administration, through no fault of any of

the living Members present, has a history of endemic corruption that has destroyed the soul of this country. I make the charge today in the Senate, that the People's National Movement is responsible for the numbness of the soul of the Trinidad citizen with respect to corruption and crime. In other words, no matter how horrendous the crime is in this country now, life goes on as if it did not take place. Our citizens have been battered. Their psyches have been battered into accepting that violence is a way of life. Likewise with corruption, they have come to accept, because they have been subjected to it, through this PNM administration.

While the debate was going on I was making a list from memory. It began with the "Car loans affair" and the celebrated case of Patterson the mattress maker challenging the then Minister of Home Affairs, I think it was. It continued into the "M.V. CITY OF PORT OF SPAIN" and the racket that was associated with that. It nearly drowned in the Navet dam; it went on into Diamond Vale; it continued in the roads with lock joint. The roads are still not repaired. It went into the Piarco Airport extension.

The Piarco extension cost about \$18 million. It was shelled out to a local company that assigned the \$18 million to the Bank of America even before the local contracts were sub-contracted. So there was no possible chance of local contractors collecting money when that contract was completed. If ever there should be a public investigation into a contract, it was that Piarco extension contract which had a nephew and a Minister and an uncle and a nephew all in the PNM. One is a private citizen who flies in and flies out and the other one is now a private citizen, for how long I do not know.

The point I am making is, that all this came about as a result of one of the 18 amendments which allowed Government to Government contracts. By the time the contracts were awarded to another cousin of a cousin from Ortoire/Mayaro, the moneys which were the subject matter of the contract, were assigned to a bank. So that when the poor local contractors went into a contract with the main local contractor there was no chance on earth that they could have collected the money and many of them went into bankruptcy. We moved from that to the Golden Grove Prison contract in which the hon. Minister says he is now going to provide room for trade union people. Mr. President, that contract cost the taxpayers of this country some \$9 million which we know about. You see Sen. Kuarsingh, it is not so easy to bawl corruption, corruption, corruption. It is there, and this is what I recalled from memory while I was sitting here. A structure for an office building went up, two water storage tanks went up, a sewerage disposal

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plant went up, prefabricated re-inforced concrete walls with the parameter of maybe, half the Savannah went up—you saw it, Mr. Minister of National Security. An asphalt paved road running right around the whole thing was put down. I think there were hydrants for fire and the whole works and then they abandoned it. The Trinidad taxpayers, through one of these 18 amendments, paid for that.

Then we move to the Caroni Racing Complex. We could still go and see it. God knows how many millions were lost in that. From there we move to BWIA and to the 707s, DC9's and the TriStars. We see people still leading race horses in and out untouched. We see people flying in and out of the country untouched and we read of the horrendous amount of money it takes to keep BWIA in the sky. Those deals cost this country millions of dollars and, of course, we had the “granddaddy,” as Saddam Hussein would say, “the mother of all,” the Eric Williams Medical Complex, government to government arrangement via Central Tenders Board Amendment.

Mr. President, I remembered and I did not have the time and you Mr. President, would remember it as well. The early days of the IDC. It would be interesting to find out how many loans were granted by the IDC and to whom those loans were granted and just what moneys were paid back to the IDC for and on behalf of the taxpayers of this country.

5.50 p.m.

Those are some of the scandals which have erupted throughout this country from 1956 to date, so that when the Government comes to us with this simple amendment and says to us that it wants to amend the Central Tenders Board Act, you must look at what preceded the Central Tenders Board (Amdt.) Act, in the light of a totally scandalous affair with respect to every single contract awarded by the Government, or by any agency of the Government.

The celebrated Hall of Justice, hundreds of millions of dollars were spent on it; justice is crumbling and the contractors have gone laughing to the bank. Now we hear about the redevelopment of Port of Spain and the building of a library. We also hear the fine words of the Minister of Information about how they are going to amend and take care of the Central Tenders Board Act. I say, with this administration, you will need a bag of salt to digest it before you really and sincerely believe that they are capable of handling the financial affairs of this country with any honesty whatsoever.

The latest one which has caused me, personally, immense discomfort is that Piarco Development Report. The thing is not worth the paper it is written on. I would advise the Members opposite not to take the public of this country for granted and have the transcript available for public scrutiny, because the people of this country will no longer tolerate this kind of scandal again. It is all over. We just do not have the funds.

Again, we have to make the complaint. The Government comes to us to ask for an amendment to include the words "contract with the National Insurance Property Development Company Limited" in Section 20 (1) (c) of the Ordinance, but it does not tell us and it wants us to ratify whatever that National Insurance Property Development Company Limited has done. It comes with that very blandly and innocently, in virgin white, and says to us, ratify it; approve of it and let us go back with retroactive legislation to carry it out.

What it does not tell us is that NIPDEC Authority, between the years 1978 and 1992, have managed over TT \$3.5 billion on behalf of the Government of Trinidad and Tobago under Project Management and Construction. That is no small sum of money. That is not chicken feed. That is \$3.5 billion of taxpayers' money. The least they could have done was to list the projects and tell us that they have investigated and given the clear sign of approval, that all these projects are worth the money which has been spent on them, and there is nothing wrong in approving this amendment and going back retroactively to approve the contract:

Project	\$ million
Eric Williams Financial Complex	439
Must I approve that? Do you want me to approve that?	
Port of Spain Redevelopment	250
Hall of Justice	242
La Horqueta	204
Trincity	133
Flagstaff Hill	27
National Lottery	18

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And so it goes on and on. The little Forensic Centre on Barbados Road is \$11.9 million and you come here and tell me to approve this simple amendment and ratify all these things NIPDEC has done.

I say having regard to the history of my friends' predecessors in title, and having regard to what is taking place now at Piarco, if this Government was serious about changing the face and image of this country, it would not have had the hon. Minister of Information get up here and regale us with words as to how they are going to transform the Central Tenders Board Act. They would have come to us and said, look this Act has been amended 18 times; we are going to amend it for the final time; this is the 19th amendment, and a whole new piece of legislation would have been brought into here which we would have been able to consider, with the information that they ought to supply to us.

You cannot come to the Senate of the Republic of Trinidad and Tobago and ask the Senate to ratify billions of dollars worth of taxpayers' money and do not provide one iota of information on that money. You cannot do it. Notwithstanding what the hon. Attorney General says that the amendment is going to bring to an end certain new amendments which would probably have come, if he did not amend the definition of "Minister," my suggestion is notwithstanding this amendment, we will be seeing in this Parliament as the years go by, more and more amendments with respect to this Act, as the Government seeks to put its hand on taxpayers' funds and to get projects off the ground, with either limited accountability, or no accountability at all.

6.00 p.m.

I was listening very carefully to the Minister, my friend, the hon. Attorney General, and several times during the course of his address, he wittingly, unwittingly, knowingly or unknowingly spelt out the philosophy of the Government with respect to the Central Tenders Board Act. It is, Sir, "we are going to do business without having recourse to the tenders procedure; to permit the state to continue to treat with NIPDEC as it has been doing in the past ten years", and the words repeated themselves, "without having recourse to the tenders procedure".

Mr. President, as I said, it must have been the original intention of Parliament, in 1961, to set up ways and means, to set up devices to protect the public's purse. Thirty-one years later, we are now shifting the position, after having laid a bedrock of corruption, we are shifting the position to ensure in the public's mind

that this Parliament is giving approval to a system that will allow public moneys to be spent without having recourse to the tenders procedure.

Mr. President, I want to end with the hon. Attorney General's own words which sum up the fatalistic approach of this PNM's administration, saddled as it is with a history that they cannot reject or ignore and which they are part and parcel of—they cannot run from Prevatt and O'Halloran. The hon. Attorney General used the words: "We will have controlled exceptions". I dare say, Mr. President, those exceptions will be the rule and the population of Trinidad and Tobago will continue to be defeated in their quest for honest Government until we, of the United National Congress, take their place.

I thank you, Mr. President.

ADJOURNMENT

Motion made and question proposed, That the Senate do now adjourn to Tuesday, January 26, 1993, at 1.30 p.m. [Hon. L. Saith]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.03 p.m.