

SENATE*Tuesday, November 03, 2009*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**SEENATH JAIRAM SC, LLM
(STATEMENTS MISREPRESENTED)**

Mr. President: Hon. Senators, I have received correspondence from Mr. Seenath Jairam SC, LLM. dated October 27, 2009. He refers to a debate in the Senate on October 01, 2009 where he alleges that certain statements made about his participation in, involvement and association with the commission of enquiry into the construction sector were misrepresented.

I shall ask the Clerk to read the correspondence.

The Clerk: “I write in relation to certain well publicised comments made in the Senate in relation to the Commission of Enquiry into the Construction Sector (‘the COE’) and more particularly in relation to my role therein.

While it is clear that the COE is a matter of public interest it is regrettable that Senators and in particular Senator Mark used the opportunity of their Senate contributions on October 1, 2009, to articulate incorrect statements and consequentially flawed conclusions which add nothing to the debated issue. Such comments serve only to bring the Upper House into disrepute and to damage the reputations of private citizens who are otherwise unable to respond. The only possible source of redress to an aggrieved private citizen lies in the ability of the Senate to responsibly self regulate and to seek to conscientiously correct any inaccuracies published during the debate.

It is in this context that I ask that this letter be read into the Hansard as a means of refuting these comments.

A leitmotif in Senators Mark's and Deosoran's (sic) contributions was to the effect that Counsel to the COE and I in particular as lead Counsel was somehow responsible for the much publicised non-gazetting of the COE. Whilst I like any other right thinking member of the public am appalled at the failure to gazette the COE, it is important that I correct the record insofar as the duties and responsibility of the Counsel to the COE are concerned.

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The decision to establish the COE and indeed the appointment of the Commissioner were taken well before I or any member of the legal team were retained, and thus by no stretch of the imagination could it be suggested that the Counsel to the COE were responsible for the establishment of the COE or to advise upon on its legality. The mandate of the Counsel to the COE was to assist the Commissioners already appointed in its discharge of its mandate. It will be apparent from the quantum of material produced that this was a time intensive and demanding enterprise upon which all Counsel in question duly committed themselves. As everyone is aware the Commissioners were appointed by His Excellency The President on September 9, 2008 and by October 27, 2008 had a sitting and issued Procedural Orders on that very day. The COE was therefore “up and running” from October 27, 2008. However, I was only appointed by the former Attorney General, Senator The Honourable Mrs. Bridgid Annisette-George on Friday November 21, 2008.

It is clearly incorrect therefore to suggest that there was default or complicity on the part of Counsel to the COE in ensuring that it was gazetted. From this flawed factual basis, Senator Mark proceeds to map out a grand conspiracy designed to derail the COE in which I and apparently other members of the Counsel to the COE are apparently complicit. Whilst I make no comment in relation to the other wide ranging allegations of Senator Mark it must be clear that insofar as his conclusion is based upon the failure to gazette the COE that culpability must lie elsewhere.

In the interests of correcting the further statement of Senator Mark to the effect that I am the Attorney-at-Law representing the Honourable Minister of Works and Transport Mr. Colm Imbert in various cases, I can state that I have never represented Mr. Imbert in any matter. Further I have never appeared for Mr. Imbert's wife or her company in any arbitration matter, either in Grenada or elsewhere.

This inaccuracy aside, the more significant point however, is that it ought never to be presumed of Counsel that the interests or concerns of their clients are coordinate with their own. It is the responsibility of all Counsel to actively promote the interests of each of their various clients and to do otherwise is a clear act of professional misconduct. The unsubstantiated suggestion by Senator Mark to the effect that the Counsel to the COE betrayed their professional responsibility to the Commissioners is a defamatory and unjustifiable comment which, significantly, has never been voiced by the Commissioners themselves.

In relation to the injunction obtained on behalf of the Honourable Minister of Labour and Small and Micro Enterprise Development regarding the illegal industrial action at the PTSC I say without fear of contradiction that Mr. Imbert was completely unaware that I had been retained to obtain an injunction.

In the circumstances I would be grateful if this letter could be placed on the record in the interest of ensuring the highest quality of debate in the House and of protecting the rights of the citizens who are affected thereby.

I have been extremely busy in the Court of Appeal and I regret being unable to respond earlier.

Much obliged.

Yours respectfully,

/s/ Seenath Jairam, SC."

PAPERS LAID

1. Annual report of the University of the West Indies, St Augustine Campus, for the year 2007/2008. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]
2. Annual report and financial statements of accounts of the Accreditation Council of Trinidad and Tobago (ACTT) for the fifteen months ended September 30, 2005. [*Sen. The Hon. C. Enill*]
3. Annual report and financial statements of accounts of the Accreditation Council of Trinidad and Tobago (ACTT) for the fiscal year ended September 2006. [*Sen. The Hon. C. Enill*]
4. Annual report of the Police Service Commission for the year 2008. [*The Minister of National Security (Sen. The Hon. Martin Joseph)*]
5. Annual report of First Citizens Bank Limited and First Citizens Mortgage and Trust Limited for the year 2005. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
6. Annual report of First Citizens Bank Limited and First Citizens Mortgage and Trust Limited for the year 2006. [*Sen. The Hon. M. Browne*]
7. Annual report of First Citizens Bank Limited and First Citizens Mortgage and Trust Limited for the year 2007. [*Sen. The Hon. M. Browne*]

- 8 Annual report of First Citizens Bank Limited and First Citizens Mortgage and Trust Limited for the year 2008. [*Sen. The Hon. M. Browne*]
- 9 Annual audited financial statements of National Quarries Company Limited for the financial year ended September 30, 2007. [*Sen. The Hon. M. Browne*]
- 10 Annual audited financial statements of National Quarries Company Limited for the financial year ended September 30, 2008. [*Sen. The Hon. M. Browne*]
11. Audited financial statements of National Helicopter Services Limited for the financial year ended September 30, 2008. [*Sen. The Hon. M. Browne*]
12. Review of Operations of Taurus Services Limited for the year 2005/2006 and Business Plan for the year 2006/2007. [*Sen. The Hon. M. Browne*]
13. Review of Operations of Taurus Services Limited for the year 2006/2007 and Business Plan for the year 2007/2008. [*Sen. The Hon. M. Browne*]
14. Review of Operations of Taurus Services Limited for the year 2007/2008 and Business Plan for the year 2008/2009. [*Sen. The Hon. M. Browne*]

ORAL ANSWERS TO QUESTIONS

National Academies of Performing Arts

(Details of)

40. Sen. Wade Mark asked the hon. Minister of Planning, Housing and the Environment:

With respect to the construction of the National Academies of Performing Arts in Port of Spain and San Fernando, could the Minister provide the Senate with:

- (i) a detailed status report on the construction of the National Academies of Performing Arts;
- (ii) the original estimated cost of construction of the national academies;
- (iii) the initial projected completion dates for both academies;
- (iv) the current estimated cost and new projected cost of the construction of the academies; and
- (v) the new projected completion dates for the National Academies?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Thank you, Mr. President. Unfortunately, the question was submitted to the Parliamentary Committee and there were some errors in the numbers and some other aspects and the question had to go back for rectification. We had asked for three weeks and then two weeks. We will have to ask for another two weeks.

Question, by leave, deferred.

Sen. Wade Mark: Mr. President, could you defer those questions for both Sen. Dr. Sharon-ann Gopaul-McNicol and Sen. Lyndira Oudit?

The following questions stood on the Order Paper:

**Fifth Summit of the Americas
(Removal of Homeless Persons for)**

145. With respect to the hosting of the 5th Summit of the Americas and the removal of homeless persons off the street, could the hon. Minister of Social Development inform the Senate of:

- (i) The number of homeless persons removed from the street;
- (ii) The cost of removing these homeless persons off the street; and
- (iii) The number of homeless persons who have since returned to the streets at the conclusion of the Summit on April 19, 2009? [*Sen. Dr. S. Gopaul-McNicol*]

**Disabled Persons
(Details of Funds Allocated)**

146. Could the hon. Minister of Social Development provide the Senate with the details of funds allocated to each category of disabled persons for fiscal years 2006—2007; 2007—2008 and 2008—2009? [*Sen. Dr. S. Gopaul-McNicol*]

**Recreational Facilities
(Details of)**

152. Could the hon. Minister of Sport and Youth Affairs indicate to the Senate:

- (i) the number and geographical locations of full service recreational facilities, that is, facilities containing jogging/field track, covered bleachers, washrooms, children's park, full lighting and secured perimeters which are either operational or proposed in Trinidad and Tobago since 2006;

- (ii) the number and location of such recreational facilities that currently exist in Central and South Trinidad;
- (iii) the rationale used to determine rural/urban need of full service recreational facilities in Trinidad and Tobago since 2006? [*Sen. L. Oudit*]

**International Organization for Migration
(Benefits of Funding and Training)**

184. Could the hon. Minister of Foreign Affairs indicate to the Senate, how the Ministry of Foreign Affairs proposes to benefit from the funding and training to be made available to this country through the International Organization for Migration (IOM), as a consequence of becoming a member in June, 2009? [*Sen. L. Oudit*]

**International Organization for Migration
(Details of Resources)**

185. With respect to membership in the International Organization for Migration (IOM), could the hon. Minister of Foreign Affairs indicate to the Senate the measures presently in place to detect, gather evidence, collate data on and to counter human trafficking in Trinidad and Tobago? [*Sen. L. Oudit*]

Questions, by leave, deferred.

**Domestic Violence Cases
(Details of)**

164. Sen. Gail Merhair asked the hon. Minister of Community Development, Culture and Gender Affairs:

With respect to the issue of domestic violence in Trinidad and Tobago, could the Minister indicate to the Senate:

- (i) the number of cases which have been reported to the police within the last five years;
- (ii) the number of persons who have died as a result of abuse suffered through domestic violence; and
- (iii) the steps taken by the Government in the last two years to combat this scourge?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I crave the indulgence of the Senate to defer this question to next week. I have the answer, but because of its length, I prefer that the

substantive Minister deal with it and I was unable to get her to come today. I am requesting one week's deferral. The question is approved and we will have her next week to answer the question.

Question, by leave, deferred.

**Placement of “ttconnect” Terminals
(Contemplation of)**

167. Sen. Gail Merhair asked the hon. Minister of Public Administration:

Could the Minister state whether the Government has contemplated the placement of “ttconnect” terminals in all forty-one (41) constituency offices throughout Trinidad and Tobago?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I am in a position to answer that one but because of its length I will undertake to so do.

The placement of ttconnect terminals or kiosks is informed by customer convenience and access and not by the geographic location of constituency offices.

Currently, there are five ttconnect terminals or kiosks that are being piloted at carefully tested locations in both Trinidad and Tobago. These include: Piarco International Airport; Gulf City Mall, Lowlands, Tobago; Gulf City Mall, La Romaine; Hi-Lo Supermarket, Point Fortin and ttconnect service centres at Gaston Court, Chaguanas.

The Minister of Public Administration intends, during the course of the pilot phase, to determine, for the conduct of a feasibility assessment, the most appropriate locations for the future deployment of terminals or kiosks throughout the country.

**National Food Crop Farmers’ Association
(Existing Relationship with Ministry)**

171. Sen. Gail Merhair asked the hon. Minister of Agriculture, Land and Marine Resources:

Could the Minister indicate to the Senate the nature of the existing relationship between the Ministry and the National Food Crop Farmers’ Association?

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, from the perspective of the Ministry of Agriculture, Land and Marine Resources, the existing relationship with the National Food Crop Farmers' Association is a good one.

I thank you.

1.45 p.m.

EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE

[Third Day]

Order read for resuming adjourned debate on question [June 23, 2009]:

Be it resolved that the Government of the Republic of Trinidad and Tobago take immediate steps to give effect to proposals of the Extractive Industries Transparency Initiative (EITI) through appropriate legislation and administrative action in respect of statistical reporting of oil, gas and mining revenue payments made to the Government of Trinidad and Tobago by the various companies involved in the exploitation of our natural resources in order to promote energy revenue transparency which has been deemed a non-partisan issue by EITI. [*Sen. W. Mark*]

Question again proposed.

Mr. President: The following is a list of persons who spoke: Sen. Wade Mark, the mover of the Motion; Sen. The Hon. Conrad Enill; Sen. Dana Seetahal SC; Sen. Raphael Cumberbatch; Sen. Basharat Ali; Sen. Rahman; Sen. Ramkhelawan; Sen. Dick-Forde; and Sen. Helen Drayton. Senators wishing to speak may do so.

Sen. Dr. Adesh Nanan: Thank you, Mr. President. I rise to make a contribution on the Motion:

“Be it resolved that the Government of the Republic of Trinidad and Tobago take immediate steps to give effect to proposals of the Extractive Industries Transparency Initiative (EITI) through appropriate legislation and administrative action in respect of statistical reporting of oil, gas and mining revenue payments made to the Government of Trinidad and Tobago by the various companies involved in the exploitation of our natural resources in order to promote energy revenue transparency which has been deemed a non-partisan issue by EITI.”

In my opening contribution, I want to congratulate the mover of the Motion, Sen. Wade Mark, because it is very descriptive, in terms of the presentation of the

Motion, because it gives specific references to the issue at hand. It is in this respect that I would start my contribution, based on the Motion. A lot of information can be filtered from the Motion.

We do not have gold, diamonds and uranium as some other countries. Canada and Australia may have uranium, but we have oil and natural gas and when we consider mining, we can deal with quarrying and even asphalt.

This Motion has to be taken in the context of billions of dollars being collected, in terms of revenue payments, from the various companies that utilize our resources and the society as a whole, in terms of the quality of life.

The EITI was launched in 2002, by former Prime Minister, Tony Blair. It is ironical that Trinidad and Tobago publicly endorsed the Extractive Industry Transparency Initiative on November 01, 2007. That was also the implementation date. But, from 2007 to present, we have seen nothing, with respect to the procedure to actually implement this particular EITI. Sen. Mark, in his contribution, gave a detailed step by step analysis, of how the Government was supposed to have proceeded in 2007. I would not go into that particular section. I would point out that at this point in time, I thought the Government, in this particular Motion, would have said that we are going to form, according to the procedure, a multi-stakeholders' steering committee. I would go so far as to say, let the consultations begin with the key stakeholders.

As I speak about consultations, I am reminded of the meeting today with the Prime Minister and the Leader of the Opposition. Let the consultations begin, because we have seen that a country like Liberia has gone ahead even further, in terms of actually legislating for the EITI. Why is it important to legislate? It has been proven that countries that are involved in the EITI have gone even further to legislate. It shows transparency and accountability on the part of the Government. This window of opportunity is there for the Government. It is not too late, although the procedure is that you may have to reapply to be recognized under this. It gives that window of opportunity for foreign direct investments.

It is in this particular situation, where the world is actually coming out of a recession and foreign debt investment has dried up, to some extent, the Government can put itself into perspective as an attractive foreign investment island. We have seen foreign direct investment in large quantities under the Basedo Panday administration, which is under the United National Congress administration. There was a huge investment potential at that particular time, from 1995—2001. Especially in the tourism sector, there is a lot of foreign direct investment coming in.

The island was an attraction to the multinationals as a whole. Right now, we are being confined to a niche, with respect to the oil and gas sector and the diversification efforts of the Government have not borne any proof, with respect to the other sectors. It is this opportunity that we should not let slip by, the Extractive Industries Transparency Initiative, to give that credibility—if the Government has any credibility at this point in time, to allow, based on transparency and accountability—to attract foreign direct investment. This is not my saying. There is a lot of information available, in terms of statistical analysis, to show that countries that have gone ahead, in terms of legislating for this particular initiative, had direct investment of over \$150 million. It is not difficult. What is this initiative asking us to do? Publish what is paid: taxes and royalties.

It brings me to the point of secrecy. We hear, from time to time, the Prime Minister speaking about the secrecy of our natural gas price to various companies and that if we give out that particular price, it will cause a ripple, with respect to the multinational.

Recently, I think it is in Norway, they had full disclosure, in terms of every citizen in that particular country and of what they are earning. If we are dealing with the oil and gas sector—the EITI deals with 50 countries, if I remember correctly.

I want to use this opportunity to look at the oil and gas sector because we need to do that, in terms of the probable proven resources and our reserves. There are discrepancies, with respect to the various quotations, in terms of our lifespan for this finite resource that we possess.

In terms of the oil and gas sector and this initiative, we have seen through state-owned company Petrotrin, disclosure in our Public Accounts (Enterprises) Committee, a large amount of revenue coming to that particular company when the price of oil was at its peak. The question had to be asked. At that particular project, that is the gas-to-liquids project, that Petrotrin embarked on, and with respect to revenue, there are many questions to be asked. Will that project be profitable in five years or 20 years, based on the variation in our shares in taking over the particular project in total?

Going back to the particular project and the stakeholder consultation, yes, the Government had an obligation to propel the country forward, utilizing whatever plan, based on its 2020 visioning. If we look at the quality of life of the citizens and the injection of billions of dollars, via the multinationals into our economy, we do not see value for money. And if you look around, in terms of what has

transpired over this period of largesse, with respect to the Government and its revenue stream, especially in the Ministry of National Security, billions of dollars have been spent in that particular Ministry, and still we have a hue and cry for the shortage of vehicles at our police stations. We are still the murder capital of the region. Crime continues to be on the rise and homicides are increasing daily. I am not saying this to blacklist our country; this is the reality.

The poverty level continues to rise in our country. Under this initiative, we will have transparency and accountability. We will have an idea of the money that is being collected. In fact, it will break down; it will not be a lump sum, as we get from time to time in the Appropriation Bill in Parliament, with respect to the oil and gas sectors. If we look at the poverty level and our revenue that has been put forward in our budget documents, we will see it and if we compare ourselves with other oil and gas countries such as Norway or the Middle Eastern countries, the lifestyle is far different, in terms of their GDP and the quality of life of the citizens.

This Motion gives an opportunity for our citizens to recognize that there is still a ray of hope; what we call sunshine in the life of our citizens, if legislation can be brought forward, so that the citizens will have a check of what is coming into the Government's coffers, via the oil and gas sector and distribution. We should have equity in our country. There should not be a situation in our country where we have bad roads leading to paved highways. We should not have a situation where we still have problems for water in various parts of our country. I could go on with the myriad problems that we face on a daily basis, with respect to transportation and other areas.

2.00 p.m.

Mr. President, because of the tax reform policy that the Government is now embarking on—it has signalled that it intends to bring a property tax on our citizens—if they can come clean with respect to what they are actually getting from these multinationals as revenue, then we can calculate and budget in such a way so that we will have a direct indicator with respect to the actual revenue stream in the various areas, and we will not have to be guessing at the budget presentation exactly how much the Government is receiving. If they are receiving, how would we know that we are benefiting? How do we know that we are not losing money with respect to these multinationals? If we have that kind of accountability and transparency, then we will be able to see if there is any way we can accomplish more than what we have been getting.

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Going back to the point with respect to our society, it is important that as we collect revenue from the various areas like our export of asphalt—what is interesting is that we export asphalt to all parts of the globe, and we have some of the worst roads in our own country. So, asphalt is part of the mining revenue, as well as the natural gas and oil sectors.

So, I am putting forward, if we can identify individually the revenue coming in, according to the EITI, we will be able to look and see if it is necessary to have that kind of burden on our citizens. Why should we have billions of dollars coming into our Treasury and they are not filtering down to our citizens? The question also has to be asked in terms of our high-rise buildings. Is the hotel on the Waterfront generating any revenue or is the Government propping up that particular hotel by having their conferences there? Several questions need to be asked. I recall when the Waterfront Project was put forward, there was supposed to be a revenue stream to be utilized from that particular project. What I am saying is that we have all these projects that the Government has embarked on with billions of dollars from the oil and gas sectors, but we are not being told about the revenues coming in from these various projects. I made reference to the Gas-to-Liquid Project at Petrotrin.

Now, if we have a blueprint, we will be able to do a comprehensive analysis of our situation, rather than wait for budget documents every year to tell us where we are after one year or a Variation of Appropriation every six months. Based on spreadsheets, we can calculate on our own, due to the legislative input in this particular EITI and see—yes, you are projecting towards Vision 2020, but are you utilizing our resources in the right way? Are you utilizing the money that is coming in for the benefit of our citizens? You may have to make some serious and drastic changes.

Mr. President, for example, that particular stadium in Tarouba, if this particular legislation was on the books, it might not have been proposed at all. I can go on and look at the many other projects that the Government has embarked on based on what is coming in respect of a projected plan in the Vision 2020 document.

Mr. President, the Vision 2020 document talks about the social sector—our old age pensioners, our retired public servants and all those other fragments of our society that make up the whole, and whether it is the old age pensioners, the retired public servants or the working force, in 2007, we should have had this particular EITI implemented.

Let us say that the Government is going according to plan and the stakeholders meeting would have taken place—two years is a long time in terms of getting things organized. Most likely, in 2009, we would have had the legislation before us with respect to the EITI. In terms of the projections, we are at the best point in terms of our foreign direct investments. We need some kind of fillip to, once again, have foreign direct investments. Coming clean with respect to transparency and accountability, would be one of the areas to give us that impetus to move forward.

It is interesting, because in these particular times, there are many creative things that are being done to attract revenue. Competition is very high with respect to the tourism sector. Last night I saw how Suriname is positioning itself in terms of tourism. For 2010, they have been selected as one of the major destinations for tourism. Why has Tobago been left out in terms of the marketing and potential for the island? Yes, Suriname has many attractions, but Tobago should have also been considered for 2010. There are opportunities that are going to be there, because as people get out of a recession globally, they will be going back to their normal lives and they will be travelling a little more. That is why the marketing thrust for Tobago should be very strong at this point in time, because people will be travelling once again, and they will be planning their agenda for their vacation in 2010. I was very shocked to see that Suriname has now been projected as the country in 2010 in the Caribbean and Latin American region.

Mr. President, I made remarks in my opening contribution in this particular Motion with respect to gold, diamond and uranium. If you look at the EITI and the countries that are involved, you are going to see that in many countries the similarity is really in the oil and gas sectors, but there is another part of the mineral aspect of this Motion which deals with quarrying.

I do not know if the Government has gotten its act together with respect to quarrying, because from time to time we see a lot of illegal quarrying taking place and we have to call on the Minister of Planning, Housing and the Environment. The question we have to ask the Minister is: Have there been controls with respect to illegal quarrying in our country? Also, with respect to the EITI, we can also deal with the logging industry and illegal logging. It is very important now, as we are going into the carbon initiative. Many countries are retaining their forest for “carbon swapping” as it is called.

We heard of a project in Nariva that has been started with respect to this carbon initiative, but there are other areas. I am sure that when the legislation is brought forward there would be many opportunities that are going to be visible in

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terms of this initiative, not only with the oil and gas sectors, but it is going to open up other areas with respect to our asphalt export, timber industry and quarrying industry.

It is interesting that as I talk about our quarrying industry, I can go to the aluminium smelter, because that particular project will be utilizing natural gas. We do not know what the Government is doing with respect to Alcoa and what price they are going to be getting for natural gas. Also with respect to Alutrint, we do not know what is the price natural gas will be negotiated at. We do not have an idea. We are always in the dark with respect to these projects.

We only see the Minister of Energy and Energy Industries when he has a press conference or when he goes to sign a document. It is only then we would realize that it is a production-sharing contract that the Minister is embarking upon, and then we might get a figure and which block has been given out under the production-sharing contract. I know it is a photo opportunity. *[Laughter]* The country needs to know, in terms of production-sharing contracts, what are the benefits. We only get snippets from the Minister of Energy and Energy Industries at press conferences or at a photo opportunity. Seriously, we need to know, how much is our revenue stream.

The Government needs to do some calculations and projections based on the price for natural gas, and actually do a forecast with respect to what they are expecting in terms of revenue coming into the country via our natural gas and oil sectors. *[Interruption]* I said that. I do not know if you were listening. I said that you do that every year and every six months, and we are saying that it is too long. It is a long period to wait for the Government to come with it. A lot of time when they come with the Supplementary Appropriation we do not get the information. So, if it is legislated, with respect to the various sectors, we will know if we are getting value for money and if the citizens are benefiting.

The whole initiative of the EITI is for the improvement of the quality of life for the people. *[Interruption]* It is not?

Sen. Mark: That is the objective.

Sen. Dr. A. Nanan: I see the Minister in the Office of the Prime Minister shaking his head. I do not know if that caring Government and the quality of life of the people go together, or if there is any equation there with respect to—I am hearing asides on that side—that particular situation.

2.15 p.m.

I am saying that this initiative is a good initiative. It is a good initiative because we are an oil and gas producing country and we are among a number of 50 rich oil and gas countries.

Another area that I want to deal with is with respect to the money that taxpayers of our country are putting forward into the Government's coffers. We have seen an amount of money being spent and I am not saying that there is evidence coming out of the commission of enquiry that an amount of money has been spent in various projects and a number of cost overruns in various projects and it takes me to that \$2 million flag that was put up in the Hasely Crawford Stadium. *[Interruption]* I am hearing \$18,000 on that side, but I still go back to the \$2 million flag because—*[Interruption]*

Relevance, I will not respond to that aside—I think it is a waste of taxpayers' money for a \$2 million flag. *[Interruption]* I was drawing the reference to the revenue coming from the oil and gas sector and that is where the money from the oil and gas sector went to spend on that flag when it should have gone to the citizens of our country. That was the connection between that flag and taxpayers' money and the revenue coming in from the oil and gas sector.

Mr. President, it goes even further as you extrapolate in terms of wastage of money by the Government that could have gone to the benefit of our citizens. We could go to all the public projects, but I would not go there in this particular debate because I want to stay in the confinement of the oil and gas sectors and the mineral sector.

If we are looking at the petrochemical and mineral sectors, what we have to do is to eliminate the so-called stigma of political corruption and bureaucratic corruption. Those two things seem to be rooted in the current administration. Because if you look at the various areas in terms of health care, education, even transportation as I said earlier; if we are able, through this initiative, to remove that stigma of bureaucratic corruption and political corruption, then we might be able to have the ray of hope like in a sunshine that is absent in our nation at this time, to live a decent and a high quality life in our country.

I want to go to the Liberian experience, because Liberia now has the EITI in their legislation, and having done so they have many rewards coming from that particular procedure. What has happened in Liberia today is that there is a disaggregation of all the payments made by all the companies, whether it is in timber, forestry, agriculture, oil production, gas production—well they have coal

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production and they also have diamond production. This report, you see exactly how much fees they pay—that is the company—how much taxes they pay, how much for licence and what concession—this is the important part too—was given to them in terms of tax holidays. We do not know in terms of the various sectors or the various projects that have been embarked on, what are the contractual arrangements. *[Interruption]*

I am showing that if you enact this particular EITI into legislation, what are the benefits? I was just drawing Liberia as the reference. I was not really comparing; I was showing some of the benefits that can be derived, and the last factor—

Sen. Enill: Would you give way please and thank you for giving way, Senator. Before you close, could you just help me if you will, with your understanding of the role of the Fiscal Incentives Act and the Petroleum Taxes Act, because you are arguing that those incentives that are given are given without transparency. The Fiscal Incentives Act and the Petroleum Taxes Act—I just want you to tell me, in your discourse, the role of those two pieces of legislation that we have passed in the context of the statements that you are making as it relates to the issue of non-transparency.

Sen. Dr. A. Nanan: Mr. President, okay, going back to the photo opportunity and the public relations aspect, whenever you sign a contract, Minister of Energy and Energy Industries, we only see you signing the contract. We have no idea in terms of that particular arrangement with that company. We just see from time to time what is being said. If you really want transparency you should lay that contract in Parliament. *[Desk thumping]* *[Interruption]*

No, he asked me a specific question with respect to the Fiscal Incentives Act and the Petroleum Taxes Act. So if you really want that then lay that document in Parliament so we would be able to speak with respect to what is before us and not be guessing with respect to your production sharing contract. *[Interruption]* I do not know if that—

Sen. Enill: You know, Mr. President, it sounds nice, but when I signed those contracts, it is after I had the advice of technical expertise in the specific areas, because quite frankly it is a very complex issue.

The other issue with all of this is that the reason that we set the framework up is so that those who have the technical expertise and the legal expertise would be guided by the framework. The question and everything else flows with that. The Petroleum Taxes Act for example indicates how the Minister of Energy and Energy Industries will allocate acreage. It is there and it is to that that those

technocrats and the Attorney General's office deal with the issues. The aggregation of that comes to the Parliament even as it relates to the contract. If the contract is laid here I cannot explain it to you.

Sen. Dr. A. Nanan: I have had the experience with the IDB and the World Bank, so you as Minister of Energy and Energy Industries said it is a technical matter. *[Interruption]* It is a similar situation when you are going to negotiate for a loan in terms of—*[Inaudible]* Okay, yours might be a bit more in terms of your projection, but what we are saying is that we do not know.

Sen. Enill: Yes, you do.

Sen. Dr. A. Nanan: Those contracts are not laid here.

Sen. Enill: It is not about the contract, it is about the law.

Sen. Dr. A. Nanan: Okay, well we are asking—

Sen. Enill: It is a business.

Sen. Dr. A. Nanan: Well, that would be part of the consultation to lay those contracts, Sir. *[Interruption]* Well, you see now you are going into secrecy. *[Interruption]* Exactly, and that is why I said the Prime Minister said that the natural gas price is a secret, but I will make reference to Norway. Norway has now opened up the entire country to—*[Interruption]* Okay, well all right. *[Interruption]*

So, you may need to consider another model. *[Interruption]* But I seem to be beating a dead horse so I would not go on that side, Mr. President. *[Laughter and Interruption]*

It was a pleasure to speak on this Motion. I am very happy to have—and I did not want to get in an argument with the Minister of Energy and Energy Industries based on our resources, because I could have gone into solar power, wind power and all of those other things.

Sen. Dr. Saith: Not on the EITL.

Sen. Dr. A. Nanan: I could.

Sen. Enill: Not on this one.

Sen. Dr. A. Nanan: Of course we can, but I would not go there because at some point in time when you are extracting you can use wind power, solar power and hydroelectric power. *[Interruption]* Later on you would see that.

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I just want to close because the initiative is a worthy one. We have seen 50 other countries getting involved in this particular initiative. It does not take a rocket scientist to know where we should go from here. We need to form that multi-stakeholder steering committee, begin our consultations and move on.

I thank you, Mr. President.

Sen. Gail Merhair: Thank you very much, Mr. President, for allowing me to make a contribution on this Motion, the Extractive Industries Transparency Initiative (EITI) brought by Sen. Wade Mark.

I would very much like to commend and congratulate Sen. Mark for bringing this Motion to the front. [*Desk thumping*] I understand that the Motion is based on good governance, on accountability and transparency, but unfortunately, Sen. Mark, I cannot support this Motion at this point in time and I will go on to tell you why.

When I look at all the history of the EITI, it came about in 2003 at the Lancaster House Convention where it had 12 principles and six criteria. Although, I agree with the 12 principles and the six criteria, I think when we look at the situation in Trinidad and Tobago it is not warranted at this point in time. Now, the World Bank was one of the pioneers of this venture together with the former Prime Minister of Britain. Now, my problem that I have with these Brentwood House Institutions, that is the OAS, the IMF and the World Bank want to dictate to some countries how they should run their business or how we should run our business, but in truth and in fact when you look inwardly at their own structure, at their own organization, they are not making changes to their structure; they are not moving forward as they want us to move forward with the 21st Century and I have a problem with that.

Now, another issue I have is the list of candidates and the list of countries. Now, there are 29 countries that are supposed to be EITI involved that have signed on to the EITI regulations, but there is only one country that is compliant and that is Azerbaijan. Now you have countries like Albania, Burkina Faso, Ghana, Madagascar, Nigeria and Zambia, but where are countries like the United States? Where is Russia? Where are China, Iran, Venezuela, Kuwait, Mexico, Saudi Arabia and Canada?

None of these countries have signed on to the EITI. So I am wondering, if we are moving forward and we are moving towards the 21st Century, what is happening with countries and the international community. Other countries in the international environment, why are they not in there? Is it some reason? We have

to ask ourselves that. Now, again I understand Sen. Mark's Motion and I think there may be other ways or other mechanisms we can put in place to get the information that you require. But I personally think that we have no business in putting our domestic situation, domestic strategies or our competitive advantage on the international market, when we look at it from a business perspective.

If you own a business, are you going to tell your competitors your strategy? Are you going to tell your competitors what is your business plan? I do not think anybody would agree with that. So, there are certain regulations that I think we need to follow, and with that in mind that would be one of my major problems in disagreeing with it and exposing such information.

2.30 p.m.

Now, when we look at, and I would like to quote from a report published in Eurasianet.org by Shahin Abbasov, on March 10, 2008, which is entitled, "Azerbaijan: Two reports paint sharply different picture of Baku's Business Climate", and I quote:

"This is a tale of two seemingly different countries that is actually one—Azerbaijan. One recently report, prepared by a leading international financial institution, pronounces Azerbaijan to be one of the world's most business-friendly nations. Another report, prepared by a leading corruption watchdog group, asserts that graft is deeply entrenched in Azerbaijan and growing worse. The sharply different depiction of business conditions in Azerbaijan is stoking debate in Baku."

Now, Mr. President, what is happening here, we want to talk about EITI, and yet the country, in the world that is compliant, they have problems with corruption. So what are we trying to accomplish with the EITI? What is it going to do? Now, one of the countries that have an extractive industry transparency initiative is Nigeria, and we all know what happened in Nigeria. I do not think we need to get involved. I do not need to tell you anything more.

In 2008, Nigeria was ranked 121 in the world, in terms of transparency international. Corruption is high, and Nigerians are not even benefiting from the resources of that country. So, we need to ask ourselves: What is the EITI about? What is it going to do? Is it going to bring any benefit to Trinidad and Tobago? As far as I can see, I do not think that it will bring any benefit to us.

As a matter of fact, only 10 out of the 29 countries have published reports. So, it is obvious that people are not adhering to the principles although they may agree with the principles, and the criteria as said by the Lancaster House in 2003, apparently, it is not part of their domestic policy.

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Now, of the things that I have to be very careful of when we look at this EITI, is the fact that the principle asked for the market value of the extraction payments, not the actual payments. So if you are asking for the market value of the extraction payments and not what was actually paid out, well obviously, they are going to have problems there with bribes being accepted. Because if you have to look at information bringing forward, the only way you are going to say that they have bribery, or any sort of corruption has taken place, is if you look at both figures. But the principles do not ask for two sets of figures, they ask for only one. At least that is my understanding of the principles of the EITI. So I ask, what is this whole EITI? What value is it going to bring to Trinidad and Tobago?

Mr. President, I reiterate that I endorse the principles of the EITI, but I do not think at this point in time for our country, that it is important to let our business be known globally. This is our domestic situation, and I agree with Sen. Mark, we want transparency, we want accountability, and we want good governance, but I think perhaps there should be other mechanisms that we in this honourable Chamber can come up with, to get that information from the Government.

Let us take for example, the Joint Select Committee, Part II, on which I sit, and I know we have been having problems in collecting current information. So perhaps one of the ways that we can, is insist again, that the relevant ministries, state bodies and corporations submit those reports in a timely fashion, where we can ask the questions that we would like to know when it deals with energy, and when it deals with the moneys that are being spent on behalf of the people of Trinidad and Tobago. But I really do not think that it will serve in our best interest, that we should have our business, our domestic business on the international community, because it will only put us in a disadvantage position at this point in time.

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

Sen. Wade Mark: Thank you very much, Mr. President. There is an inextricable link between the quality of governance and the quality of life. I want to repeat that. There is an inextricable link between the quality of governance and the quality of life of a nation, and the shape of the global community does not permit the promotion of an anaemic democracy. [*Desk thumping*]

Democracy demands good governance, and good governance, Mr. President, requires thorough going, transparency, accountability and openness.

Sen. Narace: Start in the party.

Sen. W. Mark: I would like to warmly congratulate all my colleagues, all my senatorial colleagues, who have contributed to this particular Motion.

Sometimes, we have to take people, organizations, and societies, kicking and screaming, so that they can understand the nobility of the cause. [*Laughter*] But I believe, Mr. President, that we will get there at sometime. Even if we are not there at the moment, we are going to get there.

I want to sincerely disagree with my honourable colleague, Sen. Gail Merhair, in terms of not supporting this very progressive and noble effort. I also want to disagree with the position advanced by my good and honourable colleague, the Minister of Energy and Energy Industries. I also disagree with the hon. Minister of Planning, Housing and the Environment, as it relates to their contribution to this very important Motion.

I think, Mr. President, it is really myopic for us, not to see the importance and significance of this particular measure that we are seeking to promote. I will demonstrate later on in my contribution, and see if I can bring to the attention of my colleague, the kinds of advances that are taking place as they concern this whole question, of revenue transparency. I will also deal with the issue of contract transparency, and all this secrecy and commercial dynamics that we sometimes advance in an effort to deny the population the right to know, the right to information.

Many countries are now moving away from that archaic approach that this Government has adopted for the last so many years. It is either that they are very incompetent, they negotiate badly and the country really suffers as a result, hence the reason there appears to be reluctance on their part—this is the Government's part—in not wanting to promote this very important goal which they actually endorsed. They endorsed, they actually agree to the implementation of the EITI initiative or mandate. But maybe the Government was very slow off the mark, maybe the Government did not put its house in order when that validation period was supposed to be executed, and they were delisted. Their position was more or less revoked by the EITI board, and I believe as Sen. Basharat Ali said, "Maybe the Government is suffering from pique". They are upset over the fact that they were delisted by the EITI, and they were told that they had to reapply if they would like to get what is called, "candidate status" once again with EITI.

Mr. President, oil, gas and mining are critically important sections in about 60 developing, or 60 economies developing, or transition economies. And all of these economies or these commodities I should say, have been experiencing and fetching record high prices, especially in the recent past. The people living in those countries have really benefited from the largesse that comes from oil and gas, as well as mining. Amongst the 3.5 billion citizens or people residing in those

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60 countries, some 1.5 billion live on less than US \$2 per day. Less than 1.5 billion of the 3.5 billion citizens, who live in those 60 countries, exist on less than US \$2 per day and they constitute almost two-thirds of the world's poorest people.

So, Mr. President, this culture of secrecy fuels suspicions, particularly when it comes to energy contracts, and we have been told as a people over and over, that the Government cannot disclose information to the citizenry because of confidentiality, commercial obligations, and as such, we are no better off in understanding what we are involved in as a citizenry, and as a community.

I want to remind this honourable Senate that when the State, which is the Government representing the State, and by extension, the people, enters into a contractual arrangement with an investor to engage in exploration and production and refining as the case may be of our natural resources, be it oil or gas, it must be made very clear that those natural resources do not belong to a group, do not belong to a cabinet, do not belong to a government. The natural resources of any country, and in this instance, the Republic of Trinidad and Tobago, when we talk about oil and gas, we are talking about the resources of the citizenry of the Republic of Trinidad and Tobago.

2.45 p.m.

It is not a private company negotiating with a private company; if that is taking place I could understand the argument for this secrecy, confidentiality and commercial obligations. But when a private company is locked in negotiations with a government that represents the people of a nation, then that government is accountable to those citizens. [*Desk thumping*] Therefore, we cannot confuse a private sector company to company negotiations with a company and State negotiations, or government negotiations.

The Government has a collective duty and responsibility to account to the people of a country; that is where you have the conundrum. The Government is using the same kind of framework and is trying to apply the same kinds of principles as if it was a private sector body. The Government is not a company; the Government is not a corporation; the Government is not a private sector entity; the Government was elected by the people and, therefore, the Government is accountable to the people. So if you are entering into arrangements with a private company, you have a duty to disclose.

There must be full disclosure to the people of this country. You cannot say simply because you are in the government service you are treating the people as if the people belong to some other entity. We put the Government there. The people

elected the Government and the Government must account to the people. I want to bring to the attention of this honourable House, certain developing realities that this Government might not be sufficiently au courant with; they might not be fully aware of.

Sen. Browne: "One attorney write yuh already for de day." [*Laughter*]

Sen. W. Mark: I want to indicate that there will come a time very shortly, [*Laughter*] very shortly it will happen, when the United States will force countries like Trinidad and Tobago, companies listed on the New York Stock Exchange and companies that are registered with the Securities and Exchange Commission, to publish what they pay in a disaggregated form, whether it is bpTT; whether it is BHP Billiton; whether it be Enron or EOG Resources; whether it is a Canadian firm or an oil company—I forgot the name of that oil company—Petro Canada, they are going to be forced through legislation in the United States to disclose fully what they pay, and the citizens of this country would be able to see, for the first time, what this Government refuses to provide them with. The US Government will force you.

If you do not know, let me tell this honourable House that there was a piece of legislation recently introduced in the United States Congress by Congressman Lugar and about eight other congressmen. It is called the Energy Security Through Transparency Act of 2009, by representative Lugar, a Republican Senator. I have a copy of the legislation with me. I will walk you through aspects of that legislation, where the United States Government is being called upon, not only to become a candidate country of the EITI, which this Government refused to be a part of, but through legislation to become a candidate country for the EITI. It goes on further to indicate that any company doing business in the United States and listed on the New York Stock Exchange or listed, filed or registered with the Securities and Exchange Commission, is going to be forced to disclose fully to the United States Securities and Exchange Commission every cent it paid to the Trinidad and Tobago Government.

Royalties disaggregated; they do not want it aggregated; they want it disaggregated; how much royalties you have paid to Trinidad and Tobago; how much fees you have paid; how much taxes you have paid; what kind of fees you have paid for licences; what kinds of concessions you have gotten. So the population of this country would be able to know, through the United States, what payments bpTT and these other oil companies and gas based companies are paying to the Government of Trinidad and Tobago.

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We have to wait for the US legislators, but we are taking the initiative here to avoid being embarrassed by an outside force and an outside power. Here it is that this Government does not have the vision to understand that this Motion today ought to be fully supported. You do not have to wait until the US Government forces you to disclose, through those companies that operate here. Many of them are listed on the New York Stock Exchange in the United States and many of them are registered with the Securities and Exchange Commission. You do not have to wait until they are forced to do it; we could do it here.

This is why I brought this Motion, to encourage the Government; to provide them with some kind of inspiration and motivation; to let them know that you do not have to wait until something happens abroad to take place; we could take the initiative here. This is why I was a bit disappointed when my hon. colleague, the Minister of Energy and Energy Industries—his contribution to this debate was very disappointing—told this Parliament that there was enough transparency in our operations and he made reference to the budget, the Review of the Economy, the Public Accounts (Enterprises) Committee and the Petroleum Taxes Act.

What is the relevance of these measures? Did these measures not exist when you applied to become a candidate member of the EITI in 2005? Did you not, when the Cabinet of Trinidad and Tobago took the decision in 2007, if my memory serves me right, and they went about establishing a multi-stakeholder steering committee? All this was done by the Government. The Government was on the way to getting validated as a full candidate of the EITI; all of a sudden, the Government "drop out de race". Why? Why?

Then we have the Minister of Energy and Energy Industries telling this honourable Senate, literally, "We do not need EITI". In fact, "Trinidad and Tobago is better than EITI in terms of its transparency mechanisms." That is absolute rubbish.

The Minister of Energy and Energy Industries must know that what he was advancing here today cannot operate, it cannot hold water. Mr. President, it is either this Government is incompetent or they are engaged in making bad deals that the people suffer as a result from; hence the reason they are afraid to come to this Parliament and tell the population the truth. [*Crosstalk*]

We are advancing today that the Government of this country is living in what I call "back in times". This is a back in times government; a very anachronistic government. It cannot fit the reality of today's global emerging society. [*Desk*]

thumping] They cannot see that for us to move forward, we must be rooted on the principles of transparency, accountability and openness. That is what deepens a democracy; you do not hide information from the citizenry.

This Government has engaged in activities on behalf of the citizenry of this country and the citizens of this country do not have a clue of what they negotiated on our behalf. When you ask them to table in this Parliament the contracts and agreements, they tell you that it is a secret, it is confidential.

Whether we did it in our time or not, we are now in the year 2009; the PNM is in. This is a matter that you ought to give consideration to. You just cannot simply say that you are not supporting the EITI. We live in an interconnected world; everything that we say in this Parliament is on the Net.

Hon. Senators: We know that.

Sen. W. Mark: Everybody knows that.

Sen. Dr. Saith: The whole world knows.

Sen. W. Mark: It is wrong for the Government to come here over the last three months—in fact, more than three months, because we introduced this measure, as you recall, on June 23. This particular Private Member's Motion on the EITI was introduced by me on June 23, 2009.

Secrecy is a destructive kind of thing. That culture of secrecy is not good for a democracy. I do not know what I have to do to encourage this Government to move away from this secret approach to critical negotiations on behalf of the people. How can you be negotiating on behalf of the citizens of this country and the Parliament that represents the people of this country does not have a clue of those negotiations, through a contract or an agreement that you would table here? How could you be serious about that? You cannot be serious.

Constitutional reform requires that all contracts and agreements, entered into by a Government on behalf of the citizens, must be tabled, debated and approved by the people of this country. That is what should be the Constitution, where you table the agreements, you approve the agreements; let the Parliament approve that.

There are areas where we could give and take; we are not saying to throw out the baby with the bath water. There are areas that might be sensitive; we are prepared to look at those areas. But do not tell me that the entire agreement is secret; no. You have an obligation to bring those agreements here, and those areas that you consider to be very dynamic and you believe challenging, you can discuss them. [*Crosstalk*]

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3.00 p.m.

So I agree with Sen. Basharat Ali when he asked: Is the sanctity of the law written in stone or concrete? You can change the law and if, for instance, the law says at the moment, you cannot disclose certain provisions when you negotiate a contract or an agreement, you can sit with the Parliament and come up with some alternative arrangements in order to satisfy those areas that would be in the interest of the people. But you are waiting until the United States of America forces you. You will be forced by the United States of America Government.

I just want to correct another statement that was made a short while ago, that only Azerbaijan has been declared internationally by the EITI as a country that has been validated and accepted. Another country which was approved recently, I think sometime around September or October was Liberia; the second country that has been declared internationally by the EITI along with Azerbaijan in terms of candidate country satisfying all the validations that they were entitled or had to satisfy.

I also want to tell my hon. colleagues that there is a piece of legislation, it is a Bill, I would like them to go on the World Wide Web and look for the Energy Security Through Transparency Act of 2009. This Bill is now in the United States of America House of Representatives and there is another Bill in the Senate called the Extractive Industries Transparency Initiative Disclosure Act. Both are on track in different Houses and they are moving to get the United States of America's President to approve this legislation.

Let me share with you some of the clauses in this particular Act. *[Interruption]* No, it is being debated but we feel certain that the President of the United States of America—*[Laughter]* But I told you it has not been approved, there is nothing to laugh about. I told you it is being piloted by representative Lugar and there is also another Bill called the EITI Disclosure Act that is being piloted in the other place by another Senator whose name has slipped me at this time.

What I am saying, Mr. President, is that the President of the United States of America, Barack Obama, is on record as saying that he believes in transparency, accountability, and openness, and I feel confident that clause 4 of this Bill which says:

"It is the sense of Congress that the President should commit the United States to become a candidate country of the Extractive Industries Transparency International."

This is what is in the legislation that has been introduced in September of this year in the United States of America Congress and somebody asked the question: Is the United States of America involved in this? Why is it not involved? Well, the United States is involved here, or it is going to be involved. The mere fact that it is a Bill piloted and is now in the House of Representatives, to my mind is a very powerful step forward. It shows that the big United States of America is prepared to consider—I am not even saying agree—becoming a candidate of the EITI which is a very powerful step, and it is promoting it because it wants to deal with corrupt leaders. This legislation is to deal with corrupt leaders and that is why they will force countries like ours to comply. Those are the companies that are operating here which are United States of America companies.

Mr. President, this legislation is going to cover European countries, Canada, the United States of America, places like Russia, Brazil and other countries. Any company that is listed on the New York Stock Exchange, any company that has an obligation to be registered with the Securities and Exchange Commission will be compelled under law once this piece of legislation is passed in the two Houses of Parliament to disclose fully every item that the EITI has been calling for.

In fact, it has been suggested that this piece of legislation has gone further than the EITI in the United States of America, so when this Government behaves as if it is so transparent and above board and it does not need an organization like EITI, I am saying that it is mamaguying the population, it is misleading the country. We do not have information in this country on a disaggregated basis as it concerns the payment of oil revenues by the various multinational corporations to this Government. What is seen in the budget documents are estimates, a total global figure, we do not get a detailed breakdown, and what EITI is calling for is a disaggregation and this piece of legislation in the United States Congress is also calling for a disaggregation. We want to know how much oil money bpTT pays you, and bpTT has an obligation to publish what it pays, and the Government has an obligation to publish what it earns.

The Government is earning corporation taxes from foreign corporations and it must tell the country how much it is earning and bpTT, EOG Resources and BHP Billiton must tell this country how much they are paying this Government in taxes. So why the Government is afraid to tell this country on a disaggregated basis, how much revenue it is getting from oil and gas from each of these giant multinational corporations? Why is the Government afraid to level with the country?

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So, Mr. President, when we look at what is taking place in the United States of America, the government is saying that:

“The Secretary of the Interior shall disclose to the public any payment (as that term is defined in section 13(m) of the Securities Exchange Act of 1934... relating to the commercial development of oil, natural gas, and minerals on Federal land made by any person to the Federal Government.”

This is not just about foreign companies; this is about the United States of America companies which will be affected by this legislation as well.

Let me define for the honourable Senate what is meant by the term ‘commercial development’.

“‘Commercial development’ of oil, natural gas, or minerals’ includes the acquisition of a license.”

So you must disclose to the Securities and Exchange Commission how much you pay for a licence in Trinidad and Tobago; you must disclose to them—it is licence, it is exploration, extraction, it is processing, it is export and other significant actions relating to oil, natural gas or minerals as determined by the Commission.

It goes on and this is where we come in, Mr. President:

“the term ‘foreign government’ means a foreign Government, an officer or employee of a foreign government, an agent of a foreign government... a company owned by a foreign government, or a person who will provide a personal benefit to an officer of a government if that person receives a payment, as determined by the Commission;”

And it goes on to tell you what a payment is.

“(A) INFORMATION REQUIRED—Not later than 270 days after the date of enactment of the Energy Security Through Transparency Act of 2009, the Commission shall issue final rules that require each resource extraction issuer to include in the annual report of the resource extraction issuer information relating to any payment made by the resource extraction issuer, a subsidiary or partner of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government for the purpose of the commercial development of oil, natural gas, or minerals.”

They are very thorough, Mr. President, in what they are advancing here and that is all we are asking for. We are saying that this Government has a moral obligation to disclose fully to the country how much income and revenues on a

disaggregated basis it is getting from the oil sector and from oil companies in the oil sector, the gas sector and all those multinational corporations operating in the gas sector. Why is the Government afraid to provide the country with that kind of information?

It is going to happen. I want to tell you, Mr. President, that change is constant and inevitable. The Government can rant, rave and misbehave, the reality is change will come and I am telling the Government what it is running away from today through my Motion, it will be forced by an outside power in order to comply. We could have done it democratically through my Motion; we could have done it voluntarily and taken advance action so we would not have to have an outside force telling us what to do. But this Government is not interested in that; it prefers an outside force to tell us what to do.

That is the kind of behaviour this Government is going to subscribe to, and I really believe—*[Interruption]* Not you, I am talking about all foreign, multinational corporations operating in Trinidad and Tobago and are registered and listed. All of them have to do it. This is a very important measure and I would have liked the Government to see the wisdom of supporting it, but this Government must have “cocoa in de sun” that is why they are expecting rain.

Mr. President, I want to bring to your attention—

Mr. President: Senator, I do not think you can go there. I do not think that you can say that the Government, which is made up of honourable men and women have cocoa in the sun unless you have evidence.

Sen. W. Mark: That is just an expression.

Mr. President: Yes, it is an expression of wrongdoing, and I do not want you to use it again.

Sen. W. Mark: "I didn't know 'cocoa in de sun' was a problem, now you have told me that, dah's unparliamentary eh, so nobody could use 'cocoa in de sun' in here." That is wrong!

Mr. President, I want to introduce you to a measure, a booklet, *Contracts Confidential: Ending Secret Deals in the Extractive Industries*. Do you know what this is doing? It is telling you—

Sen. Jeremie SC: Who is it by?

Sen. W. Mark: This is by Revenue Watch Institute based in the United States of America, it is a non-governmental organization. It was only published just a

few weeks ago in the United States of America and it is telling the world that this question of contract transparency or what the Government would like to prefer to deal with or call contract secrecy, is now telling the world that is a time gone by.

3.15 p.m.

It is now telling the world that that is a time gone by. I want to just read for you some, maybe just about one or two paragraphs, in the Executive Summary of this particular report so you can understand why, for instance, contract transparency is so important today in our civilization. Here it is, the Government is saying to us that there must be secrecy surrounding contracts involving partners in the oil industry or partners in the gas industry and here it is the world, through the Revenue Watch Institute, is showing that contract confidentiality is something that we have to do away with. Of course, you are going to have certain provisos. I am not arguing that; I am not saying, as I said earlier, you throw out the baby with the bath water; you do not have to do that, but for heaven's sake, tell this country, table these agreements in this Parliament.

You know, just recently I asked a question and I got a written answer on the Rapid Rail Project and when I asked to see the agreement, do you know what I was told? The agreement is confidential. They cannot release to the Parliament of Trinidad and Tobago a contract that involves the Rapid Rail Project, phase one, a project that at the end of the day if the Government goes ahead with, could cost us between \$10 billion to \$15 billion. That is the estimated cost or ballpark figure that I understand it could cost us. But here it is, the Government is prepared to invest, to borrow billions of dollars on behalf of the people and we, the people, who are in the Parliament representing the nation, do not have the opportunity of scrutinizing the actual agreements or contracts that would govern the Rapid Rail Project.

That is not democracy, man; that cannot be democracy. Democracy demands that you must be accountable to the people; democracy demands that you must be open; democracy demands that we must be transparent. I am saying this today because we need to become more mature, more responsible, more open and more transparent. We need to do these things for the sake of the population.

I want to quote a section here on page 11 of the report. It says:

"...contract transparency is critical to addressing better resource management and bringing contract stability to an industry that sees its contracts renegotiated more than any other. Over the long term, governments will be able to negotiate better deals, as the information asymmetry between

governments and companies closes. In the shorter term, contract transparency will help government agencies responsible for managing and enforcing contracts, of which there are many, work in tandem."

Mr. President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. J. Jeremie SC*]

Question put and agreed to.

Sen. W. Mark: Thank you very much, Mr. President; thank you very much, Attorney General, my good friend. I am aware of Greeks that bring gifts, very aware of that.

Allow me to continue. Listen to what it says on page 11.

"With contracts publicly available, government officials will have a strong incentive to stop negotiating bad deals..."

May I repeat?

"With contracts publicly available, government officials will have a strong incentive to stop negotiating bad deals, due to corruption, incompetence, or otherwise."

This is why we need to have our contracts and agreements reached between the Government and the investor and the Government and the company brought to the table so that the people can see the contents of these particular deals or arrangements. It goes on:

"Contract transparency will result in more stable and durable contracts, both because they are less subject to the population's suspicions and because the incentives for governments and companies to negotiate better contracts will be increased...contract transparency is a necessary element of any effort to promote the responsible management of natural resources for growth and economic development.

The most common arguments in support of secrecy are rooted in commercial practice, where parties to contracts routinely set the terms of disclosure within the bounds of the law. These are not negligible arguments, but they overlook the special obligations of governments and the democratic right to information."

I want to repeat this:

"...they overlook the special obligations of governments and the democratic right to information. In a survey of more than 150 confidentiality clauses in oil and mining contracts worldwide conducted for this report, only one recognizes that the public interest in information should outweigh the company's interest in confidentiality."

So there is this locked-in arrangement and this is why we have to ask the question: should the public interest as it relates to information outweigh that of the company's interest in terms of confidentiality? This is a question that we have to pose, because it is our view that there is a democratic right to information. People have a democratic right to information and this struggle between secrecy and transparency must be resolved in favour of transparency.

There is nothing wrong in giving the population information. When you do not give the population information on agreements—this Government has signed so many agreements and it has not tabled them in the Parliament, even those agreements that the law—we passed a Private Members' Motion that became a law in this country that compels this Government to table in this Parliament every agreement it signed with these multinational lending agencies, be it the IADB, the IMF or the World Bank.

I saw some time ago where this Government entered into an arrangement with the IADB for an education loan. We saw where it entered into an arrangement with the IDB for a public sector loan. Where are those reports? Where are those agreements? Even though the Parliament compelled this Government to provide us with those agreements, the Government is violating the very principles and arrangements that we have arrived at. The Government has an obligation to bring those agreements here.

If you have proper transparency, accountability and openness in terms of revenue transparency in our operations, we would not have what is taking place today at Petrotrin. How can a company budget for a project at \$2 billion and now the budget for that same company is over US \$9 billion? Who is going to pay for that? Because of the absence of accountability and transparency in the operations of these state enterprises in this instance, we do not have that information. If we had an EITI, Petrotrin would have been part of it; the NGC would have been part of it; the NEC would have been part of it. All those companies would have been part, because in the EITI, it includes not only foreign companies but local companies. Once you are involved in oil, in gas and mining, be you local, be you foreign, you have to be part of the EITI.

Sen. Browne: Could the hon. Senator please give way? I am sure that the Senator is a Member of the Public Accounts Committee and is aware that the projects of which he speaks are subject to disclosure at the Public Accounts Committee—

Sen. Dr. Saith: Under his chairmanship.

Sen. Browne:—under your chairmanship and in addition to which, those contracts are also included in the PSIP, the SSIP and are also the subject of your discussions as per the financial statements and, therefore, would not be subject to any EITI conclusions. Thank you.

Sen. W. Mark: Mr. President, what he has said is what my honourable colleague has already said in his contribution so he just repeated what you said; took up my time unnecessarily, I would say. But it is no problem. Maybe he wanted to stretch his legs, so he got up.

So as far as we are concerned, these bogus arguments that are advanced by this Government to justify the unjustifiable, the indefensible, the inexcusable, you know, people are not buying those things again. We, in Trinidad and Tobago, are demanding that the Government become more transparent in terms of our revenues that it collects from oil and gas. We do not know in a disaggregated way how much we get from oil and gas and we are demanding that the Government level with the population; give us a disaggregation on a company basis; how much you get from Petrotrin; from bpTT; from EOG Resources; from BHP Billiton on a disaggregated basis. We do not want a global figure; we want a disaggregated figure. That is all that we are demanding, and we are citizens; we are the owners of the natural resources of our country and the Government is accountable to us. The Government is accountable to the people and, therefore, the Government must be able to tell the people of this country what is taking place.

This argument that we get over and over that it cannot reveal anything because it is secret, it is confidential and it is commercial in terms of secret, it is undemocratic for those contracts to be kept secret. We are arguing, it is undemocratic for the Government to keep these contracts as secret documents. We demand that those contracts be tabled in the Parliament.

Mr. President, I have said to you and this honourable Senate, we have no problem if there are certain areas that the Government wishes to trim or it wants to avoid because it could cause some compromises here and there to the national interest, but do not tell me that the price of gas is a secret.

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Do you know what is really significant? The companies that come to negotiate with NGC know exactly how much you give to NUCOR and when they come, they are going lower than NUCOR. So I do not understand when they talk about secrecy and confidentiality. How come the companies that are coming into this country have the commercial secrets of the company that you just negotiated with? And you have to go below NUCOR in order to keep Alcoa.

I think they are short-changing the people of this country. So we believe without contract transparency, fears of the worst flourish and mistrust and conflict are magnified among stakeholders. Again, we are saying to the Government that you need to look at this question of contract transparency. Procurement transparency is something you also have to look at because it is the absence of proper procurement transparency that we have a UDeCott today.

3.30 p.m.

We have estimated as a party, that out of the \$300 billion that we have collected in this country over the last few years, \$50 billion could have gone in the regular activities. Through corruption and other activities this country may have lost close to \$50 billion. In the past, we used to lose \$1 million here or a couple hundred thousand. Today, people are openly "tiefing" by the billions and poor people of this country cannot get proper health care. Children are dying.

Mr. President: Senator, you used a word there that I know I do not know how to spell and I know it is not a parliamentary word. I am pretty sure that *Hansard* does not know how to spell it either. Using the word "tiefing" is not a parliamentary word and certainly, not the type of language that you should be using to set an example for the young people outside there who are listening to you. There is a perfectly good English word that describes what I think you mean and I ask you to use it.

Sen. W. Mark: They have stolen. [*Interruption*] Misappropriated. Excellent. Thank you, my honourable friend. You are my friend. You came to my rescue. Mr. President, I agree and I withdraw that word. I know you always guide me.

I brought this Motion simply to allow the Government and this honourable Senate to begin to think and to realize that if as a democracy we are to go forward, there are certain things in which we have to engage. I believe that the principles of good governance demand that we be transparent, accountable and open. Revenue transparency is nothing of which we should be ashamed. I hope that the Government will reconsider its negative stance towards this Motion.

It is in the interest of the country and is supposed to be non partisan. It is not about PNM or UNC or which other party. It is about the people of this country getting the best from our resources that we have inherited that is God given to us. Those resources must be properly utilized and distributed so that every citizen in this country, regardless of race, region, religion or location must be able to enjoy a decent standard of life and must always look forward to an improvement in his or her quality of life. This is what this Motion is about. It is not about scoring points. It is about us getting together as a nation and a people to put together a position that of which we can all be proud.

I beg to move.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President in accordance with Standing Order 33(2), I wish to make a small contribution. Sen. Mark in piloting this Motion advanced a case that does not support EITI. Sen. Mark talked about disaggregation. I simply wish to make the point as I did some time ago that from the perspective of the Government, as it relates to both the Ministry of Finance and the Ministry of Energy and Energy Industries, we support the principles. In the reporting guidelines of section 8, I made the point before, very specifically. It says that the body would seek to create information in such a way that it presents aggregate information. It is an aggregating body.

What Sen. Mark spent much time discussing with us is disaggregation. He wants to know bpTT, EOG, BHP Billiton. That is disaggregation. That is a different issue. That can be made available through the mechanisms of Parliament. Sometime ago he asked and we disclosed the revenues from bpTT, NP and NGC. To make the point that the Government is secret is not correct.

I want to make two other quick points. The EITI initiative is one that I am personally familiar with because it started when I was a Minister of Finance. It started on a discussion with bpTT about a challenge that we were having in African countries. As a Governor of the World Bank and in looking at what was taking place in Africa, particularly Nigeria, we had a situation where producing countries and companies, not taxpaying countries—you have to make a distinction between what we do in Trinidad and Tobago and some of what is taking place here. Some of these countries are actually involved in extraction.

We give a licence to a company and through the law we tell them the allowances. We have an independent body called the Board of Inland Revenue that manages what we have put forward in the legislation. They aggregate that

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information and at the end of the year they produce it in a document called the Estimates of Expenditure. One of the reasons we did not support it when we looked at it is it did not go to the extent that we had gone in Trinidad and Tobago. We had by legislation, the Petroleum Taxes Act and the Ministry of Energy and Energy Industries and certain responsibilities and the Financial Incentives Act.

The other thing that we have is that we have moved away from the E&P licensing regime which is what this is about to a production sharing contract regime that is totally different. I wish to reinforce two points.

What Sen. Mark is asking for and argued for is not what the EITI is about. That is the first issue. The second issue is that as it relates to the issue of transparency, accountability and payments, we passed legislation and it determines—and we would come back with legislation as we see opportunities to improve transparency and accountability. It has to be done in the context of legislation. We will be bringing legislation very shortly to do some amendments on some of these things. As it relates to EITI in its present form, the Government does not support this Motion.

Thank you.

Question put.

The Senate divided: Ayes 7 Noes 18

AYES

Mark, W.

Nanan, Dr. A.

Kernahan, Dr. J.

Rahman, M.F.

Gopaul-McNicol, Dr. S.

Ali, B.

Balgobin, Dr. R.

NOES

Enill, Hon. C.

Saith, Hon. Dr. L.

Jeremie SC, Hon. J.

Browne, Hon. M.

Joseph, Hon. M.

Manning, Hon. H.

Piggott, Hon. A.

Narace, Hon. J.

Dick-Forde, Hon. Dr. E.

Gronlund-Nunez, Hon. T.

Hadeed, G.

George, W.

Rogers, L.

Lezama, Miss L.

Melville, Miss J.

Nicholson-Alfred, Mrs. A.

Drayton, Mrs. H.

Merhair, Miss G.

Motion negatived.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that the Senate do now adjourn to Tuesday November 10, 2009 at 1.30 p.m. when we will continue the debate on the Tobacco Control Bill which was in progress on October 20, 2009 which is No.1 on the Order Paper.

Mr. President: Hon. Senators, before I put the question on the Adjournment, I have granted leave for a matter to be raised on the Motion for the Adjournment.

Education Tower (Cost Overruns)

Sen. Wade Mark: Mr. President, I have a very important matter I would like to bring to this honourable Senate. It deals with the education tower and the huge cost overruns involving this particular tower, at a time when the country is experiencing challenging economic times.

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[MR. VICE-PRESIDENT *in the Chair*]

It is my understanding and information that this education tower began or started off at a price of \$368 million. We understand from information reaching us that that has now skyrocketed to over \$600 million and it continues to rise.

3.45 p.m.

This particular education tower was supposed to be completed in August 2008. We are now in November 2009, so it is over time by a year and a few months. It is also over budget by several hundred million dollars. We also understand that there is a penalty clause in that contract which, as you know, was executed by the Shanghai Construction Company, and which says that for every day that company is unable to deliver the building, given the time agreed upon for delivery, the penalty clause is supposed to be invoked at the cost of \$118,000 a day.

It is now one year and maybe four or five months since the building was supposed to be handed over to the Government of Trinidad and Tobago through UDeCott and that building is yet to be completed, as far as I am aware. We have estimated that if the penalty clause had been invoked, taxpayers would have had in their hands right now more than \$50 million. If the penalty is \$118,000 a day and we are over time by about one year and five months, we have estimated that it would amount to over \$50 million. Why has the Government not invoked the penalty clause involving the Shanghai Construction Company?

This is a company that has violated, according to our information, many technical specifications as they relate to putting up those glass panel curtains. Our information is that the safety of that building is in question. Lockwood Greene left that job and went back to the United States. This is a reputable organization in the construction business. They were the project managers of that particular project who were looking after the national interest. Even though they brought to the attention of UDeCott and the Shanghai Construction Company, over and over, the defects, deficiencies and flaws, their whole safety record, they ignored all the warnings given them by Lockwood Greene and Gillespie & Steel Associates Limited.

These are serious matters. You cannot have a Chinese company coming into this country, violating all the critical safety codes, ignoring all the technical specifications given to it by UDeCott and other contractors and architects and there is a situation in which a building has been constructed and we are not too

certain of its safety. We do not know because Lockwood Greene left and they brought on their partner, Genivar. They took over the project management of this particular operation.

What is sadder—I am quoting from the *Guardian* dated Thursday, June 19, 2008, an article written by a Mr. Anthony Wilson. The headline is: Is this building safe? In this particular article, a letter dated April 19, 2008 was written by UDeCott's Karen Medina to someone called Michael Zhang, who heads the Shanghai organization. The letter reads:

“We refer to our letters of April 8 and April 17. Although you have never been released to commence installation of the curtain wall at the above-captioned site, you have proceeded to do so despite instruction to the contrary.”—You have a loose cannon. Shanghai Construction Group is going ahead to erect and install curtain walls even though they were instructed not to.—“Your installation to date is not in keeping with contract specifications as well as being in contravention of the instructions given to you in our letter of April 8, 2008.

We continue to have serious concerns in respect of your installation to date. Further to our verbal instructions to you on today's date, you are directed to cease all installations of curtain wall panels at the Ministry of Education...until such time as you receive further instructions from us.

Your immediate compliance is expected. We trust that you would treat this matter with the urgency that is required.”

Needless to say, the person who wrote that letter and was looking after the interest of this country through UDeCott was unable to stop the Shanghai Construction Group from installing curtain wall panels that they were not supposed to install. They got no green light from UDeCott and today we have curtain walls being constructed on the building at lower St. Vincent Street which were not approved by the relevant agencies.

My colleague, Sen. The Hon. Dr. Lenny Saith, also referred to Gillespie & Steel. They, too, expressed great reservations about how these people were going about this particular exercise. They were ignoring the best advice given them by the various agencies.

In this same article on June 19, 2008, Gillespie & Steel's director Colvin Chen wrote to Calder Hart, Executive Chairman of UDeCott, on the issue of the curtain wall glazing. The letter was widely circulated to seven persons and they were

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telling UDeCott that this particular company, Shanghai Construction, was going about its business in a manner contrary to directives given to it by UDeCott.

We do not know the safety standards of that building when it is completed. We have to be very careful that if we have an earthquake measuring about 8 or 7.5 on the Richter scale, we do not have a national disaster in this country. We cannot really accept the safety standards because we have been told by experts they erected curtain walls they were not supposed to.

What is the safety involved? We are calling on the Government to tell us why they have refused to invoke that penalty clause of \$118,000 a day. Why have we not collected \$50 million and above from the Shanghai Construction Group for being over time in terms of the arrangement? The building was supposed to be delivered in August 2008; we are now in November 2009 and the building is yet to be delivered.

I am asking that the Minister give the country the assurance that the building is safe to be occupied by public officers. We would like to find out today what is the actual final cost of that particular building. We want to know how much it will cost the Government to outfit the building and who will get the contract. Is it the Shanghai Construction Group?

We believe that the Government owes the country an explanation as to why it allowed the building that started at \$368 million to run over \$600 million, according to their own documents on the Public Sector Investment Programme for the last few years, and it continues to run and rise.

We call for justice. Children cannot get operations because the Government cannot afford them, yet we can get \$50 million for a company not being on time and the Government has refused to invoke the penalty clause. All we seek are some answers and clarification from the Government on this particular matter.

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Mr. Vice-President, I stand here in shock because Sen. Mark, as usual, gets up and makes all sorts of wild allegations, all answered before on March 10, 2009, in a question I responded to on the same education towers.

The projected completion date was June 2009. Obviously he forgot that and went back to 2008. On July 22, 2008 Sen. Mark raised a motion on criminal negligence and made a whole set of accusations about the same thing. He repeated

all those things about the *Business Guardian*. If anybody goes to the *Hansard*, they will see all he just said right here. I could sit and read it while he was talking and it is quite a shame that we have to be subjected to this.

I will read from the *Hansard* what I said to Sen. Mark in response to those safety issues. I said:

“Mr. President, I want to assure this Senate that the UDeCott has not ignored the concerns expressed by the consultants, or the position adopted by the contractor. In fact, notwithstanding the views expressed by both parties involved in the project, UDeCott requested an independent project management firm to review the matter which was not in any way connected to the project.

Additionally, despite the fact that the testing firm in China has confirmed the EPDM compatibility”—and that is to do with the bonding agent that was supposed to bond the curtain wall to the structure—“UDeCott directed that the products were to be sent to a reputable, independent curtain wall testing firm in the US and those results are imminent.”

All of this information was given to Sen. Mark in response to a motion on the matter on July 22, 2008.

“This means that the Chinese construction firm did its testing and found there was no problem. UDeCott put an independent consultant to do the research which also found that there was compatibility with the sealant, and UDeCott also sent the sealant for testing abroad...”

4.00 p.m.

With regard to improperly specified steel, I think that was one other thing he raised at that time, but I would not go there.

I must also point out that UDeCott has already addressed the issue at length in the paper and so too has Shanghai Construction. Let me try and stick to the parts that he reached again. I said:

"Mr. President, it is unfortunate that notwithstanding the facts at hand, there appears to be a concerted effort to ignore the facts and concentrate on the promotion of speculation in an effort to create a sense of panic in the minds of the national community."

We heard Sen. Mark, again going on and speculating about earthquake safety and disaster and things like that again, without any real information and without any

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reference to the information that was given before, where I carefully showed all the steps taken by UDeCott, with respect to the safety issues raised in the *Guardian* article.

I also said back then:

"Furthermore, I want to assure the national community that in the execution of the Government's development programme, the Government has and will continue to put the interest of the national community at the forefront. Furthermore, as the line Minister for UDeCott, I have been assured that the matter is being addressed and there is no need to be panicked with either the structure of the building or the structural integrity of the curtain wall system."

The Motion that Sen. Mark filed was with respect to the continued escalation in the cost of the tower. He just threw in that one that he obviously did not remember that he had already raised about the safety issues. He repeated the same unsubstantiated speculation and panic. You are trying to draw panic out of the public again, which is very unfortunate for an hon. Senator to be doing repeatedly.

I want to give some responses to the issue of the cost of the tower. I want to advise that the original contract cost of the Ministry of Education Tower was \$367.8 million. In July 2007, the Cabinet approved a revised budget for TT \$460 million. This increase was attributable to the inclusion of consultancy fees and architectural fees. I think I answered that already, in the question that was asked. No, that was not in the question before. Anyway, it moved from \$367.8 million to \$460 million, because the original cost did not include architectural fees, consultant fees and civil works fees, as well as there is an additional project management fee, as the project managers were changed.

The other cost associated with the project is the fit-out cost. That fit-out cost is not yet known in detail. This is just an estimate, because in the final fit-out, information has not been provided to UDeCott as well. There is no escalation in the cost of construction of the project, as Sen. Mark is advancing and he is wrong again.

With respect to the penalty clause, I do have that information, because the Motion did not suggest that is where he would have been going. I do not have that information, but I can provide it to the Senate, when I get it.

Just to say again, the issue of the safety of the tower is being raised again, in what I see as an attempt to panic the public unduly because the issue has been carefully addressed by both the contractor, by UDeCott and also by me in this honourable Senate on July 22, 2008, in detail.

Mr. Vice-President, I think that is all I would say on the matter. Thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.04 p.m.